

# ATTACHMENT 9: ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

## ORDINANCE NO. 5209

AN ORDINANCE AMENDING ARTICLE II, THE COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING DIVISION 4, ZONING DISTRICTS, AND DIVISION 7, GENERAL REGULATIONS, TO IMPLEMENT PROGRAMS 1, 2, AND 3 OF CHAPTER 5 OF THE 2023-2031 HOUSING ELEMENT UPDATE.

Case No. 24ORD-00008

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

### **SECTION 1:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to modify Section 35-74.7, Lot Size/Density, of Section 35-74, DR – Design Residential, to read as follows:

#### **Section 35-74.7 Lot Size/Density.**

1. The maximum density for each lot zoned DR shall be specified by a number following the DR on the lot on the applicable Santa Barbara County Zoning Map and said number represents the number of dwelling units per gross acre permitted on such lot, as follows:

District Designation	Dwelling Units Per Gross Acre	Gross Land Area Per Dwelling Unit
DR-0.1	0.1	435,600 (10 acres)
DR-0.2	0.2	217,800 (5 acres)
DR-0.33	0.33	130,680 (3 acres)
DR-0.5	0.5	87,120 (2 acres)
DR-1	1.0	43,560 (1 acres)
DR-1.5	1.5	29,040 (square feet)
DR-1.8	1.8	24,200 (square feet)
DR-2	2.0	21,780 (square feet)
DR-2.5	2.5	17,424 (square feet)
DR-3	3.0	14,520 (square feet)
DR-3.3	3.3	13,200 (square feet)
DR-3.5	3.5	12,445 (square feet)
DR-4	4.0	10,890 (square feet)
DR-4.6	4.6	9,470 (square feet)
DR-5	5.0	8,712 (square feet)
DR-6	6.0	7,260 (square feet)
DR-7	7.0	6,222 (square feet)
DR-8	8.0	5,445 (square feet)
DR-9	9.0	4,840 (square feet)
DR-10	10.0	4,356 (square feet)
DR-12	12.0	3,630 (square feet)
DR-12.3	12.3	3,540 (square feet)
DR-14	14.0	3,111 (square feet)
DR-16	16.0	2,722 (square feet)
DR-20	20.0	2,178 (square feet)

DR-25	25.0	1,742 (square feet)
DR-30	30.0	1,452 (square feet)

2. DR zoned lots may be zoned with two numbers following the DR on the lot on the applicable Santa Barbara County Zoning Map. In this instance the first number represents the minimum dwelling units per gross acre and the second number represents the maximum dwelling units per gross acre as follows:

District Designation	Dwelling Units Per Gross Acre	Gross Land Area Per Dwelling Unit
DR-20/25	20	25
DR-20/30	20	30
DR-30/40	30	40

- a. **Lower density allowance.** An applicant may propose a lower density than the minimum density specified above when physical, environmental, or infrastructure constraints would preclude a project from meeting the specified minimum density.
- (1) **Finding.** The applicant must demonstrate, based upon a preponderance of evidence in the record, and the review authority must find that no feasible method(s) exists to satisfactorily mitigate or avoid the specific constraint(s) without rendering the housing project financially infeasible for the development of housing for very low, low, and/or moderate-income households. Feasible methods may include alternative siting, alternative design, and/or smaller units.
  - (2) **Project phasing.** Applicants that request a lower density allowance than the specified minimum density based on current infrastructure constraints (e.g., deficient public water supply or sewer capacity) shall reserve a portion of the site and design and develop the housing project in phases to allow additional housing units in compliance with the specified minimum density for the overall site when adequate infrastructure becomes available. Each phase of the project shall include a proportional share of any required housing for very low-, low-, and/or moderate-income households.

**SECTION 2:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to modify Section 35-74.13, Open Space and Landscaping, of Section 35-74, DR – Design Residential, to add Subsection 4, Public Parks, Recreation, and Trails to read as follows:

4. Public Open Space.
- a. All or a portion of required open space may be provided as public open space and developed as public parks, trails, or other public recreational facilities (e.g., sports fields or courts, playgrounds, picnic or BBQ areas, community center, pool/aquatic facility, gymnasium) to provide recreational opportunities for use by both the residents of the site and the public. In siting and designing public open space, the project shall consider the following:
- (1) The need to protect public use areas historically used by the public such as beaches and trails;
  - (2) The avoidance of siting of structures in hazardous areas or on steep slopes;
  - (3) The protection of environmentally sensitive habitat areas and archaeological sites; and
  - (4) The protection of scenic areas of the site.

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

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

### **SECTION 3:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Section 35-144Y, Replacement Housing on Non-Vacant Sites to read as follows:

#### **Section 35-144Y. Replacement Housing on Non-Vacant Sites.**

##### **Section 35-144Y.1 Purpose and Intent.**

The purpose of the Section is to implement unit replacement requirements for housing development projects on non-vacant sites identified in the 2023-2031 Housing Element Update, consistent with the requirements of Government Code Section 65583.2(g)(3) and Program 3 of Chapter 5 of the 2023-2031 Housing Element Update.

