

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 East Anapamu Street, Room 407  
Santa Barbara, CA 93101  
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**Agenda Number:**  
**Prepared on:** October 7, 2005  
**Department Name:** P&D  
**Department No.:** 053  
**Agenda Date:** October 18, 2005  
**Placement:** Departmental  
**Estimate Time:** 30 minutes  
**Continued Item:** YES  
**If Yes, date from:** September 27, 2005 (set hearing)  
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**TO:** Board of Supervisors

**FROM:** Dianne Meester, Assistant Director  
Planning & Development

**STAFF CONTACT:** Noel Langle, Planner  
568-2009

**SUBJECT:** Hearing to consider adoption of zoning ordinance text amendments to Articles II, III and IV of Chapter 35 of the Santa Barbara County Code: Case Nos. 05ORD-00000-00001 (Article II Coastal Zoning Ordinance); 05ORD-00000-00002 (Article III Inland Zoning Ordinance); 05ORD-00000-00003 (Article IV Montecito Zoning Ordinance) regarding implementing a new methodology for determining the height of a structure.

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## Recommendations:

Consider the recommendations of the County Planning Commission and the Montecito Planning Commission and:

- A. Find that these amendments are categorically and statutorily exempt from the California Environmental Quality Act pursuant to Sections 15061(b)(3) and 15265 of the Guidelines for Implementation of CEQA (Attachment A).
- B. Adopt findings for approval of the proposed amendments (Attachment B).
- C. Adopt a Resolution and Ordinance amending Article II, Coastal Zoning Ordinance (05ORD-00000-00001) as shown in Attachment C.
- D. Adopt an Ordinance amending Article III, Inland Zoning Ordinance (05ORD-00000-00002) as shown in Attachment D.
- E. Adopt an ordinance amending Article IV, Montecito Zoning Ordinance (05ORD-00000-00003) as shown in Attachment E.

## Alignment with Board Strategic Plan:

The recommendation is primarily aligned with Goal No. 1, *An Efficient Government Able to Respond Effectively to the Needs of the Community*, and is required by law or routine business necessity.

## **Executive Summary and Discussion:**

One of the Planning & Development Department's process improvement efforts has been to revise the methodology for determining the height of structures in order to address the problems that staff and designers have encountered in working with the existing definition including:

- Lack of consistency in determining the height of based on how the average grade is calculated.
- Penalizing a structure that utilizes one or more ground levels in an attempt to reduce grading and perceived building mass due to the use of the highest mean roof height as required by the existing definition.
- Use of ornamental features located adjacent to the exterior walls of the structure (e.g., patios, planters) and exaggerated roof eave widths to lower the calculated height of the structure.

A committee comprised of local architects and Planning & Development staff members was formed to develop a new height calculation methodology. The committee developed a draft methodology that was tested by staff members in their review of projects, and reviewed and tested by the County and Montecito Boards of Architectural Review on actual projects during their respective hearings. The methodology was also reviewed by the Montecito Association Land Use Committee.

A summary of the proposed amendments is provided below. The complete text of the ordinance amendments is contained in Attachments C, D and E (proposed deletions are shown by striking through the text and proposed additions are underlined). Please refer to these attachments as necessary to review the detailed text amendments. Please also refer to the staff reports for the County and Montecito Planning Commissions (Attachments F and G, respectively) for a more detailed analysis of the proposed amendments.

- 1. New definitions.** Implementing the new methodology requires that the County zoning ordinance be amended to delete the existing definition of "Building Height" and include new definitions Architectural Element, Grade, Existing, Grade, Finished, Height Limit, and Height, Structure, as shown below:

Definition to be deleted:

**BUILDING HEIGHT:** The vertical distance from the average finished grade of the lot covered by the building to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof.

Definitions to be added:

**ARCHITECTURAL ELEMENT:** A portion of a building that exceeds the height limit and extends beyond the roof of the building.

