

**MONTECITO LAND USE AND DEVELOPMENT CODE ORDINANCE AMENDMENT**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING SECTION 35-2, THE MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES; ARTICLE 35.3, MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS; DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES; DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES; AND DIVISION 35.10, GLOSSARY; TO MODIFY THE PERMIT PROCESS FOR SUPPORTIVE HOUSING, ESTABLISH STANDARDS FOR STREAMLINED HOUSING REVIEW, MODIFY THE IMPLEMENTATION OF STATE DENSITY BONUS LAW, ESTABLISH OBJECTIVE DESIGN STANDARDS FOR MULTIPLE-UNIT AND MIXED-USE HOUSING, AND ESTABLISH STREAMLINED PERMIT PROCEDURES AND DEVELOPMENT STANDARDS FOR LOW BARRIER NAVIGATION CENTERS AS REQUIRED BY CHANGES IN STATE HOUSING LAW.

21ORD-00000-00002

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 Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-1, Allowed Land Uses and Permit Requirements for Resource Protection Zones, of Section 35.422.030, Resource Protection Zone Allowable Land Uses, of Chapter 35.422, Resource Protection Zone, to read as follows:

<b>Table 2-1</b>  <b>Allowed Land Uses and Permit Requirements</b> for Resource Protection Zone	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required (2)
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>	
	<b>RMZ</b>	
		<b>Specific Use Regulations</b>

**RESIDENTIAL**

Accessory dwelling unit	S	35.442.015
Guesthouse	P	35.442.120
Home occupation	P	35.442.130
Dwelling, one-family	P	
Farmworker dwelling unit	P	35.442.105
Farmworker dwelling complex	CUP	35.442.105
Junior accessory dwelling unit	S	35.442.015
Residential accessory uses and structures	P	35.422.030.E
Special care home, 7 or more clients	CUP	35.442.070
Supportive housing	S	35.442.185
Transitional and supportive housing	S	35.442.070/185

**Key to Zone Symbols**

<b>RMZ</b>	Resource Management
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**Notes:**

- (1) See [Division 35.10 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Subsection [35.422.030.C](#) (Development Plan approval required).

**SECTION 2:**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential section of Table 2-4, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-4 - 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)				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations	
	R-1/E-1	R-2	DR	PRD		
<b>RESIDENTIAL</b>						
Accessory dwelling unit	S	S	S	S	<a href="#">35.442.015</a>	
Artist studio	P	—	—	—	<a href="#">35.442.120</a>	
Dwelling, one-family	P (3)	P (3)	P	P	<a href="#">35.442.140</a>	
Dwelling, two-family	—	P	P	P		
Dwelling, multiple	—	—	P	P		
Farmworker dwelling unit	P (3)	P (3)	P	P	<a href="#">35.442.105</a>	
Farmworker housing complex	CUP	CUP	P	—	<a href="#">35.442.105</a>	
Guesthouse	P	—	—	—	<a href="#">35.442.120</a>	
Home occupation	P	P	P	P	<a href="#">35.442.130</a>	
Junior accessory dwelling unit	S	S	S	S	<a href="#">35.442.015</a>	
Mobile home park	CUP	CUP	CUP	CUP		
Organizational house (fraternity, sorority, etc.) (4)	—	—	CUP	—		
Residential accessory use or structure	P	P	P	P	<a href="#">35.442.020</a>	
Residential project convenience facilities	—	—	P	P		
Special care home, 7 or more clients	CUP	CUP	CUP	CUP	<a href="#">35.442.070</a>	
<u>Supportive housing</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<a href="#">35.442.185</a>	
Transitional <del>and supportive</del> housing	S	S	S	S	<a href="#">35.442.070</a> 85	

**Key to Zone Symbols**

<b>R-1/E-1</b>	One-Family Residential	<b>DR</b>	Design Residential
<b>R-2</b>	Two-Family Residential	<b>PRD</b>	Planned Residential Development

**Notes:**

- (1) See [Division 35.10 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Subsection [35.423.030.C](#) (Development Plan approval required).
- (3) One-family dwelling may be a mobile home on a permanent foundation, see [Section 35.442.140 \(Mobile Homes on Foundations\)](#).
- (4) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

**SECTION 3:**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential Uses section of Table 2-8, Allowed Land Uses and Permit Requirements for Commercial Zones, of Section 35.424.030, Commercial Zones Allowable Land Uses, of Chapter 35.424, Commercial Zones, to read as follows:

<b>Table 2-8</b>  <b>Allowed Land Uses and Permit Requirements for Commercial Zones</b>	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required (2)
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	<u>ZC</u>	<u>Permitted Use, Zoning Clearance required</u>
—	Use Not Allowed	
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>	
	<b>CN</b>	<b>CV</b>
		<b>Specific Use Regulations</b>

**RESIDENTIAL USES**

Accessory dwelling unit	S	S	<a href="#">35.442.015</a>
Caretaker/Manager dwelling	—	CUP	<a href="#">35.442.060</a>
Farmworker dwelling unit	CUP	—	<a href="#">35.442.105</a>
Farmworker housing complex	—	—	<a href="#">35.442.105</a>
Home occupation	P	P	<a href="#">35.442.130</a>
Junior accessory dwelling unit	—	—	<a href="#">35.442.015</a>
<u>Low barrier navigation center</u>	<u>ZC</u>	<u>ZC</u>	<a href="#">35.442.138</a>
Mixed use project residential component - market rate	CUP	—	<a href="#">35.424.050</a>
Mixed use project residential component - 1 unit (3)	P	P	<a href="#">35.424.050</a>
Mixed use project residential component 2 to 4 units (3)	CUP	CUP	<a href="#">35.424.050</a>
Special care home, 7 or more clients	CUP	CUP	<a href="#">35.442.070</a>
Supportive housing	S	S	<a href="#">35.442.185</a>
Transitional and supportive housing	S	S	<a href="#">35.442.070</a> <a href="#">185</a>

**Key to Zone Symbols**

<b>CN</b>	Neighborhood Commercial
<b>CV</b>	Resort/Visitor Serving Commercial

**Notes:**

- (1) See [Division 35.10 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Subsection [35.424.030.C](#) (Development Plan approval required).
- (3) Must comply with standards of Subsection [35.424.050.A](#) (Mixed use affordable residential unit standards) or Subsection [35.424.060.D](#) (Mixed use affordable residential unit standards) as applicable to the specific zone.

**SECTION 4:**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Residential Uses section of Table 2-10, Allowed Land Uses and Permit Requirements for Special Purpose Zones, of Section 35.425.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.425, Special Purpose Zones, to read as follows:

<b>Table 2-10</b>  <b>Allowed Land Uses and Permit Requirements</b> for Special Purpose Zones	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required (2)
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>	
	<b>REC</b>	<b>PU</b>
		<b>Specific Use Regulations</b>

<b>RESIDENTIAL USES</b>			
LAND USE (1)	REC	PU	Specific Use Regulations
Accessory dwelling unit	—	—	35.442.015
Caretaker/Manager dwelling	CUP	—	35.442.060
Junior accessory dwelling unit	—	—	35.442.015
Supportive housing	S	—	35.442.185
Transitional and supportive housing	CUP-S	—	35.442.07018 5

**Key to Zone Symbols**

<b>REC</b>	Recreation
<b>PU</b>	Public Utilities

**Notes:**

- (1) See [Division 35.10 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Subsection [35.425.030.C](#) (Development Plan approval required).

**SECTION 5:**

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Chapter 35.431, to read as follows:

**Chapter 35.431 – Qualifying Housing Streamlined Review**

**Sections:**

- 35.431.010 – Purpose and Intent**
- 35.431.020 – Objective Zoning and Design Standards**
- 35.431.030 – Exceptions Prohibited**
- 35.431.040 – Review Process**

**35.431.010 – Purpose and Intent**

- A. **Purpose and Intent.** The purpose of this Chapter is to implement a streamlined application review process for “qualifying streamlined housing projects”, consistent with the requirements of state law. It is intended that the provisions of this Chapter be interpreted, as needed, to comply with the requirements of Government Code Section 65913.4.
- B. **Applicability.** The provisions of this Chapter apply to applications deemed complete before January 1, 2036, that meet the criteria for “qualifying streamlined housing projects”. The Department will not accept any application under this Chapter after January 1, 2036, unless the state extends Government Code Section 65913.4. This Chapter shall not apply if the state has determined that the County is not

subject to the streamlined ministerial approval process based on its housing element annual progress report or shall apply only to projects with specific affordability restrictions under specific circumstances as described in Government Code Section 65913.4(a)(4). The provisions of this Chapter 35.431 will become null and void, and are repealed, once the last application deemed completed before January 1, 2036 is fully processed.

- C. **Qualifying Streamlined Housing Projects.** For purposes of this Chapter, “qualifying streamlined housing projects” means housing development projects that satisfy all of the standards set forth in Government Code Section 65913.4(a).

### **35.431.020 – Objective Zoning and Design Standards.**

Qualifying streamlined housing projects must comply with all objective land use regulations, development standards, and design review standards including but not limited to objective design standards provided in Chapter 35.433 (Multiple Unit and Mixed-Use Housing Objective Design Standards). The objective standards applied to the project shall be those in effect at the time a notice of intent in the form of a complete preliminary application is submitted pursuant to Subsection 35.431.040.A. Qualifying streamlined housing projects are eligible for parking exemptions under certain circumstances as described in Government Code Section 65913.4(e)(1). Qualifying streamlined housing projects require a Zoning Clearance in conformance with Section 35.472.190 (Zoning Clearances) and do not require a conditional use permit or other discretionary review or approval.

### **35.431.030 – Exceptions Prohibited**

Qualifying streamlined housing projects may not include a request for an exception to objective standards by applying for a variance, modification, exception, waiver, or other discretionary approval for height, density, setbacks, open yard, land use, development plan approval, or similar development standard, other than modifications granted as part of a density bonus concession or incentive pursuant to County density bonus program or State Density Law.

### **35.431.040 – Review Process**

- A. **Preliminary Application/Notice of Intent.** Before submitting an application for a development subject to this Section, the applicant must submit a notice of intent in the form of a preliminary application that includes all of the information described in Government Code Section 65941.1.
- B. **Public Meeting.** Public meetings are required following submittal of a notice of intent for certain projects. See Government Code Section 65913.4(q) for definitions and implementation requirements.
- C. **Scoping Consultation.** Upon receipt of a notice of intent, the Department will engage in a scoping consultation with any California Native American tribe that is traditionally and culturally affiliated with the geographic area, as described in Public Resources Code Section 21080.3.1, according to the timelines and procedures established by state law and described in Government Code Section 65913.4(b). After concluding the scoping consultation as described in Government Code Section 65913.4(b)(2)(D), the applicant and any California Native American tribe that is a party to that scoping consultation will be notified as follows:

1. The applicant may submit an application for review if it is either determined that no potential tribal cultural resource could be affected by the proposed development, or if all parties enter into an enforceable agreement establishing the methods, measures, and conditions for treatment of the tribal cultural resource. The agreement shall be included in the requirements and conditions for the proposed development.
  2. The development is not eligible for approval under this Section if it is determined that a potential tribal cultural resource could be affected by the proposed development, and all parties do not reach an enforceable agreement on methods, measures, and conditions to avoid or address impacts to tribal cultural resources. Additionally, the development is not eligible if any of the reasons included in Government Code Section 65913.4(b)(5)(A) apply.
  3. If the development or environmental setting substantially changes after the completion of the scoping consultation, the Department shall notify the California Native American tribes that were party to the original scoping consultation of the changes and engage in a subsequent scoping consultation if requested by the California Native American tribes.
- D. Consistency Determination.** After receiving notification pursuant to Subsection C.1 above, the applicant may submit a complete application in accordance with Section 35.470.030 (Application Preparation and Filing) for development subject to streamlined review. After an application is determined to be complete, the Director will review the application for consistency with the applicable criteria required for streamlined housing projects and for compliance with applicable objective zoning, subdivision, and design review standards. If it is determined that the project is in conflict with any of the applicable objective standards, the applicant will be provided with written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards. This notification will be issued within 60 days of a complete application submittal if the development contains 150 or fewer housing units or within 90 days of a complete application submittal if the development contains more than 150 housing units.
- E. Design Review.** Design review will be completed within the scope of the Director’s review under Section 35.472.190 (Zoning Clearances). Qualifying streamlined housing projects shall not be subject to separate design review approval under Section 35.472.070 (Design Review) of this code.
- F. Project Approval.** The Director must approve a project that meets all the requirements of state law and this Section, and complies with all applicable objective standards within 90 days of a complete application submittal if the development contains 150 or fewer housing units, or within 180 days of a complete application submittal if the project contains more than 150 housing units.
- G. Expiration.** Projects approved pursuant to this Chapter shall not have that approval expire as long as the project includes public investment in housing affordability beyond tax credits and at least 50 percent of the project units are affordable to households making at or below 80 percent of the area median income. For projects that do not meet these requirements, the project approval shall remain valid for three years from the date of final action subject to the limitations and allowances under Government Code Section 65913.4(g).
- H. Modifications.** A development proponent may request a modification to a development that has been approved under the streamlined, ministerial approval process in accordance with Section 35.474 (Post Approval Procedures) if that request is submitted before the issuance of the final building permit

required for the construction of the development. Modifications will be considered in accordance with Government Code Section 65913.4(h).