##### **Section 35-144Y.2 Applicability.**

The provisions of this Section apply to housing development projects that are located on non-vacant sites identified in the sites inventory of the 2023-2031 Housing Element Update that meet one or more of the following criteria:

1. The site contains existing residential uses that are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very low-income or any other form of rent or price control.
2. The site contained a residential use within the past five years that has been vacated or demolished and was subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very low-income or any other form of rent or price control.
3. The site contains existing residential uses that are occupied by low- or very low-income households.

##### **Section 35-144Y.3 Unit Replacement.**

All units onsite shall be replaced with units affordable to the same or lower income level as a condition of approval of development on a qualifying non-vacant housing element site. Replacement of the units shall be consistent with the unit replacement requirements of Government Code Section 65915(c)(3) or successor statute.

### **SECTION 4:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add Section 35-144Z, Use By Right, Housing Element to read as follows:

#### **Section 35-144Z. Use By Right, Housing Element.**

##### **Section 35-144Z.1 Purpose and Intent.**

This Chapter allows housing developments as a "use by right" to incentivize lower-income housing on certain sites that the County rezoned to accommodate its 2023-2031 Regional Housing Needs Allocation (RHNA) for very low- and low-income

households or identified in a prior housing element to accommodate its prior RHNA, pursuant to Government Code Sections 65583.2(h) and 65583.2(c) and Programs 1 and 2, respectively, of Chapter 5 of the 2023-2031 Housing Element Update.

### **Section 35-144Z.2 Applicability.**

This Chapter shall apply to housing developments on the following sites:

1. A site that the County rezoned at a density of at least 20 units per acre to accommodate its 2023-2031 RHNA for very low- and/or low-income households, pursuant to Government Code Section 65583.2(h). This minimum density and the applicable development standards will permit at least 16 units per site.
  - a. Qualifying sites consist of the following Assessor Parcel Numbers:
    - 001-080-045 and 001-080-046 (1101 Bailard Ave, Carpinteria; 6.98 acres)
    - 004-013-023 (4098 Via Real, Carpinteria; 15.1 acres)
    - 004-005-001 (4711 Foothill Rd, Carpinteria; 9.68 acres)
    - 075-020-035 (Immediately east of 6647 El Colegio Rd, Goleta; 1.2 acres)

### **Section 35-144Z.3 Permit Requirements.**

Housing developments that comply with all of the development standards in Section 35.144Z.4 (Development Standards), below, shall be allowed as a use by right subject to the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits).

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

### **Section 35-144Z.4 Development Standards.**

Housing developments on a rezone site or non-vacant or vacant site listed in Section 35-144Z.2.1.a and Section 35-144Z.2.2.a, respectively, above, shall comply with the following development standards.

1. **Housing type.** The housing development shall consist of owner-occupied and/or rental multifamily residential uses.
2. **Affordability.** At least 20 percent of the units shall be affordable to very low- and/or low-income households. The applicant shall record a restrictive covenant that ensures the continued affordability of all very low- and low-income rental units for 90 years and all very low- and low-income for-sale units for 90 years, unless a different affordability term is required by low-income housing tax credit regulations or other applicable law.
3. **Objective standards.** The housing development shall comply with all objective land use policies, regulations, development standards, and design review standards in effect at the time a complete application is submitted, including but not limited to objective design standards provided in Section 35-144B (Multiple-Unit and Mixed-Use Housing Objective Design Standards).
4. **Program Environmental Impact Report mitigation measures.** The housing development shall comply with all applicable mitigation measures of the Mitigation Monitoring and Reporting Program of the 2023-2031 Housing Element Update Program Environmental Impact Report (Case. No. 23EIR-00004).
5. **Replacement units.** Existing or previously existing dwelling units on the site of the housing development shall be replaced in the manner provided in Government Code Section 65583.2(g)(3) or successor statutes.

**SECTION 5:**

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

**SECTION 6:**

Except as amended by this ordinance, Divisions 4, and 7 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

**SECTION 7:**

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 8:**

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 9:**

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or 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.

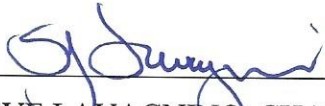
PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 3rd day of May, 2024, by the following vote:

AYES: Supervisors Williams, Capps, Hartmann, Nelson and Lavagnino

NOES: None

ABSTAIN: None

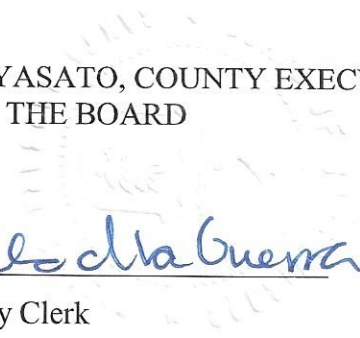
ABSENT: None




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 MULLEN  
COUNTY COUNSEL

By 

Deputy County Counsel