**GRADE, EXISTING:** The existing condition of the ground elevation of the surface of a building site at the time of permit application, including Board of Architectural Review applications, that represents either (1) the natural grade prior to the placement of any fill on the site or the excavation or removal of earth from the site, or (2) the manufactured grade

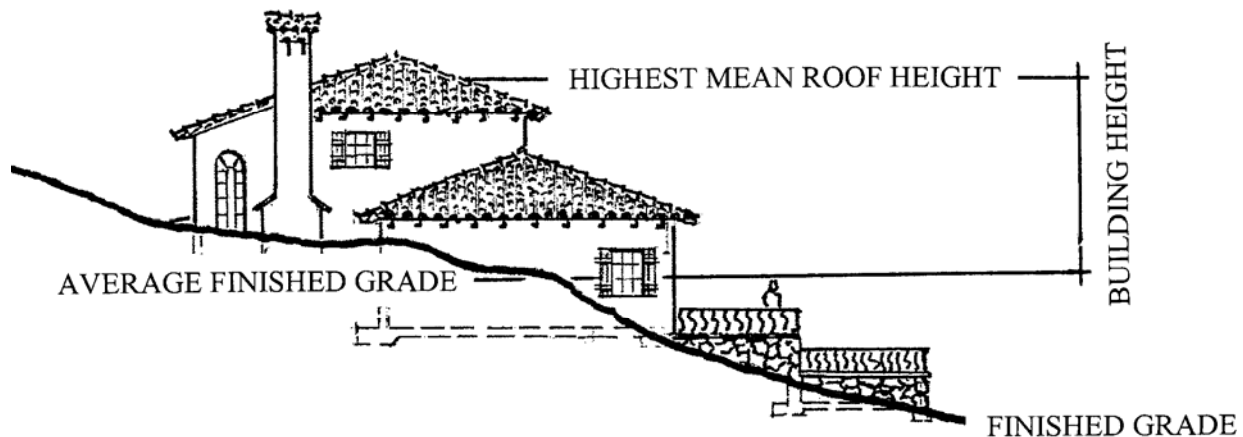
following the completion of an approved grading operation, including grading approved in conjunction with the subdivision of the site.

**GRADE, FINISHED:** The level of the finished surface of the site that results from any permitted grading activities, including but not limited to cut and fill of existing slopes associated with a specific permit application.

**HEIGHT LIMIT:** The maximum allowed height of a structure as established by an imaginary surface located at the allowed number of feet above and parallel to the existing grade.

**HEIGHT, STRUCTURE:** See Sec. 35-276, Height. (*Article III section reference*)

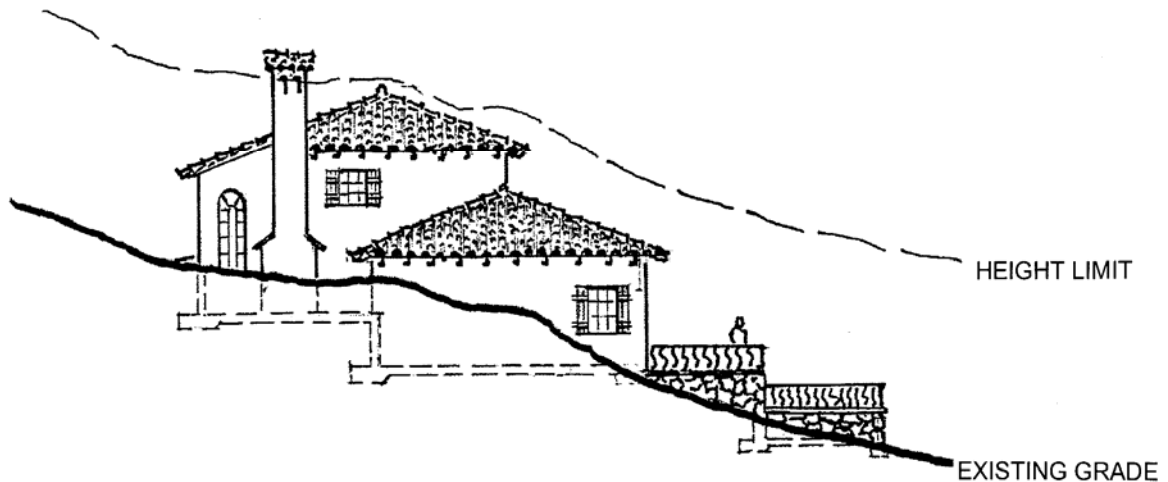
**2. Existing methodology.** The existing methodology used to calculate the height of a structure depends on the existing definition of Building Height. This definition determines the height by measuring between two surfaces, the lower surface being the average finished grade of the lot, and an upper surface located at the highest point of a flat roof, or, in the case of a sloping roof, the mean height of the highest roof element. This mean height is determined by averaging the elevation of the roof ridge and the roof eave. This method is depicted in the figure below.