## **SECTION 6:**

Chapter 35.432, Density Bonus for Affordable Housing of Division 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby repealed and replaced, to read as follows:

### **CHAPTER 35.432 – DENSITY BONUS PROGRAM**

#### **Sections:**

**35.432.010 – Purpose and Intent**

**35.432.020 – Eligibility**

**35.432.030 – Density Bonus for Housing Developments**

**35.432.040 – Incentives or Concessions for Housing Developments**

**35.432.050 – Waiver or Reduction in Development Standards for Housing Developments**

**35.432.060 – Parking Ratios for Housing Developments**

**35.432.070 – Additional Density Bonus or Incentive or Concession for Land Donations or Childcare Facilities**

**35.432.080 – Condominium Projects**

**35.432.090 – Processing**

#### **35.432.010 – Purpose and Intent**

This Chapter implements State Density Bonus Law, including Government Code Sections 65915 through 65918, and successor statutes. State Density Bonus Law allows qualified projects to include more residential units than the Comprehensive Plan and this Development Code would otherwise allow. In exchange, these projects must include a specified number of residential units for lower or moderate-income households, senior citizens, or special groups (i.e., transitional foster youth, disabled veterans, homeless persons, or lower-income students). Qualified projects may also receive incentives or concessions, waivers or reductions of development standards, and parking ratios. Special incentives are available for certain projects that include land donations or childcare facilities. There are also conditions under which the conversion of apartments to condominiums may receive a density bonus or other incentive.

State Density Bonus Law requires the County to adopt an ordinance that specifies how compliance with the State Density Bonus Law will be implemented. The intent of this Chapter is to implement State Density Bonus Law, as may be amended. The intent of the following regulations is to ensure that, to the maximum extent feasible, the provisions of Government Code Sections 65915 through 65918 are implemented in a manner that is consistent with the policies of the Comprehensive Plan. If legislation is enacted that amends Government Code Sections 65915 through 65918 or other provisions of State Density Bonus Law which would supersede or preempt any section or subsection of this Chapter then, the Board deems that section or subsection null and void and this Chapter shall remain in effect without said section or subsection and continue to apply to all density bonus requests.

### **35.432.020 – Eligibility**

- A. **Eligible projects.** Except as provided in Subsection B (Ineligible projects) below, the following projects shall be eligible for density bonuses, incentives or concessions, waivers or reductions of development standards, and/or parking ratios pursuant to the amount, type, and other applicable criteria in this Chapter and the State Density Bonus Law:
1. **Housing developments.** A housing development for five or more residential units, including mixed-use developments, which will contain at least one of the following:
    - a. A specific percent of the total units for lower, very low-, moderate-, or lower and moderate-income households pursuant to Government Code Sections 65915(b)(1)(A), (B), (D), and (G) or successor statutes;
    - b. A senior citizen housing development pursuant to Government Code Section 65915(b)(1)(C) or successor statute;
    - c. A mobile home park that limits residency based on age requirements for housing for older persons pursuant to Government Code Section 65915(b)(1)(C) or successor statute;
    - d. Ten percent of the total units for transitional foster youth, disabled veterans, or homeless persons pursuant to Government Code Section 65915(b)(1)(E) or successor statute; or
    - e. Twenty percent of the total units for lower-income students in an eligible student housing development pursuant to Government Code Section 65915(b)(1)(F) or successor statute.
  2. **Condominium projects.** A project to convert apartments to a condominium that will provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income, or at least 15 percent of the total units of the proposed condominium project to lower-income households pursuant to Government Code Section 65915.5 or successor statute. See Section 35.432.080 (Condominium Projects) for information on qualified projects and applicable density bonuses and incentives.
- B. **Ineligible projects.** The following projects shall be ineligible for density bonuses or other incentives or concessions:
1. **Ineligible housing development projects.** An applicant shall be ineligible for a density bonus or any other incentives or concessions under this Chapter and Government Code Section 65915 if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower- or very low-income households, unless the proposed housing development replaces those units, and otherwise complies with the terms in Government Code Section 65915(c)(3) or successor statute.
  2. **Ineligible condominium projects.** The following projects to convert apartments to a condominium shall be ineligible for a density bonus or other incentives:
    - a. Pursuant to Government Code Section 65915.5(f) or successor statute, the apartments



proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under this Chapter or Government Code Section 65915.

- b. Pursuant to Government Code Section 65919.5(g) and (h) or successor statutes, the condominium project is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through the County’s valid exercise of its police power; or occupied by lower- or very low-income households.

### **35.432.030 – Density Bonus for Housing Developments**

- A. **Applicability.** The Department shall grant density bonuses in accordance with Government Code Sections 65915(b) and 65915(v) or successor statute to housing developments that meet the criteria in Subsections 35.432.020.A.1 (Housing developments) above, and Government Code Section 65915(b) or successor statute.
- B. **Meaning.** “Density bonus” means a density increase over the otherwise maximum allowable gross residential density as of the date of application submittal by the applicant to the Department, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density.
- C. **Amount/percentage.** The amount of density increase for eligible housing developments shall be calculated pursuant to the percentages, conditions, and other provisions in Government Code Section 65915(f) or successor statute.
- D. **Optional increase in amount/percentage.** The Department may grant a density bonus greater than what is described in Government Code Section 65915(f) or successor statute for housing developments that meet the requirements of this Chapter.
- E. **Density bonus location.** Eligible housing developments and density bonuses shall be located in areas as defined in Government Code Section 65915(i) or successor statute.
- F. **Continued affordability and affordable housing agreement – rental units.** An applicant shall agree to, and the County shall ensure, the continued affordability of all very low-, low-, and moderate-income rental units that qualified the applicant for a density bonus for a minimum duration as follows:
1. Projects that are funded without low-income housing tax credits shall ensure affordability for a minimum period of 90 years;
  2. Projects that are funded with low-income housing tax credits shall ensure affordability for a minimum period of 55 years.

In addition, the County shall enforce an affordable housing agreement, pursuant to the terms in Government Code Section 65915(c)(1) or successor statute.

- G. **Continued affordability – for-sale units.** An applicant shall agree to, and the Department shall ensure that the qualified applicant for the density bonus award meets either of the following pursuant to Government Code Section 65915(c)(2) or successor statute:

1. The initial occupant of all for-sale units that qualified the applicant for the density bonus are persons and families of very low, low, or moderate income, the units are offered at an affordable housing cost, and are subject to an equity sharing agreement, unless this is in conflict with the requirements of another public funding source or Chapter 46 of the County Code.
2. If the unit is not purchased by an income-qualified person or family within 180 days after the issuance of the certificate of occupancy, the unit is purchased by a qualified nonprofit housing corporation pursuant to a recorded contract that satisfies the requirements in the California Revenue & Tax Code §402.1(a)(10) and includes all of the following:
  - a. The nonprofit corporation has a determination letter from the Internal Revenue Service affirming its tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code and is not a private foundation as that term is defined in Section 509 of the Internal Revenue Code;
  - b. The nonprofit corporation is based in California;
  - c. All of the board members of the nonprofit corporation have their primary residence in California; and
  - d. The nonprofit corporation incorporates within their contracts for initial purchase a repurchase option that requires a subsequent purchaser of the property to offer the nonprofit corporation the right to repurchase the property prior to selling or conveying that property to any other purchaser pursuant to an equity sharing agreement, unless this is in conflict with the requirements of another public funding source or Chapter 46 of the County Code; or affordability restrictions requiring the property to be sold or resold only to very low-, low-, or moderate-income households and preserved for lower-income housing for at least 45 years if the project is funded with low-income housing tax credits or at least 90 years if the project is funded without low-income housing tax credits.

For the purposes of this Chapter a qualified nonprofit housing corporation shall mean a nonprofit housing corporation organized pursuant to Internal Revenue Code §501(c)(3) that has received a welfare exemption under the California Tax and Revenue Code §214.15 for properties intended to be sold to low-income families who participate in a special no-interest loan program.

### **35.432.040 – Incentives or Concessions for Housing Developments**

- A. **Applicability.** An applicant for a density bonus pursuant to Section 35.432.030 (Density Bonus for Housing Developments) above, and Government Code Section 65915(b) or successor statute, may submit to the Department a proposal for the specific incentives or concessions that the applicant requests pursuant to this Section 35.432.040 (Incentives or Concessions for Housing Developments) and Government Code Section 65915(d) or successor statute.
- B. **Number of incentives or concessions.** Except as provided in Subsection D (Approval and findings for denial) below, and Government Code Section 65915(d)(1) or successor statute, the applicant shall receive from one to five incentives or concessions pursuant to Government Code Section 65915(d)(2) and Government Code Section 65915(v) or successor statutes.
- C. **Types of incentives or concessions.** For the purposes of this Chapter and in accordance with Government Code Section 65915(k) incentive or concession means any of the following:

1. **Modification of development standards.** A reduction in site development standards or a modification of zoning requirements or architectural design requirements of this Development Code that exceed the minimum building standards in County Code Chapter 10, Building Regulations, that would otherwise be required, that results in identifiable and actual cost reductions.
  2. **Approval of mixed use zoning.** Approval of mixed use zoning in conjunction with the housing development if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing development and the existing or planned development in the area where the housing development will be located.
  3. **Other regulatory incentives or concessions.** Other regulatory incentives or concessions proposed by the applicant or the Department that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c) or successor statute.
  4. **Direct financial incentives.** This Section 35.432.040 (Incentives or Concessions for Housing Developments) does not limit or require the provision of direct financial incentives for a housing development, including the provision of publicly owned land by the Department or the waiver of fees or dedication requirements.
- D. **Approval and findings for denial.** The Department shall grant the incentives or concessions requested by the applicant unless the Department makes a written finding, based on substantial evidence, of any of the following:
1. The concession or incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs or for rents for the targeted units pursuant to Government Code Section 65915(d)(1)(A) or successor statute;
  2. The concession or incentive would have a specific, adverse impact upon public health and safety, or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low- and moderate-income households pursuant to Government Code Section 65915(d)(1)(B) or successor statute; or
  3. The concession or incentive would be contrary to state or federal law, pursuant to Government Code Section 65915(d)(1)(C) or successor statute.

### **35.432.050 – Waiver or Reduction in Development Standards for Housing Developments**

- A. **Applicability.** Except as provided in Subsection B (Limitations and standards for a waiver or reduction in development standards) below, an applicant may submit to the Department a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a housing development that meets the criteria in Subsection 35.432.020.A.1 (Housing developments) above, and Government Code Section 65915(b) or successor statute at the densities or with the concessions or incentives permitted under this Chapter.

**B. Limitations and standards for a waiver or reduction in development standards.** The Department shall apply the following limitations and standards when considering an applicant’s request for a waiver or reduction of development standards:

1. **Limitation on development standards.** The Department shall not apply any development standard that will have the effect of physically precluding the construction of a housing development meeting the criteria in Section 35.432.020.A.1 (Housing developments) above, and Government Code Section 65915(b) or successor statute at the densities or with the concessions or incentives permitted by this Chapter.
2. **Impact on health or safety.** Nothing in this subdivision shall be interpreted to require the Department to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2) or successor statute, upon health or safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
3. **Impact on historical resources.** Nothing in this subdivision shall be interpreted to require the Department to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
4. **No effect on state and federal law.** Nothing in this subdivision shall be interpreted to require the Department to grant any waiver or reduction that would be contrary to state or federal law.
5. **No effect on incentives or concessions.** A proposal for the waiver or reduction of development standards pursuant to this Section 35.432.050 (Waiver or Reduction in Development Standards for Housing Developments) shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 35.432.040 (Incentives or Concessions for Housing Developments) and Government Code Section 659195(d) or successor statute.
6. **Limitation for a housing development near a major transit stop.** A housing development that receives a waiver from any maximum controls on density because it is located within one-half mile of a major transit stop shall only be eligible for a waiver or reduction of development standards as provided in Government Code Sections 65915(d)(2)(D) and 65915(f)(3)(D)(ii) or successor statutes, unless the Department agrees to additional waivers or reductions of development standards.
  - a. For purposes of this Chapter, “major transit stop” shall have the same meaning as defined in Public Resources Code Section 21155.
  - b. For purposes of this Chapter, “located within one-half mile of a major transit stop” shall have the same meaning as defined in Government Code Section 65915(o)(3) or successor statute.

### **35.432.060 – Parking Ratios for Housing Developments**

**A. Maximum parking ratios.** Upon the request of the applicant, except as provided in Subsection B (Limited or no parking ratio for certain housing developments) below, and Government Code Sections 65915(p)(2), (3), and (4), or successor statutes, the Department shall not require a vehicular parking

ratio for a housing development meeting the criteria of this Chapter that exceeds the following:

1. Zero to one bedroom: one onsite parking space.
2. Two to three bedrooms: one and one-half onsite parking spaces.
3. Four and more bedrooms: two and one-half onsite parking spaces.

**B. Limited or no parking ratio for certain housing developments.** Notwithstanding Subsection A (Maximum parking ratios) above, and Government Code Section 65915(p)(1) or successor statute, and upon the request of the applicant, the Department shall impose a limited vehicular parking ratio or no vehicular parking ratio, inclusive of parking for persons with a disability and guests, for the following housing developments:

1. The parking ratio shall not exceed 0.5 spaces per unit for a housing development that includes at least 20 percent low-income units or at least 11 percent very low-income units and meets the remaining criteria in Government Code Section 65915(p)(2)(A) or successor statute.
2. The parking ratio shall not exceed 0.5 spaces per bedroom for a housing development that includes at least 40 percent moderate-income units and meets the remaining criteria in Government Code Section 65915(p)(2)(A) or successor statute.
3. No parking ratio or standards for a housing development that consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families shall be imposed if it meets the criteria in Government Code Section 65915(p)(3) or successor statute.
4. Pursuant to the criteria in Government Code Section 65915(p)(4) or successor statute, and notwithstanding Government Code Sections 65915(p)(1) and (8), no minimum parking requirement shall be imposed for a housing development that consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families and is a special needs housing development with either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day, or a supportive housing development.

**C. General requirements.** The Department shall apply the following requirements when processing an applicant's request for a reduced vehicular parking ratio in accordance with Government Code Section 65915(p) or successor statute:

1. If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number.
2. For purposes of this Chapter, a housing development may provide onsite parking through tandem parking or uncovered parking, but not through onstreet parking.
3. An applicant may request parking incentives or concessions beyond those provided in this Section 35.432.060 (Parking Ratios for Housing Developments) pursuant to Government Code Section 65915(d), or successor statute.
4. Notwithstanding Subsections B.1 and 2 (Limited or no parking ratio for certain housing developments), above, and Government Code Sections 65915(p)(2) and (3), or successor statutes, the Department may impose a higher vehicular parking ratio not to exceed the ratio

described in Subsection A (Maximum parking ratios), above, based upon substantial evidence found in a parking study.

5. A request pursuant to this Section 35.432.060 (Parking Ratios for Housing Developments) shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 35.432.040 (Incentives or Concessions for Housing Developments), above, and Government Code Section 65915(d) or successor statute.

### **35.432.070 – Additional Density Bonus or Incentive or Concession for Land Donations or Childcare Facilities**

- A. **Applicability and type of density bonus.** The Department shall grant an additional density bonus or incentive or concession as follows:

1. **Land donations.** When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the Department for the development of very low-income housing units, the applicant shall be entitled to an increase above the otherwise maximum allowable density mandated by Government Code Section 65915(b) or successor statute pursuant to the amount and conditions specified in Government Code Section 65915(g) or successor statute and any other applicable provisions in Government Code Section 65915.
2. **Childcare facilities.** A housing development that conforms to Government Code Sections 65915(b) and (h), or successor statutes, and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project shall receive an additional density bonus that is an amount of square feet of residential space or an additional incentive or concession pursuant to the amount and conditions of Section 35.432.040 (Incentives or Concessions for Housing Developments) and Government Code Sections 65915(h) and (k) or successor statutes.

For purposes of this Chapter, “childcare facility” shall mean a day care center for children.

### **35.432.080 – Condominium Projects**

- A. **Applicability.** The Department shall grant a density bonus or provide other incentives of equivalent financial value to an eligible project to convert apartments to a condominium pursuant to the amount and criteria in this Section 35.432.080 (Condominium Projects), Subsections 35.432.020.A.2 (Condominium projects) and 35.432.020.B.2 (Ineligible condominium projects), above, and Government Code Section 65915.5 or successor statute.

1. **Density bonus.** For purposes of this Section 35.432.080 (Condominium Projects) and Government Code Section 65915.5 or successor statute, “density bonus” means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.
2. **Other incentives.** For purposes this Section 35.432.080 (Condominium Projects) and Government Code Section 65915.5 or successor statute, “other incentives of equivalent financial value” shall not be construed to require the County to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the Department might otherwise apply as conditions of conversion approval.

- B. General requirements.** The following provisions and all applicable provisions in Government Code Section 65915.5 or successor statute shall apply to a project to convert apartments to a condominium:
- 1. Administrative costs.** The applicant shall pay for the reasonably necessary administrative costs incurred by the County pursuant to this Section 35.432.080 (Condominium Projects) and Government Code Section 65915.5 or successor statute.
  - 2. Conditions of approval.** The Department may place reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower-income households.
  - 3. Authority to deny.** Nothing in this Section 35.432.080 (Condominium Projects) or Government Code Section 65915.5 or successor statute shall be construed to require the Department to approve a proposal to convert apartments to a condominium.

### **35.432.090 – Processing**

- A. Pre-Application Assessment.** Applicants should submit an application and obtain a Planning and Development Department Pre-Application Assessment before submitting a formal application for a housing development or a project to convert apartments to a condominium. The Pre-Application Assessment will provide information and guidance that applicants should consider before entering into binding commitments; incurring substantial expense in the preparation of plans, surveys, and other information; or submitting a formal planning permit application. The Pre-Application Assessment should relate to a specific proposal that outlines the concept and characteristics of the project. The Pre-Application Assessment application lists specific information that applicants should include to help ensure a thorough assessment.
- 1. Processing time for a project to convert apartments to a condominium.** The Department shall, within 90 days of receipt of a Pre-Application Assessment for a project to convert apartments to a condominium, notify the applicant in writing of the manner in which the proposed project complies with Section 35.432.080 (Condominium Projects), above, and Government Code Section 65915.5 or successor statute.
- B. Formal planning permit application.** The Department and applicants for density bonuses, incentives or concessions, waivers or reductions of development standards, and/or parking ratios pursuant to this Chapter and State Density Bonus Law, shall comply with the following procedures for processing planning permit applications:
- 1. Planning permit applications.** Applicants for density bonuses, incentives or concessions, waivers or reductions of development standards, and/or parking ratios pursuant to this Chapter and State Density Bonus Law, shall complete and file the Density Bonus Program Supplemental Application and an application form(s) for the standard permit(s) (e.g., Development Plan, Conditional Use Permit, and/or Land Use Permit) required for the project by this Development Code, which includes the following information: site information, number of units, requested density bonus units, proposed number of affordable units, requested incentives, financial information, and site plan.

2. **Preparation, filing, and initial processing of the planning permit applications.** The Department and applicants shall follow the procedures and requirements in Chapter 35.470 (Permit Application Filing and Processing) and Government Code Sections 65915(a)(2), 65915(a)(3), and 65943, or successor statutes, for the preparation, filing, and initial processing of the planning permit applications. Once an application submitted pursuant to this Chapter is deemed complete, the Department shall provide the applicant with a determination as to the amount of density bonus for which the applicant is eligible, and if requested by the applicant, the parking ratio for which the applicant is eligible. If requested by the applicant, whether the applicant has provided adequate information for the local government to make a determination as to incentives, concessions, or waivers or reductions of development standards requested by the applicant; and/or the amount of additional density bonus or incentive or concession for which the applicant is eligible.
3. **Permit review and decisions.** The Department shall follow the procedures in Chapter 35.472 (Permit Review and Decisions) for the review, and approval, conditional approval, or denial of housing developments or a project to convert apartments to a condominium under this Chapter and State Density Bonus Law.
  - a. **Land use and development standards.** All housing developments or projects to convert apartments to a condominium shall comply with all applicable requirements of the primary zone in addition to the requirements of this Chapter and State Density Bonus Law. If a requirement of this Chapter or State Density Bonus Law conflicts with a requirement of the primary zone, the requirements of this Chapter and State Density Bonus Law shall control.
  - b. **Amendments or other discretionary approval.** The granting of density bonuses, incentives or concessions, waivers or reductions of development standards, and/or parking ratios shall not be interpreted, in and of itself, to require a Comprehensive Plan amendment, Development Code text amendment, zoning map amendment, or other discretionary approval separate from the discretionary approval otherwise required for the project.
  - c. **Affordable Housing (AH) overlay zone.** The Affordable Housing (AH) overlay zone provides density bonuses and other incentives for projects that provide a significant amount of affordable housing. Density bonuses and other incentives granted pursuant to the AH overlay zone shall be inclusive of the density bonuses and other incentives offered in this Chapter, and shall not be in addition to the density bonuses and other incentives offered in this Chapter.
  - d. **Affordable housing agreement.** Prior to the issuance of any planning permit for a project receiving a density bonus or other incentive under this Chapter, the applicant shall record an affordable housing agreement for a project with rental units along with a resale restrictive covenant for projects with for-sale units, approved as to form by County Counsel. The agreements and covenants shall ensure the continued availability of the units for persons and households of the types and incomes included in Subsection 35.432.020.A (Eligible projects), above, pursuant to the costs, periods, and other requirements in Government Code Sections 65915(c)(1), 65915(c)(2), and 65916 or successor statutes. All



units shall be restricted for the maximum period allowed by this Chapter, Chapter 46 (Affordable Housing Enforcement), and Government Code Sections 65915(c)(1), 65915(c)(2), and 65916, or successor statutes.