This definition has been used by the County since approximately 1983 and while it is relatively simple to implement for flat lots with standard house designs, it has proved increasingly problematic for property with undulating topography combined with house designs that have complex roof patterns. In an attempt to achieve taller structures than what would normally be allowed, designs are submitted that contain exaggerated roof eaves and other architectural “ornaments” that attempt to artificially lower the calculated height.

Also, the requirement that the height be measured “to the mean height of the highest gable of a pitch or hip roof” penalizes structures that utilize one or more ground levels in order to reduce grading and perceived building mass, a design that is supported by other County documents (e.g., the Montecito Architectural Guidelines and Development standards).

**3. Proposed methodology.** The proposed methodology also measures the height between two surfaces, but, in contrast with the existing method, the proposed method measures between the lower surface which is established by the existing surface of the ground (instead of the average finished grade), and an upper surface which is established by the height limit applicable to the property (instead of the mean height of the highest roof element). The upper surface (height limit) mimics the surface of the lower surface (existing ground level) except that it is raised in the air a distance equal to the height limit applicable to the property. In order to be consistent with the height limit, all parts of the structure must fit under the upper surface except as otherwise allowed under the exceptions described below. The following figure describes this concept.



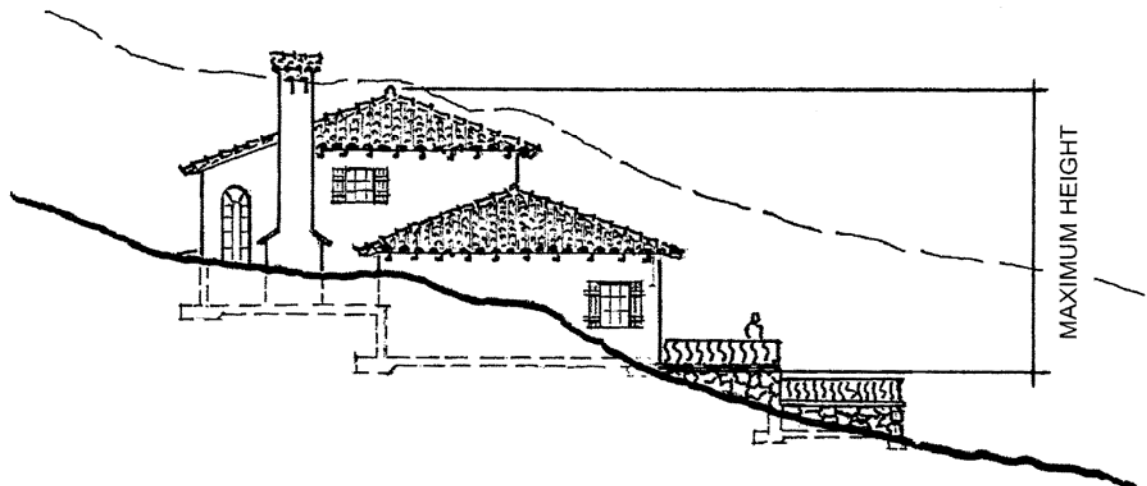
**Exceptions.** The proposal does provide exceptions for certain elements of a structure that may be allowed to penetrate the upper surface:

- Chimneys, church spires, elevator, mechanical and stair housings, flag poles, oil and gas derricks, noncommercial antennas, towers, vents, and similar structures which are not used for human activity may be up to 50 feet in height in all zone districts where such excess heights are not prohibited by the F Airport Approach or VC View Corridor Overlay District. This primarily reflects the existing language in the zoning ordinances. However, under the proposed language, the use of towers or similar structures to provide higher ceiling heights for habitable space would be considered a use intended for human activity and thus would not be allowed to exceed the height limit under this exception. Instead, in order to be able to exceed the height limit, such elements would have to be permitted under the following exception.
- Elements of the structure that do not qualify under the above provisions, yet may be seen as desirable due the architectural character they may add to a structure, would be allowed provided:

- The aggregate area is less than or equal to 10 percent of the total roof area of a structure, or 400 square feet, whichever is less;
- The height limit is exceeded by no more than eight feet
- The Board of Architectural Review approves the design.