## **SECTION 7:**

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 Code, is hereby amended to add Chapter 35-433, to read as follows:

### **CHAPTER 35.433 – MULTIPLE-UNIT AND MIXED-USE HOUSING OBJECTIVE DESIGN STANDARDS**

#### **Sections:**

#### **35.433.010 – Purpose and Intent**

#### **35.433.020 – Building Design**

#### **35.433.030 – Site Design**

#### **35.433.040 – Mixed-Use Standards**

#### **35.433.050 – Utilitarian Elements**

#### **35.433.060 – Definitions**

#### **35.433.010 – Purpose and Intent**

- A. **Purpose and Intent.** The purpose of this Chapter is to provide the public, building and design professionals, and decision-makers with objective criteria for multiple-unit and mixed-use housing development projects in the county. The intent is to provide clear design direction that enhances an area’s unique character and sense of place, respects existing neighborhood compatibility and privacy, and ensures a high-quality living environment. It is also intended that this Chapter establish “objective” design standards, as that term is defined under state housing law, that apply to multiple-unit residential and mixed-use development projects where state housing law restricts County review of such projects to objective standards, to the fullest extent permitted under state housing law.
- B. **Applicability.** The provisions of this Chapter apply to multiple-unit residential and mixed-use development in all Zone Districts, including such development that constitutes a “housing development project” under Government Code Section 65589.5 (Housing Accountability Act), qualifying “multifamily housing development” under Government Code Section 65913.4 (SB 35), and “supportive housing” under Government Code Section 65651 (AB 2162), as well as any other multiple-unit residential or mixed-use development project for which the Department may require compliance with “objective” standards under applicable state housing law.
- C. **Consistency with All Objective Standards.** In addition to the objective design standards established in this Chapter, multiple-unit residential and mixed-use development projects shall also comply with all other applicable objective standards and policies, including the Montecito Architectural Guidelines and Development Standards, per the Montecito Land Use and Development Code and the County’s Comprehensive Plan.

1. **Exception.** Applicants may request concessions, incentives, or waivers of development standards pursuant to Chapter 35.432 (Density Bonus Program).
2. **Conflicting Standards.** If there is any conflict between the objective standards set forth in this Chapter and any existing County or State objective standards, the more restrictive objective standard shall apply.

Nothing in this Chapter is intended to limit the County's discretion, to the fullest extent permitted under law, to condition the approval of multi-unit residential and mixed-use development projects, as authorized under state housing law and this code.

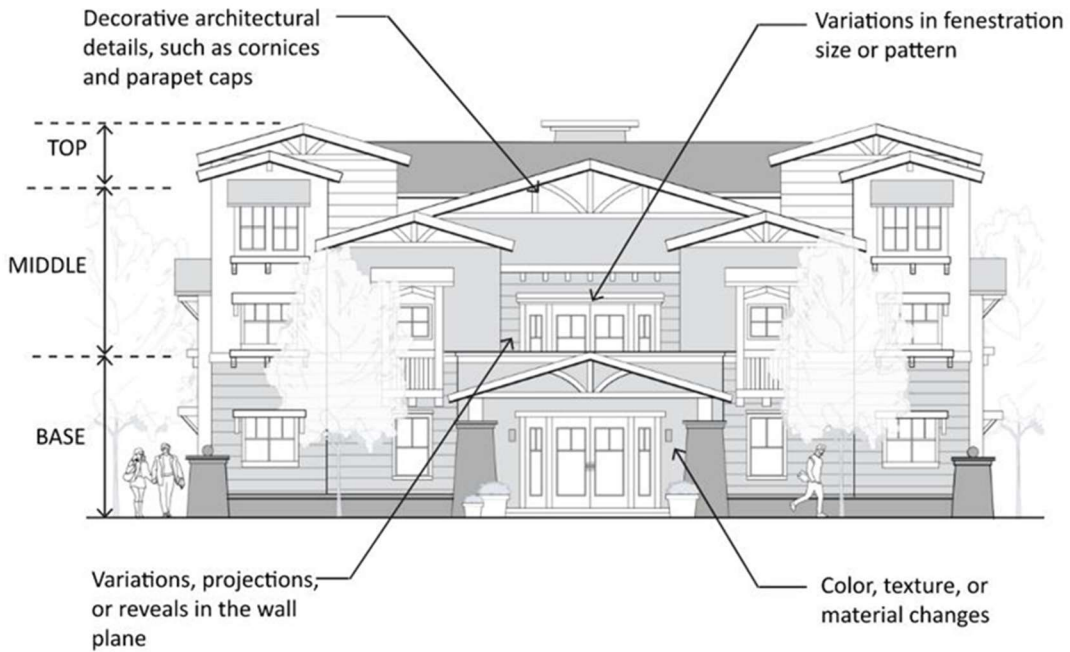
- D. **Design Review Exemption.** Multi-unit and mixed-use projects that are subject to this Chapter, which comply with all applicable objective design review standards, shall not be subject to separate Design Review approval under Section 35.472.070 (Design Review) of this code. In the event that any other provision of this code, in conflict with this provision, requires Design Review approval for a project subject to this Chapter, this Section shall apply. However, a maximum of one non-binding conceptual review by the appropriate Board of Architectural Review may occur to improve project design.
- E. **Design Standards Compliance.** Department staff may consult with a Board of Architectural Review Chair, designee, or other design professional to assist in determining a project's compliance with the objective design standards contained in this Chapter.

### **35.433.020 – Building Design**

#### **A. Building Form, Massing, and Articulation.**

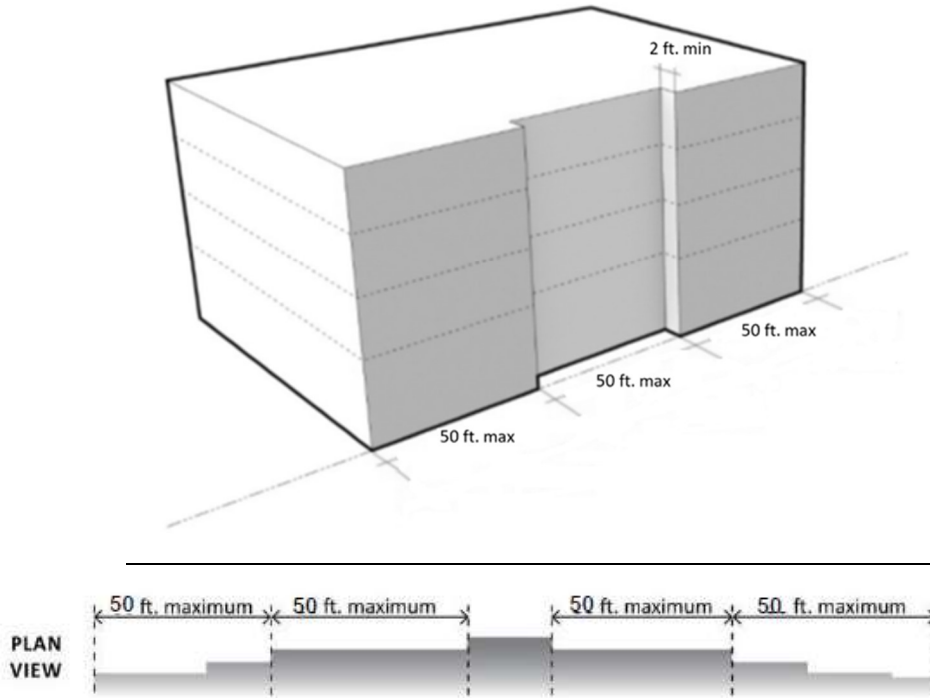
1. **Building Form and Vertical Hierarchy.** Buildings that are three stories or more in height shall be designed to differentiate between a defined base; a middle or body; and a top, cornice, or parapet cap. Buildings two stories or less shall include a defined base and a top, cornice, or parapet cap. All buildings shall achieve this effect through at least two of the following (See Figure 35.433-1):
  - a. Color, texture, or material changes.
  - b. Variations, projections, or reveals in the wall plane.
  - c. Variations in fenestration size or pattern.
  - d. Decorative architectural details, such as cornices and columns.

**Figure 35.433-1: Building Form And Vertical Hierarchy**



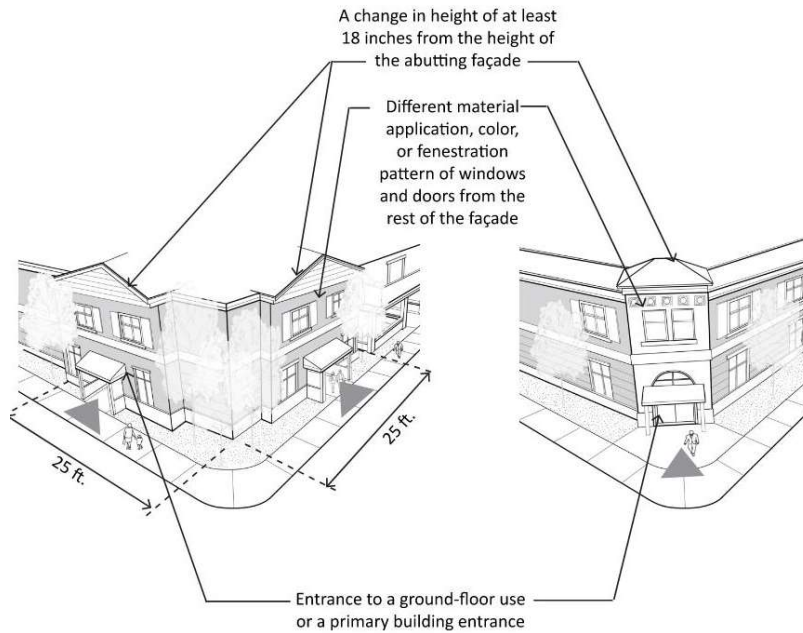
- 2. Wall Plane Variation.** Building façades visible from the primary street shall not extend more than 50 feet in length without either an architectural element or a two-foot variation in depth in the wall plane. Architectural elements include: building entrances, front porches, balconies, upper-story setbacks, projections, and recessions, such as stoops, bay windows, overhangs, and trellises. (See Figure 35.433-2)

**Figure 35.433-2 Wall Plane Variation**



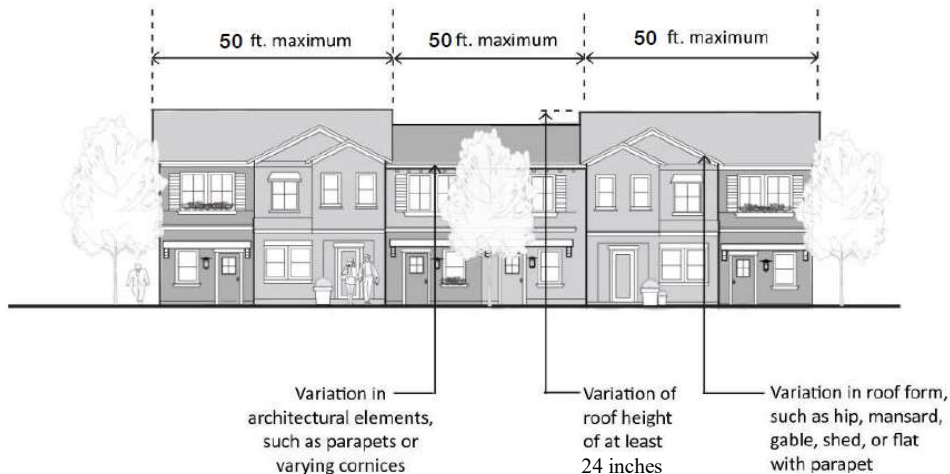
3. **All-Sided Architecture.** Buildings shall be designed and articulated with common details, articulation, materials, and elements on all sides.
4. **Corner Lots.** Buildings located on corner lots shall include one or more of the following features on both street-facing facades, located within 25 feet of the corner of the building closest to the intersection:
  - a. An entrance to a ground-floor use or a primary building entrance.
  - b. A different material application, color, or fenestration pattern of windows and doors from the rest of the façade.
  - c. A change in height of at least 18 inches from the height of the abutting façade.

**Figure 35.433-3: Corner Lots**



5. **Roof Line Variation.** Roof lines shall not extend more than a length of 50 feet without at least one prominent change as described below:
- a. Variation in roof form, such as hip, mansard, gable, shed, and flat with parapet.
  - b. Variation in architectural elements, such as parapets or varying cornices.
  - c. Variation of roof height of at least 24 inches for buildings of two stories or less and 30 inches for buildings of three stories or more (as measured from the highest point of each roof line).

**Figure 35.433-4: Roof Line Variation**



**6. Roof Slopes.**

- a. For buildings of three or more stories or roof spans of 30 feet or greater, sloped roofs shall have a minimum pitch of 4:12.

**7. Flat Roofs and Parapets.**

- a. Where rooftop equipment is located within 10 feet of a roof edge, a parapet shall be provided that is a minimum of six inches taller than all roof-top equipment.
- b. Interior side of parapet walls shall not be visible from a common open space or public right-of-way.
- c. Parapets shall be capped with precast treatment, continuous banding, projecting cornices, dentils, or similar edge treatment.

**B. Building and Dwelling Unit Entrances. See Subsection 35.433.030.A for orientation of building and dwelling unit entrances within a site.**

**1. Primary Building Entrance.**

- a. Street-Facing Entrance. Buildings located within 20 feet of the primary street right-of-way shall have a ground-level primary building entrance facing the primary street.

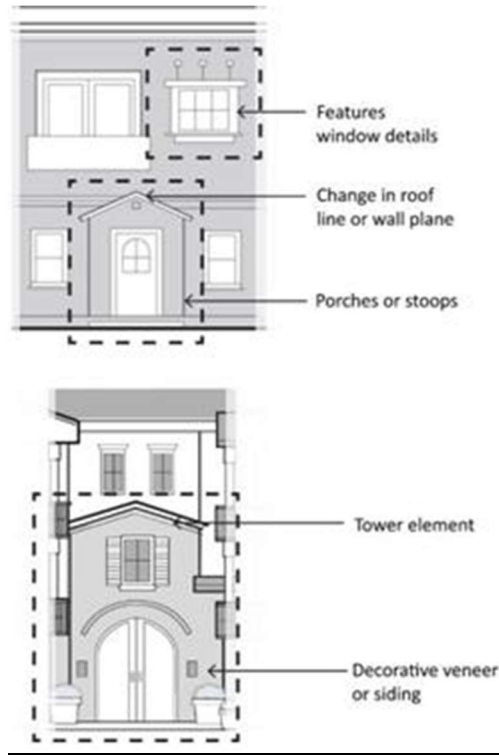
**2. Exterior Individual Dwelling Unit Entrance.**

- a. General Requirement. All individual unit entrances shall have either a projected sheltering element or be recessed from the main facade; the projection or recess shall have a minimum depth of 24 inches.
- b. Visibility. All individual unit entrances shall be illuminated or shall face towards a common area or public street.
- c. Street-Facing Unit Entrance. Each dwelling unit located within 20 feet of a primary street right-of-way shall include at least one street-facing porch, balcony, or patio unless a setback of five feet or less is provided.
- d. Upper-Floor Unit Entrance. Exterior entrances to individual dwelling units on upper floors are permitted.

**3. Architectural Treatments. Entrances for buildings and individual dwelling units shall incorporate at least two of the following architectural treatments (Figure 35.433-5):**

- a. Feature window details;
- b. Towers;
- c. Decorative veneer or siding;
- d. Porches or stoops; or
- e. Changes in roof line or wall plane.

**Figure 35.433-5: Architectural Treatment at Entrances**



**C. Windows.**

1. **Privacy.** Where windows are proposed within 10 feet of a window on another building, the design and placement shall avoid unfiltered/direct views into the adjacent site and shall be designed with one or more of the following:
  - a. Use non-transparent or obscured glazing, such as frosted/patterned glass. Reflective glazing is not permitted.
  - b. Provide permanent architectural screens or affixed louvers at windows.
  - c. Offset windows horizontally at least 12 inches from any windows in adjacent buildings (edge to edge), so as not to have a direct line-of-sight into adjacent units.
  - d. Permanent landscaping screening.
2. **Window Treatment.**
  - a. **Design Treatment.** Windows shall either be recessed at least three inches from the plane of the surrounding exterior wall or shall have a trim or windowsill at least one-half inch in depth.
  - b. **Windows Facing a Public Street.** Windows facing a public street shall feature enhanced window treatments, such as decorative architectural brackets, trim, shutters, awnings, and/or trellises.

**D. Materials and Colors.**

1. **Wall Material.** The primary exterior siding material for buildings shall be wood, composite wood, stone, stone veneer, granite, slate, brick, brick veneer, stucco, plaster, fiber cement, vinyl, and metal including aluminum or steel. The use of exposed plywood or glass curtain walls is prohibited.
2. **Window Consistency.** Window frame materials and color shall be used on all elevations.
3. **Material and Color Transition.** Changes in material or color shall occur at inside corners of intersecting walls or at architectural features that break up the wall plane, such as columns.
4. **Accent Material.** Use of two or more accent materials, such as glass, tile, brick, stone, concrete, wood, metal, or plaster, shall be incorporated to highlight building features.
5. **Architectural Consistency.** Affordable units and market-rate units in the same development shall be constructed of the same exterior materials and details such that the units are not distinguishable from one another in quality and detail.

**E. Parking Structures.**

1. **Wall Plane Variation.** Building façades visible from the primary street shall not extend more than 50 feet in length without at least one of the following: a two-foot variation in depth in the wall plane, architectural element, or other prominent feature that provides visual interest.
2. **Materials and Colors.** The parking structure shall utilize the same colors and materials as the primary buildings.
3. **Articulation.** The exterior of the parking structure shall apply at least one of the following as articulation:
  - a. Applied materials, such as brick, stone, and/or siding, which extend at least two inches from the face of the structure to the face of the applied materials. Painted concrete, smooth concrete, or stucco walls shall not be considered sufficient articulation.
  - b. Decorative architectural features, such as cut metal screens, awnings, trellises, louvers, and/or decorative security grills.
4. **Vertical Plantings.** Vertical plantings shall be located between openings, entrances, and architectural accent features. Plantings shall be evergreen vegetation that will grow to a minimum height equivalent to 75 percent of the height of the parking structure; container size shall be selected to achieve a height of at least 50 percent of the height of the parking structure within at least two years from the time of installation.

**F. Garages and Carports.**

1. **Garages.**
  - a. Garage doors shall be recessed a minimum of six inches from the surrounding wall plane.
  - b. Garages shall feature at least one of the following treatments:



- i. Garage door windows.
  - ii. Paneled garage door surface.
  - iii. Two different colors.
  - iv. Alternative architectural materials, finishes, or treatments.
2. **Carports.** Carports shall incorporate the same colors and materials as the primary residential or mixed-use building design.

### **35.433.030 – Site Design**

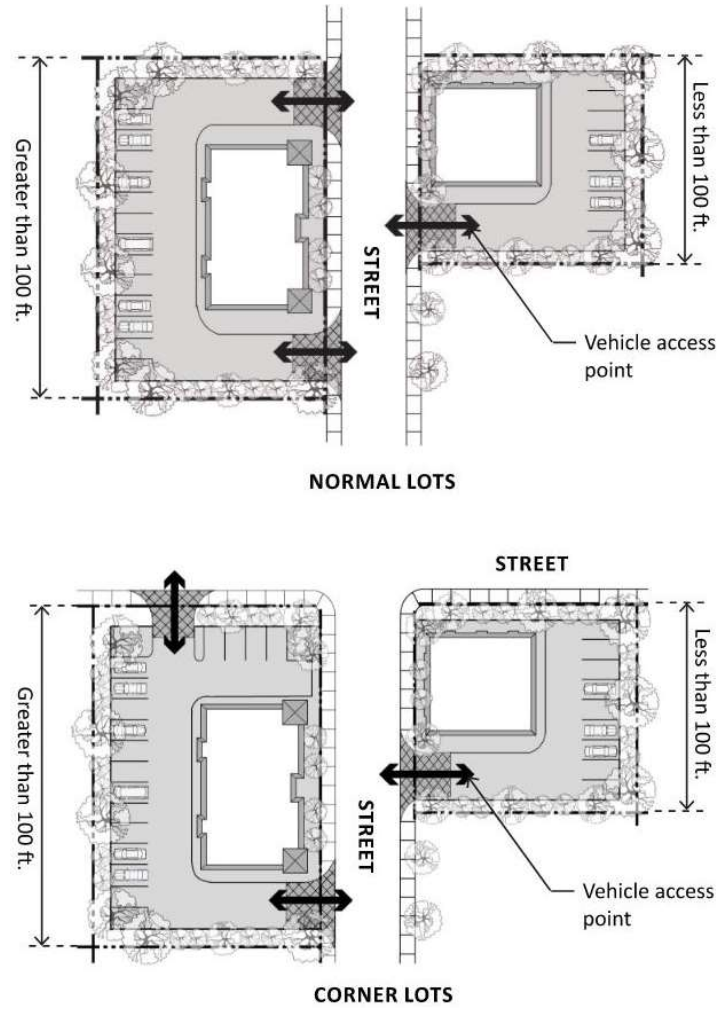
#### **A. Building Placement and Orientation.**

1. **Street Facade.** If buildings on adjacent properties establish a contiguous street facade along the primary street frontage, new buildings shall be located to maintain the contiguous street wall, with allowances for variation in facade and entrances which are projected or recessed.
2. **Visibility of Entrances.** On all lots 60 feet or less in width, at least one primary building entrance or individual unit entrance shall be visible from the front or street side lot line. See Subsection 35.433.030.C.
3. **Buffer for Adjacent Single Family Homes.** When developing multi-family buildings of three or more stories adjacent to single-family residential zones (e.g. R-1/E-1), site design shall utilize parking areas, common open space, landscaping, and/or other site features to provide a buffer for adjacent development.

#### **B. Vehicular Parking and Access.** Vehicular parking and access shall comply with the provisions of Chapter 35.436 (Parking and Loading Standards), of this Code. In addition, projects shall provide the following:

1. **Primary Access.** Side street or alley access shall serve as the primary vehicular access to parking areas, if available. If not available, the primary street shall serve vehicular access.
2. **Number of Access Points.**
  - a. **Normal Lots.** A maximum of one vehicle access point from the street is permitted per 100 feet of street frontage.
  - b. **Corner Lots.**
    - i. One vehicular access point is permitted per lot where all street frontages are less than 100 linear feet.
    - ii. Two vehicular access points are permitted on lots where at least one street has a frontage of 100 linear feet or more.

**Figure 35.433-6: Vehicular Access Points**



3. **Parking Location.** Parking areas shall not be located within any front or street side setback.
4. **Mixed-Use Loading and Service Areas.** In addition to the provisions below, loading and service areas shall comply with the standards of Chapter 35.436 (Parking and Loading Standards) as applicable.
  - a. All required loading and service areas shall be located adjacent to a façade other than the primary street frontage.
  - b. Loading and service areas shall be located so as to not disrupt or block the flow of on-site and off-site vehicular traffic.
  - c. Loading and service areas shall not be located adjacent to residential dwelling units or common open space areas.
  - d. Loading and service areas shall be screened from view with walls, solid fencing, and/or landscape privacy screening as described in Subsection 35.433.030.E.