The proposed language also provides a certain amount of flexibility for designs that use a sloped roof with a minimum pitch of 4:12 (rise to run) by allowing those portions of the structure that exhibit this minimum pitch to exceed the height limit by a maximum of three feet. For example, if the height limit of a particular structure is 25 feet, then portions of the structure where the roof has a minimum pitch of 4:12 can be as high as 28 feet. The purpose of this increase is to account for the change from the existing definition, which uses the mean height of the highest roof element, to the proposed methodology that instead measures to the uppermost points of the roof directly above the ground surface below. Without the three foot additional height allowance, structures utilizing sloped roofs would be at a disadvantage compared to designs with flat roofs. Roofs with slopes steeper than 4:12 (e.g., Tudor styles) would not be given any greater allowance under the proposed methodology.

**Maximum height limit.** The proposed methodology also limits the overall or maximum height of a structure that is subject to the Ridgeline/Hillside Development Guidelines, in addition to the height limit discussed above. The purpose of this additional restriction is to control the visual impact of a multi-level structure on a more steeply sloped lot as it spills down a hillside. This section limits the maximum height of a structure to 32 feet as measured from highest part of the structure (excluding antennas, chimneys and vents) to the lowest point of the structure where an exterior wall intersects the finished grade or the existing grade, whichever is lower. In the case where the lowest point of the structure is cantilevered over the ground surface, then the calculated maximum height shall include the vertical distance below the lowest point of the structure to the finished grade or the existing grade, whichever is lower. The concept is shown in the figure below.



**4. Montecito Planning Area considerations.** There are special considerations that apply only within the Montecito Planning Area that restrict the height of a structure to 16 feet when site preparation results in the placement of fill material to a depth of 10 feet or greater. This additional requirements is carried forward in the proposed methodology through appropriate amendments to the Montecito Community Plan Overlay portion of Article II (Section 35-205), Section 35-432B, the Montecito Hillside Overlay District, and within the proposed text of Section 35-459 (Height) of Article IV.

**5. Summerland Planning Area considerations.** The proposed amendment would maintain the existing height calculation methodology for property located within the Summerland Planning Area for the near future. This is required for two reasons:

- a) First, the proposed methodology includes a provision that allows a structure to exceed the height limit applicable to the property when the roof is sloped at a minimum ratio of 4:12 (rise to run). This is to offset the height penalty that would otherwise occur since the proposed methodology measures to the uppermost point of the roof rather than the mean roof height as is the case under the existing methodology. However, the Summerland Community Plan (unlike all other Community Plans) limits the height of structures within the urban and rural areas to 22 and 16 feet respectively. These height limits are therefore mandated by the Community Plan and cannot be altered through the zoning ordinance.
- b) Secondly, since the height limits are mandated by the Community Plan, a variance to the height limit cannot be approved when it is appropriate. The steeply sloping topography in the Summerland Planning Area, combined with the relatively small lot sizes, leads to situations where, if the new methodology that calculates the height based on existing grade is utilized, some lots could not be reasonably developed since a large amount of fill would be required in order to provide, at a minimum, vehicular access to the property. Including the height of this fill within the height calculation would severely limit the allowable height of the structure.

Since the current proposal does not include amending the Summerland Community Plan, it is not possible to reconcile the proposed methodology with the height restrictions mandated by the Summerland Community Plan. This situation will be addressed later as part of a more comprehensive review of the total scope of development criteria applicable to the Summerland area (i.e., Community Plan, Summerland Community Plan Zoning Overlay and the Summerland Architectural Review Guidelines). This review is currently underway and is projected to be brought before your Board sometime in 2006.

**6. Height regulations regarding commercial antennas and temporary drilling rigs.** The existing text of Articles II, III and Article IV ordinance contain language regarding the allowable height of commercial antennas; Article II contains an additional section that addresses specific height exemptions for temporary drilling rigs. This language is not proposed to be changed by these amendments.