- e. On-Site Loading Spaces. Every nonresidential use shall provide and maintain on-site loading and unloading spaces for vehicles as required by this Section:

**Table 35.433-1 Number of Spaces Required**

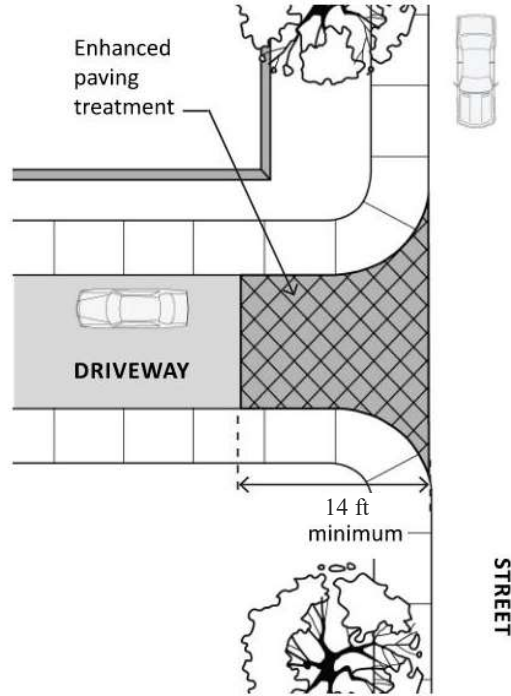
<u>Gross Floor Area (Square Feet)</u>	<u>Number of Spaces</u>
<u>Office</u>	
<u>5,000-36,000</u>	<u>1</u>
<u>36,000 and greater</u>	<u>2</u>
<u>Commercial</u>	
<u>5,000-24,000</u>	<u>1</u>
<u>24,000-60,000</u>	<u>2</u>

**Table 35.433-2 Minimum Dimensions for Loading Spaces**

	<u>Minimum Length (feet)</u>	<u>Minimum Width (feet)</u>	<u>Required Vertical Clearance (feet)</u>	<u>Length of Maneuvering Space (feet)</u>
<u>Space</u>	<u>24</u>	<u>12</u>	<u>None</u>	<u>36</u>

5. **Enhanced Paving for Entrance Driveways.** Paving treatment using patterned and/or colored pavers, brick, or decorative colored and/or scored concrete shall be used for entrance driveways, a minimum of 14 feet in length, and spanning the width of the entrance driveway.

**Figure 35.433-7: Enhanced Paving For Entrance Driveways**



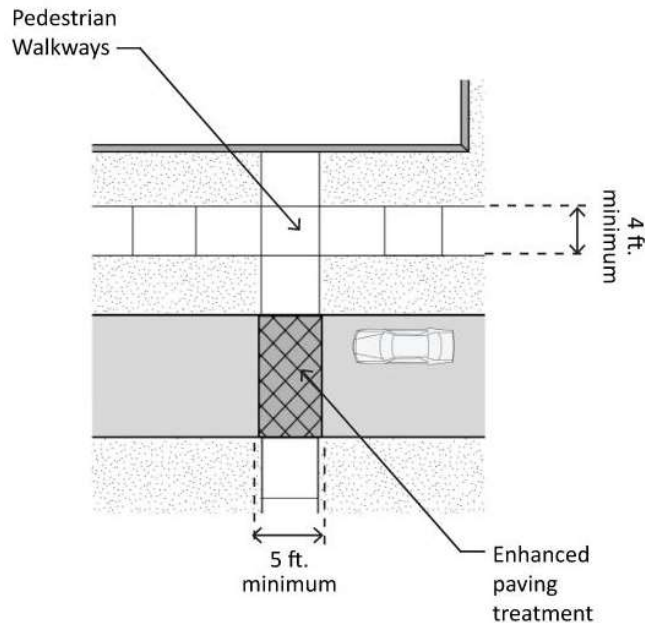
6. **Vehicle Light Intrusion.** Vehicle headlights shall be obstructed from direct alignment with habitable interior spaces with a minimum 3-foot high evergreen shrub or vine and/or features such as fencing or walls.

**C. Pedestrian Circulation and Access.**

1. **General.** The following pedestrian walkways shall be provided and interconnected within the site:
  - a. Pedestrian walkways shall connect residential dwelling units to areas throughout the site, such as vehicle parking areas, bicycle parking areas, common open space, waste and recycling enclosures, and other amenities.
  - b. Pedestrian walkways shall connect public sidewalks, building entrances, and vehicle parking areas.
  - c. Pedestrian walkways shall connect building entrances and vehicle parking areas through the site interior to all transit stops directly adjacent to the site.

2. **Pedestrian Walkways.** Pedestrian walkways shall be provided with a minimum width of four feet along their entire length and shall be designed as follows:
- a. **Through Lot Connection.** Through lots located more than 300 feet from a street intersection, measured from the closest point of the lot, shall provide a publicly accessible sidewalk or walkway connecting the two streets.
  - b. **Materials.** Walkways shall be constructed of firm, stable, and slip-resistant materials, such as poured-in-place concrete (including stamped concrete), permeable paving, decomposed granite, or concrete pavers.
  - c. **Paving for Pedestrian Crossings.** Where an intersection of pedestrian and vehicle access exists, enhanced paving treatment using patterned and/or colored pavers, brick, or decorative colored and scored concrete shall be used. Pedestrian crossings shall feature enhanced paving a minimum width of five feet and span the length of the intersecting drive area.

**Figure 35.433-8: Pedestrian Walkways**



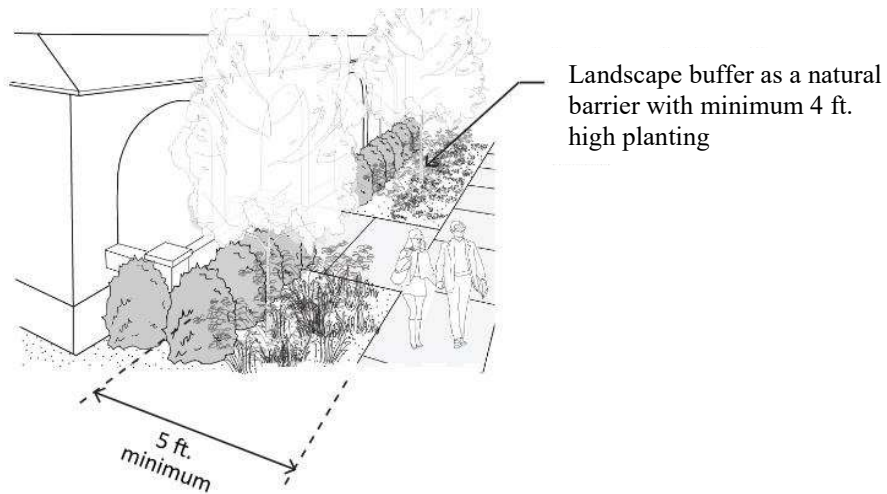
- d. **Maintenance.** Pedestrian walkways shall be maintained in good condition for the life of the project and shall not be allowed to fall into disrepair so as to constitute a nuisance or hazard to the public.
3. **Enhanced Paving for Building Entrances.** Primary building entrances shall provide decorative and accent paving that contrast in color and texture with the adjacent walkway paving. Grasscrete is prohibited.
- D. **Common Open Space.** Common open spaces for multiple-unit developments shall comply with the minimums required by the base Zone District in which they are located in accordance with Chapter

35. Rooftops may be used to satisfy up to 75% of the common open space requirements.

E. **Landscaping.** Landscaping shall be used for all outdoor areas that are not specifically used for parking, driveways, walkways, or open space.

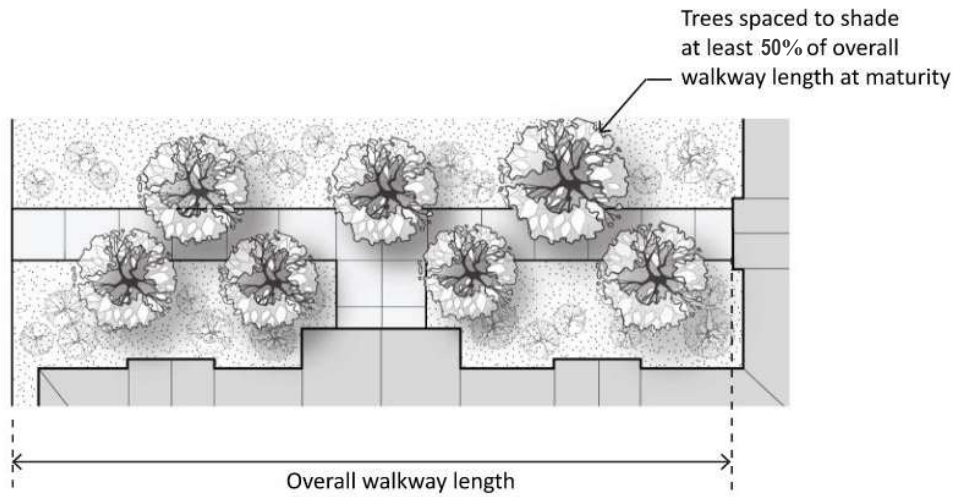
1. **Additional Landscaping Requirements.** Landscaping must comply with Chapter 35.434 (Landscaping), including all requirements of the State and County's Water Efficient Landscaping Ordinance (WELO) including the submittal of irrigation plans.
2. **Plant Materials.** Plant materials are limited to non-invasive Mediterranean, California native, and other drought-tolerant species.
3. **Parking and Loading Area Landscaping.** Parking and loading area landscaping must comply with Subsection 35.434.090 (Landscaping Requirements for Parking Areas).
4. **Landscape Buffer.** A landscape buffer of a minimum width of five feet shall be located between all ground-level restricted open spaces and pedestrian walkways. The buffer shall be planted to create a barrier while ensuring visibility. Plants shall be selected to enhance security (e.g. spines or thorny plants) and shall be demonstrated to grow to a minimum height of four feet.

**Figure 35.33-9: Landscape Buffer**



5. **Pedestrian Walkways.** Pedestrian walkways shall be flanked on at least one side with landscaping, and may include a mix of turf, groundcover, and shrubs. Trees shall be provided along walkways in order to shade at least 50 percent of the overall walkway length at maturity.

**Figure 35.33-9: Pedestrian Walkways**



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6. **Number of Plants.** A minimum of one 15-gallon tree or equivalent box size and 10 five-gallon shrubs shall be planted for every 1,000 square feet of required landscape area.
  7. **Groundcover.** Groundcover shall be sized and located to cover at least 75 percent of all landscape areas that are not planted with shrubs or trees within 5 years of installation.
    - a. While groundcovers and shrubs are establishing, a minimum layer of 3-inch bark mulch or decorative gravel shall be placed within all landscape areas to provide 100 percent coverage of such landscape areas.
  8. **Plant Selection.** Artificial or synthetic plants, except for turf, are prohibited. Artificial turf is not permitted in front or street-side setbacks.
  9. **Solar Access.** Landscaping shall not obstruct solar access to adjacent solar collectors for water heating, space heating or cooling, or electricity generation.
  10. **Privacy.** Landscaping shall obscure direct sight lines into dwelling units and open space areas from communal areas such as parking areas, common mailboxes, and pedestrian walkways. Landscape screening may be used in combination with walls, fencing, and/or trellises to screen views.
    - a. **Location.** Landscape screening shall fit within associated planting areas and canopy sizes must not overlap with building foundations or eaves.

- b. **Plant Selection.** Landscape screening shall use evergreen trees, shrubs, and/or vines located and sized to buffer views. Deciduous species, perennials, and grasses or grass-like plants are not permitted for privacy screening.
- c. **Minimum Sizes.** Landscape screening and vegetation shall use the following minimum container sizes at the time of planting:
  - i. Trees 15-gallon size.
  - ii. Shrubs 5-gallon size.
  - iii. Vines 5-gallon size.

### **35.433.040 – Mixed Use Standards**

- A. **Ground Floor Height.** The ground floor of a mixed-use building shall have a minimum floor height of 12 feet, measured from the finished ground floor to the bottom of the finished second floor.
- B. **Ground Floor Transparency.** Exterior walls facing a public street shall include transparent windows and doors for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. Parking garages are not required to meet the ground floor transparency requirement.
- C. **Street-Facing Setbacks.** Street-facing setbacks shall be landscaped and/or prepared for use by pedestrians. The setback area on each lot shall contain at least two amenities per 50 linear feet, such as benches, drinking fountains, shade structures, or other design element (e.g., public art, planters, kiosks, etc.).
- D. **Street-Facing Entrance.** Mixed-use buildings located within 20 feet of a primary street right-of-way shall incorporate at least one primary building entrance directly from the public sidewalk or right-of-way. The primary building entrance shall include weather protection that is a minimum of six feet wide and four feet deep by recessing the entrance or providing an awning or similar weather protection element.

### **35.433.050 – Utilitarian Elements**

- A. **Bicycle Parking. Bicycle parking shall be provided as follows:**
  - 1. **Parking Spaces Required.** One (1) space for every two (2) dwelling units. A minimum of two (2) spaces shall be provided.
  - 2. **Parking Location.** Bicycle parking must be located on the same lot as the use it serves.
    - a. Located at surface levels near main pedestrian entrances to nearby facilities or structures, or in the parking garages of such facilities or structures;
    - b. Located so as not to block pedestrian entrances, walkways, or circulation patterns in or around nearby facilities or structures;
    - c. Access to and from nearby public streets and sidewalks for the target users of the bicycle parking;





equipment to be screened includes, without limitation, heating, ventilation, air conditioning, refrigeration equipment, plumbing lines, ductwork, transformers, smoke exhaust fans, water meters, backflow preventers, service entry sections, and similar utility devices.

- a. Screening must be architecturally integrated into the main structure with regard to materials, color, shape, and size to appear as an integral part of the building or structure.
- b. Equipment must be screened on all sides.
- c. The use of expanded metal lath or chain link for the purpose of screening is prohibited.

2. **Requirements for Specific Types of Mechanical Equipment.** The following additional screening standards apply to the specified types of mechanical equipment.

- a. **Ground-Mounted Equipment.** Ground-mounted equipment that faces a public viewing area must be screened to a height of 12 inches above the equipment and designed and painted to blend in with the surrounding area, unless such screening conflicts with utility access, in which case screening shall comply to the greatest extent that is technically feasible. Acceptable screening devices consist of decorative walls, berms, and/or plant materials.
- b. **Exterior Wall Equipment.** Screening for wall-mounted equipment, (e.g., electrical meters, cable-connection boxes, electrical distribution cabinets, etc.) must incorporate elements of the building design (e.g., shape, color, texture, material, etc.). For screen walls that are three feet in height or lower, vegetative materials may be substituted for the screening device. This requirement does not apply to equipment that has accessibility and visibility requirements for health and safety.

F. **Vents and Exhaust.** All wall-mounted vent and exhaust elements shall be located at interior corners of building walls or behind building elements that conceal them from public view. All flashing, sheet metal vents, exhaust fans or ventilators, and pipe stacks shall be painted a color to match the adjacent roof or wall material.

**35.433.060 – Definitions.**

For the purpose of Chapter 35.433, the following definitions apply. Any terms used in this Chapter 35.433 that are undefined below, but that are defined in Chapter 35.500, shall have the meaning ascribed to them in Chapter 35.500.

**Arcade.** A series of arches supported by columns, pilasters, or piers.

**Bracket.** A projection from a vertical surface providing structural or visual support, typically found under cornices, balconies, windows, or any other overhanging element.

**Colonnade.** A row or series of evenly-spaced columns set at regular intervals, often freestanding or supporting a roof.

**Cornice.** A projecting shelf along the top of a wall supported by a series of brackets; the exterior trim where a roof and wall meet, consisting of soffit, fascia, and crown molding.

**Dentil.** An architectural detail of small, repeating blocks, typically used as a decoration under the soffit of a cornice.

**Fenestration.** The arrangement, proportioning, and design of windows, doors, and other exterior openings in a building.

**Grasscrete.** A type of permeable surfacing product that is manufactured using reinforced concrete pavers and designed to allow for grass, gravel, or stone to fill in the voids of the pavers and is sturdy enough to accommodate occasional vehicular use.

**Groundcover.** Low-growing herbaceous or woody vegetation, other than turf, which typically grows less than two feet high and is used for understory planting under shrubs and trees. Generally, grows with a creeping or spreading habit and is used to cover bare soil areas within landscape planter areas.

**Multiple-Unit.** A housing development that contains two or more residential units.

**Objective Design Standard.** A standard that involves no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official prior to submittal.

**Parking Structure.** A wholly or partly enclosed structure, comprised of one or more stories, used exclusively for the parking and storage of vehicles. A parking structure may be totally below-grade or subterranean, partially above-grade, or totally above-grade.

**Pilaster.** A partial pier or column, often with a base, shaft, and capital that is embedded in a wall and projects slightly.

**Reveal.** An inner surface of an opening or recess in a wall, typically in relation to a window or door.

**Roof, Gable.** A roof which slopes downward in two opposite directions from an upper, central ridge.

**Roof, Hip.** A roof which slopes downward in four directions from an upper, central point.

**Roof, Mansard.** A roof with a steep lower slope and flatter upper slope on all sides, either of convex or concave shape.

**Roof, Shed.** A roof which slopes downward in one direction and has no hips, ridges, or valleys.

**Street, Primary.** A primary street in relation to an existing or proposed site is the right-of-way with the higher street classification according to the City's Transportation Element, and which carries the greater volume of vehicular traffic.

**Street Facade.** The wall plane or facade of buildings facing a street, comprised of one or more contiguous buildings. Often used to describe a pedestrian-oriented environment.

## **SECTION 8:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to remove Section E., Transitional and supportive housing in its entirety from Section 35.442.070, Community Care Facilities, of Chapter 35.422, Standards for Specific Land Uses.

## **SECTION 9:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Section 35.442.138, Low Barrier Navigation Centers, to read as follows:

### **35.442.138 – Low Barrier Navigation Centers**

- A. Purpose and intent.** The purpose of this Section is to establish streamlined permit procedures and development standards for low barrier navigation centers in compliance with Government Code Sections 65660 through 65668. The State Legislature intended Government Code Sections 65660 through 65668 (Assembly Bill 101 (Ting), 2019) to promote low barrier navigation centers, which help create permanent solutions for the County’s homeless population by providing residents with shelter and access to the services necessary for them to obtain permanent housing.
- B. Applicability.** A low barrier navigation center may be approved on a lot in compliance with Table 2-1 (Allowed Land Uses and Permit Requirements for Resource Protection Zones) and Table 2-8 (Allowed Land Uses and Permit Requirements for Commercial Zones).
- 1.** The provisions of this Section 35.442.138 shall become null and void, and are thereby automatically repealed, on January 1, 2027, unless otherwise extended by the State Legislature.
- C. Application and processing requirements.** The following application and processing requirements shall apply to applications for low barrier navigation centers:
- 1. Permit required.** Prior to the development of a new building or use of an existing building as a low barrier navigation center, an applicant shall submit an application for a Zoning Clearance in compliance with Section 35.470.030 (Application Preparation and Filing) and obtain a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances).
- 2. Completeness determination deadline.** Within 30 days of receipt of an application for a low barrier navigation center, the Department shall notify an applicant whether the applicant’s application is complete. If the Department does not make a written determination within 30 days, the application shall be deemed complete, pursuant to Government Code Section 65943, or successor statute.
- 3. Decision deadline.** Upon deeming an application complete, the Director shall approve, conditionally approve, or deny the application for a low barrier navigation center within 30 days.
- 4. Ministerial Review.** The Director shall consider an application for a low barrier navigation center ministerially without discretionary review or hearing.
- 5. Conflicts with other Sections of this Development Code.** Where there are conflicts between the standards in this Section 35.442.138 (Low Barrier Navigation Centers) and other requirements of this Development Code, the provisions of this Section shall prevail.

**D. Development standards.** A low barrier navigation center that complies with all of the following development standards shall be allowed with a Zoning Clearance.

- 1. Zoning.** The low barrier navigation center shall only be located within mixed-use zones and nonresidential zones permitting two-family and multiple-family uses which consist of the following zones:

<b><u>Mixed-Use Zones and Nonresidential Zones Permitting Two-Family or Multiple-family Uses</u></b>
<u>CN (Neighborhood Commercial)</u> <u>CV (Resort/Visitor Servicing Commercial)</u>

- 2. Services Plan.** The applicant shall submit a written services plan that identifies staffing services and demonstrates that the low barrier navigation center will offer services to connect people to permanent housing.
- 3. Coordinated entry system.** The low barrier navigation center shall be linked to a coordinated entry system, so that staff in the facility may conduct assessments and provide services to connect people to permanent housing. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Government Code Section 576.400(d) or Section 578.7(a)(8) of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals. If the proposed project will receive funding from the County of Santa Barbara’s Community Services Department, the applicant shall submit a memorandum of understanding consistent with the County’s coordinated entry system procedures. If the proposed project will not receive funding from the Community Services Department, the applicant shall demonstrate compliance with the coordinated entry system requirements set forth in Government Code Section 65662(b), or successor statute.
- 4. Housing First policies.** The low barrier navigation center shall comply with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- 5. Information collection.** The low barrier navigation center shall have a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
- 6. Objective design review.** The low barrier navigation center shall not require Design Review by the Board of Architectural Review. For purposes of this Section 35.442.138 (Low Barrier Navigation Centers), new buildings, existing buildings, and, as applicable, additions to existing buildings shall comply with the following design review standards:
- a. Fences and walls.** The low barrier navigation center shall comply with the fences and walls regulations in Section 35.430.070 (Fences and Walls).
- b. Height.** The low barrier navigation center shall comply with height limitations of the applicable zone and the height measurement, exceptions, and limitations in Section

35.430.090 (Height Measurement, Exceptions and Limitations). This standard shall not apply to existing permitted buildings.

- c. **Outdoor lighting.** The low barrier navigation center shall comply with the lighting standards in Section 35.430.120 (Outdoor Lighting).
- d. **Setbacks.** The low barrier navigation center shall comply with the setback requirements of the applicable zone and the setback requirements in Section 35.430.150 (Setback Requirements and Exceptions). This standard shall not apply to existing permitted buildings.
- e. **Site coverage.** The low barrier navigation center shall comply with any site coverage standards of the applicable zone. This standard shall not apply to existing permitted buildings.
- f. **Open space.** The low barrier navigation center shall comply with any open space standards of the applicable zone. This standard shall not apply to existing permitted buildings.
- g. **Signs.** The low barrier navigation center shall comply with the sign standards in Chapter 35.438 (Sign Standards).

- 7. **Exempt from other development standards.** Other than the development standards in this Subsection D, the low barrier navigation center shall not be subject to any other objective or discretionary development standards or other provisions in the Comprehensive Plan or this Development Code, including parking requirements.