**7. Montecito Planning Commission recommendation.** The Montecito Planning Commission held their hearing on the proposed methodology on June 15, 2005. Their action was to recommend that (1) the Board of Supervisors approve the proposed amendment to Article IV,

and (2) that the County Planning Commission recommend approval of the proposed amendment to Article II to the Board of Supervisors.

**8. County Planning Commission recommendation.** The County Planning Commission held their initial hearing on the proposed methodology on July 6, 2005. At that hearing Commissioners expressed their concern that there had not been sufficient review of the proposed methodology by design professionals who practice primarily in the North County area, and so continued the hearing so that staff could seek additional input. As a result of this concern, the Planning and Development Department did distribute the proposed methodology to, and invite comments from, several architects and permit agents who primarily do business in the North County and Santa Ynez Valley areas. No comments were subsequently received by staff. The final hearing by the County Planning Commission occurred on September 14, 2005. At that hearing the Commission acted to recommend that the Board of Supervisors approve the amendments to the Article II (Coastal) and Article III (Inland) zoning ordinances as proposed by staff with the following modifications:

- a) **Maximum height limit.** During the hearing staff proposed that, except within the Montecito Planning Area, that the three foot additional height allowance afforded to portions of structures where the roof exhibits a pitch of four in 12 (rise to run) or greater also apply the maximum height limit on structures so that structures with sloped roof designs would not be put at a disadvantage to structures with a flat roof design. The Montecito Planning Area was not due to a specific height standard in the Montecito Architectural Guidelines limiting the maximum height of structures to 32 feet.
- b) **Applicable date of the ordinance.** Amendments to the Article III (Inland) and Article IV (Montecito) zoning ordinances adopted by your Board normally go into effect 30 days after the adoption of the amendment; amendments to Article II, the Coastal zoning ordinance, go into effect once the Coastal Commission certification process is completed. However, staff proposed that the applicability of the new regulations be delayed such that projects that had already received preliminary approval from the Board of Architectural Review under the existing standards would not have to be redesigned if they did not comply with the proposed standards, and so included the following language in the ordinance:

*The determination of conformity with the height limits of this Article for projects that received preliminary approval from the Board of Architectural Review prior to September 1, 2005 shall be based on this Article as it as it existed at the time of preliminary approval provided that the Land Use Permit for said project is approved prior to September 1, 2006. However, the applicant for such a project may elect to have the determination of conformity with the height limits of this Article be based on this Article as it exists after the effective date of this ordinance.*

The County Planning Commission recommended that the proposed September 1, 2005 applicability date be changed to January 1, 2006, and that project would have until January 1, 2007 to obtain a Land Use Permit.

These modifications have been incorporated into the draft ordinances for Articles II and III attached to this agenda report.

**Mandates and Service Levels:**

Amendments to Articles II, III and IV of Chapter 35 of the County Code are legislative acts under the jurisdiction of the Board of Supervisors. Sections 35-180, 35-325 and 35-487 (Article II, III and IV respectively) provide that the recommendation of the Planning Commission shall be transmitted to the Board of Supervisors and that the Board shall schedule and hold a public hearing on the matter. Additionally, the Public Resources Code requires that any amendments to a Local Coastal Program be submitted to the California Coastal Commission for review and certification.

**Fiscal and Facilities Impacts:**

Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division of page D-290 of the adopted 2005-06 fiscal year budget. There are no facilities impacts.

**Special Instructions:**

Planning & Development will satisfy all noticing requirements.

**Concurrence:**

County Counsel

Attachments:

- A. CEQA Guidelines Section 15061(b)(3) Notice of Exemption
- B. Findings for Approval
- C. Resolution and 05ORD-00000-00001 (Article II) Ordinance Amendment
- D. 05ORD-00000-00002 (Article III) Ordinance Amendment
- E. 05ORD-00000-00003 (Article IV) Ordinance Amendment
- F. County Planning Commission staff report dated 6/24/2005 (w/o attachments)
- G. Montecito Planning Commission staff report dated 6/3/2005 (w/o attachments)