## **SECTION 10:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Section 35.442.185, Transitional and Supportive Housing, to Chapter 35.442, Standards for Specific Land Uses as follows:

### **35.442.185 – Transitional and Supportive Housing**

- A. **Purpose and intent.** In accordance with Government Code Sections 65650 through 65656, and 65583(c)(3) and successor statutes, this Section describes the permitting and development standards for transitional and supportive housing projects and identifies the criteria that must be met for supportive housing to qualify for ministerial review and the requirements associated with qualifying projects. This Section is intended to promote the development of transitional and supportive housing.
- B. **Considered a residential use.** Transitional and supportive housing shall be considered a residential use of property.
- C. **Permit requirements.**
  - 1. **Same permit requirements.** Except for projects that qualify for streamlined, ministerial review as described under Subsection C.2 (By right supportive housing) below:
    - a. **Transitional and supportive housing shall be allowed in any dwelling (residential use) allowed in a specific zone, subject to the same permit requirements (e.g., Land Use Permit**

or Conditional Use Permit) that apply to the same type of dwelling that will be used for transitional or supportive housing in the same zone.

- b. No Conditional Use Permit, Variance, or other planning permit shall be required of transitional or supportive housing that is not required of a dwelling of the same type in the same zone.
  - c. When transitional or supportive housing is proposed to be located in a zone where the residential use requires a Conditional Use Permit, an additional Conditional Use Permit is not required if the existing residential use has obtained the necessary Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).
2. **By right supportive housing.** In accordance with Government Code Section 65651(a) or successor statutes, an application for supportive housing shall be considered ministerially without discretionary review or hearing if the project meets all of the following requirements:
- a. **Zoning.** The project is located within a zone where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, and zones where such uses are permitted with a Conditional Use Permit. For the purposes of this Section, multifamily uses shall include two-family dwellings (i.e., “dwelling, two-family,” as defined in Section 35.110.020 (Definitions of Specialized Terms and Phrases)).

<b><u>Zones Permitting Two-Family and/or Multiple-family and/or Mixed Uses</u></b>
<u>R-2 (Two-Family Residential)</u>
<u>DR (Design Residential)</u>
<u>PRD (Planned Residential Development)</u>
<u>CN (Neighborhood Commercial)</u>
<u>CV (Resort/Visitor Serving Commercial)</u>

- b. **Lower income housing.** One hundred percent of the units, excluding managers’ units, within the project shall be dedicated to lower income households and are, or will be, receiving public funding, and are subject to a recorded affordability restriction for 55 years. For purposes of this paragraph, “lower income households” has the same meaning as defined in Section 50079.5 of the Health and Safety Code.
- c. **Minimum number of supportive housing units.** At least 25 percent of the units in the project or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the project consists of fewer than 12 units, then 100 percent of the units, excluding managers’ units, in the project shall be restricted to residents in supportive housing.
- d. **Supportive services.** Projects shall include onsite supportive services limited to tenant use that may include, but are not limited to, community rooms, case management offices, computer rooms, and community kitchens that comply with the following square footage requirements:
  - (1) Projects with 20 or fewer total units shall provide at least 90 square feet for onsite supportive services.

- (2) Projects with more than 20 units shall provide at least 3 percent of the total nonresidential floor area for onsite supportive services.
- e. **Dwelling unit facilities.** All dwelling units, excluding managers' units, shall include at least one bathroom and a kitchen or other cooking facilities, including, at a minimum, a stovetop, a sink, and a refrigerator.
  - f. **Replacement units.** The developer shall replace any existing dwelling units on the site of the supportive housing project in the manner provided in Government Code Section 65915(c)(3) or successor statutes.
  - g. **Fewer than 75 units.** The project shall consist of 75 units or fewer in accordance with Government Code Section 65651(d).
- D. **Development standards.** Except as described in Sections D.1 (Exceptions for ministerial projects) and D.2 (Parking) below and in Government Code Section 65589.5 or successor statutes, transitional and supportive housing projects shall be subject to the same development standards, policies, and occupancy restrictions that apply to other dwellings of the same type in the same zone.
- 1. **Exceptions for ministerial projects.** Projects that qualify for ministerial review in compliance with Subsection C.2 (By right supportive housing) above shall only be subject to objective development standards and policies that apply to other multifamily development within the same zone, and the objective design standards in Chapter 35.433 (Multiple-Unit and Mixed-Use Housing Objective Design Standards).
  - 2. **Parking.** If the supportive housing project qualifies for ministerial review in compliance with Subsection C.2 (By right supportive housing) above and is located within one-half mile of a public transit stop, minimum parking requirements will not be imposed for the units occupied by supportive housing residents.
- E. **Supportive services** Supportive services provided onsite shall only serve residents of that particular housing project.
- F. **Application and processing requirements**
- 1. If required based on the permit type, notice of the application and pending decision on a permit for transitional or supportive housing shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings). Transitional or supportive housing being permitted with a Zoning Clearance shall require a posted notice by the applicant subject to the same requirements in 35.496.050A.2.
  - 2. **Supportive services plan.** For all transitional or supportive housing projects, the applicant shall submit a written plan for providing supportive services with documentation demonstrating that supportive services will be provided onsite to residents in the project, as required by Government Code Section 65651 or successor statute, and describing those services, which shall include all of the following:
    - a. **Services Provider.** The name of the proposed entity or entities that will provide supportive services.



b. **Funding Source.** The proposed funding source or sources for the provided onsite supportive services.

c. **Staffing.** Proposed staffing levels.

3. **Deadlines for by right supportive housing.** Projects that qualify for ministerial review in conformance with Subsection C.2 (By right supportive housing) above shall be subject to the following processing deadlines:

a. **Completeness determination deadline.** Within 30 days of receipt of an application to develop supportive housing, the Department shall notify an applicant whether the application is complete. If the Department does not make a written determination within 30 days, the application shall be deemed complete, pursuant to Government Code Section 65943, or successor statute.

b. **Decision deadline.** The Director shall complete their review of the application to develop supportive housing within 60 days after the application is complete for a project with 50 or fewer units, or within 120 days after the application is complete for a project with more than 50 units.

**G. Limits on disapproval.**

1. Pursuant to Government Code Section 65589.5(d), the Department shall not disapprove a transitional or supportive housing project for very low-, low-, or moderate-income households, or condition approval in a manner that renders the project infeasible for development for the use of very low-, low-, or moderate-income households, including through the use of design review standards, unless it makes written findings, based upon substantial evidence in the record, as to one of the findings in Government Code Sections 65589.5(d)(1) through (5) or successor statute.

2. Pursuant to Government Code Section 65589.5(j) or successor statute, if the Department proposes to disapprove a transitional or supportive housing project or approve it upon the condition that the project be developed at a lower density, the Department shall base its decision regarding the proposed project upon written findings supported by substantial evidence on the record that both of the conditions in Government Code Section 65589.5(j)(1) and (2) or successor statutes exist.

H. **Fees.** Transitional and supportive housing shall not be subject to any local business taxes, local registration fees, use permit fees, or other fees to which other dwellings of the same type in the same zone are not likewise subject.

I. **Not a change in occupancy.** The use of an existing dwelling for purposes of transitional or supportive housing shall not constitute a change of occupancy for purposes of local building codes.

J. **Future changes in occupancy.** The required number of residents in a supportive housing project may be reduced if termination of the operating subsidy or project-based rental assistance occurs at no fault of the project owner and if all conditions outlined in Government Code Section 65651(c) or successor statutes are met.

K. **Reasonable accommodation.** The requirements of this Development Code may be modified in compliance with Chapter 35.437 (Reasonable Accommodation) if necessary to comply with the

Federal Fair Housing Act and the California Fair Employment and Housing Act relating to accommodations for persons with disabilities including allowances for structural installations that are necessary to accommodate disabled residents (e.g., handrails, lifts, and ramps).

- L. **Conflicts with other Sections of this Development Code.** Where there are conflicts between the standards in this Section 35.442.185 and other requirements of this Development Code, the provisions of this Section shall prevail.

### **SECTION 11:**

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.472.050.B Other Notices, Agreements, Covenants, and Easements, of Chapter 35.472 Permit Review and Decisions, to read as follows:

- B. Other Notices, Agreements, Covenants, and Easements.** Documents to require, or notify future buyers of real property of, the following are recordable.
1. Compliance with the parking requirements of this Development Code, including, but not limited to, provision of an offsite parking easement.
  2. Compliance with project and/or permit conditions of approval.
  3. Implementation of historic structural preservation and restoration/renovation plan or program.
  4. Implementation of Stormwater Control Plan or Stormwater Quality Management Plan.
  5. Maintenance of stormwater quality and retention measures.
  6. Prohibitions on high water use/consumption businesses.
  7. Affordable Housing Agreement and Resale Restrictive Covenant and Preemptive Right.
  8. Water well meter monitoring, provision of meter records, and measures to take in the event water quality degrades.

### **SECTION 12:**

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.472.080, Development Plans, of Chapter 35.472 Permit Review and Decisions, to read as follows:

#### **B. Applicability.**

1. **Final Development Plan required.** Except as provided in subsection B.1.a, below, No permit shall be issued for any development, including grading, for any property subject to this Section until a Final Development Plan has been approved in compliance with this Section.
  - a. Low barrier navigation centers, as mentioned in Section 35.422.030 (Resource Protection Zone Allowable Land Uses) and Section 35.442.138 (Low Barrier Navigation Centers), shall be exempt from Development Plan requirements. Notwithstanding the foregoing, the

gross floor area of any existing or proposed low barrier navigation center shall be included in the gross floor area calculations for the purpose of processing a Development Plan.

### **SECTION 13:**

DIVISION 35.10, Glossary, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to change the definition of “Density Bonus,” to add new definitions of “Density Bonus Program” and “Housing Development,” to revise the definition of “Special Care Home” to read as follows:

**Density Bonus.** ~~Refers to the State mandated Density Bonus Program (Government Code Section 65915 et seq.) that entitles qualified housing projects to a density increase and at least one development incentive. See Density Bonus Program.~~

**Density Bonus Program.** Refers to the state mandated Density Bonus Program (Government Code Section 65915 et seq.) that entitles qualified housing projects to a density increase, incentives or concessions, waivers or reductions of development standards, and/or parking ratios as outlined in Chapter 35.432 (Density Bonus Program).

**Housing Development.** As used in Chapter 35.432, Density Bonuses and other Incentives for Affordable Housing, a housing development is a development project for five or more residential units, including mixed-use developments and shared housing buildings as defined by GC § 65915(o) or successor statute. Housing development also includes a subdivision or common interest development approved by the Department which consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in available residential units

**Low Barrier Navigation Center** (Government Code Section 65660(a)). A Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. For purposes of this definition, “Housing First” has the same definition as included in Welfare and Institutions Code Section 8255, or successor statute. “Low barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
2. Pets.
3. The storage of possessions.
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

**Special Care Home.** ~~A residential home providing 24-hour non-medical care and supervision that is eligible for a license for a capacity of seven or more clients from the State Department of Social Services, Community Care Licensing Division or a licensing agency authorized by the Department (also known as a~~

"Group Home-Children," ~~"Supportive Housing," "Transitional Housing, including substance abuse recovery,"~~ "Adult Residential Home," "Residential Care Facility for the Elderly or Handicapped," or "Foster Home"). Note: Homes which serve six or fewer persons shall be considered a residential use, subject to the regulations for any other residential dwelling in the applicable zone, and the residents and operators of the home shall be considered a family.

**SECTION 14:**

All existing indices, section references and numbering, and figure and table numbers contained in the Montecito 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 15:**

Except as amended by this ordinance, Section 35-2, the 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 16:**

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 17:**

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 18:**

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:

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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:

RACHEL VAN MULLEM  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy County Counsel