

## ATTACHMENT 5: MLUDC CEQA NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Ryan Cooksey, Planner  
Planning and Development Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970 as defined in the State and County guidelines for the implementation of CEQA.

**APN(s):** Not applicable.

**Case No.:** 16ORD-00000-00007

**Location:** The proposed ordinance amendment would apply solely to the unincorporated area of Santa Barbara County located within the Montecito Community Plan Area not including the Coastal Zone.

**Project Title:** 2015-2023 Housing Element Implementation: Design Residential (DR) Zone Modifications

**Project Description:** 16ORD-00000-00007 proposes to amend Division 35.2, Montecito Zones and Allowable Land Uses, and 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 regarding modified development standards for qualifying affordable, senior, and special care housing developments. The development standards that would be modified are as follows:

- Height limitations;
- Open space requirements;
- Parking requirements; and
- Site coverage limitations.

Exempt Status:

- Ministerial  
 Statutory  
 Categorical Exemption  
 Emergency Project  
 No Possibility of Significant Effect, Section 15061(b)(3)

**Cite specific CEQA Guideline Section:** Section 15061(b)(3) - No possibility of significant effect. CEQA Section 15061(b)(3) states:

The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**Reasons to support exemption findings:**

The following provides a brief discussion of the proposed amendments.

Qualifying Projects

The project would amend Section 35.423.060 of the Montecito Land Use and Development Code (MLUDC) to include the following language, defining the types of development that would be eligible for the modified development standards:

1. Affordable housing projects. Housing developments with all housing units (excluding units inhabited by employees of the development living on-site) affordable to low-income households, very low-income households, and/or extremely low-income households, as defined in Table 2.7, page 2-11 of the Santa Barbara County 2015-2023 Housing Element Update;
2. Senior housing projects. Housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to housing at least one senior person. For the purposes of this section, a senior person is defined as someone 55 years of age or older;
3. Affordable senior housing. Housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to affordable housing (as defined in item No. 1, above) for seniors (as defined in item No. 2, above);
4. Mixed affordable housing and senior housing. Housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to affordable housing (as defined in item No.1, above), senior housing (as defined in item No. 2, above), and/or affordable senior housing (as defined in item No. 3, above); and
5. Special care homes. Special care homes as defined in Chapter 35.500 (Definitions) of the MLUDC.

Height Limitations

Section 35.423.060 of the MLUDC would be revised to increase the height limit for qualifying project from 35 feet to 40 feet.

Qualifying projects would require a discretionary permit and design review in order to ensure compliance with County policy and zoning regulations, as well as compatibility with the surrounding neighborhood. Furthermore, qualifying projects would require project specific CEQA analysis. Accordingly, this amendment would constitute a minor increase to the DR zone height limit.

#### Open Space Requirements

Section 35.423.060 of the MLUDC would be revised to reduce the open space requirement for qualifying projects from 40 percent to 30 percent.

Furthermore, the MLUDC currently only allows common open space to be counted toward a project's open space requirement. Section 35.423.060 of the MLUDC would be revised to allow for public open space, as well as common open space, to count toward a qualifying project's open space requirement.

The recommended amendments would make the open space requirements consistent for inland and coastal zone projects (the CZO allows common and public open space to be counted toward a project's open space requirement). The recommended amendments would also expand the definitions of common open space and public open space to explicitly include types of space that already implicitly qualify as such under the existing zoning regulations. Qualifying projects would require a discretionary permit and design review in order to ensure compliance with County policy and zoning regulations, as well as compatibility with the surrounding neighborhood. Furthermore, qualifying projects would require project specific CEQA analysis. Accordingly, these recommended amendments would constitute a minor alteration to the existing DR zone development standards.

#### Parking Requirements – Affordable Housing and/or Senior Housing

Affordable housing and senior housing developments are currently subject to market-rate multiple-dwelling unit development parking requirements. The parking requirements for market-rate multiple-dwelling unit developments are greater than the parking demands associated with affordable housing and/or senior housing multiple dwelling unit developments. Accordingly, Section 35.423.060 of the MLUDC would be revised to allow for the parking requirements for senior housing and/or affordable housing developments in the DR zone to be modified as shown in Table 1 – Parking Requirements for Qualifying Projects, below.

As the current parking requirements for affordable and senior housing developments are greater than the parking demands associated with such developments, the recommended amendments would serve to eliminate the construction of unnecessary parking spaces. Furthermore, qualifying projects would require project specific CEQA analysis.

Table 1 – Parking Requirements for Qualifying Projects

Residential Development	MLUDC – Existing Parking Requirement	MLUDC – Recommended Parking Requirement
Affordable housing – single bedroom or studio units	1 space/dwelling unit and; 1 space/5 dwelling units (visitor parking)	0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable housing – 2 bedroom units	2 spaces/dwelling unit and; 1 space/5 dwelling units (visitor parking)	1.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable housing – 3 bedroom, or more, units	2.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor parking)	2 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable senior housing – single bedroom or studio units	1 space/dwelling unit and; 1 space/5 dwelling units (visitor parking)	0.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable senior housing – 2 bedroom units	2 spaces/dwelling unit and; 1 space/5 dwelling units (visitor parking)	1 space/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable senior housing – 3 bedroom, or more, units	2.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor parking)	1.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Senior housing – single bedroom or studio unit	1 space/dwelling unit and; 1 space/5 dwelling units (visitor parking)	0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Senior housing – 2 bedroom units	2 spaces/dwelling unit and; 1 space/5 dwelling units (visitor parking)	1.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Special care home	1 space/guestroom and; 1 space/2 employees	1 space/3 beds and; 1 space/3 employees

Parking Requirements –Special Care Housing

Special care homes provide housing for individuals with mental, physical, and development disabilities and are functionally similar to a rest home or extended-care medical service facility. Accordingly, these types of developments should generate similar parking demands. Rest homes and extended-care medical service facilities require one space per three beds and one space per three employees. However, special care homes currently require more parking under the MLUDC. As shown in Table 1, above, Section 35.423.060 of the MLUDC would be revised to allow for the parking requirements for special care housing developments to be reduced to

achieve consistency with the parking requirements for rest homes and extended-care medical service facilities. The recommended amendment would serve to more accurately capture the parking demand of special care housing developments and eliminate the construction of unnecessary parking spaces. Furthermore, qualifying projects would require project specific CEQA analysis.

#### Site Coverage

The maximum percentage of net site area that may be covered by buildings is currently 30 percent.

Section 35.423.060 of the MLUDC would be revised to allow for the maximum site coverage for qualifying projects to be increased to 40 percent and the maximum percentage of net site area that may be covered by buildings to only apply to structures containing dwelling units.

The recommended amendments would make the site coverage requirements for the DR zone consistent for inland and coastal zone projects. Qualifying projects would require a discretionary permit and design review in order to ensure compliance with County policy and zoning regulations, as well as compatibility with the surrounding neighborhood. Furthermore, qualifying projects would require project specific CEQA analysis. Accordingly, these recommended amendments would constitute a minor alteration to the existing DR zone development standards.

#### Conclusion

As discussed above, the ordinance revisions are minor in nature. Furthermore, the ordinance revisions would eliminate the construction of unnecessary parking spaces by implementing parking requirements that more accurately reflecting the demands of affordable, senior, and special care housing developments. The proposed ordinance revisions would not allow for new uses in the DR zone, result in an increase in permitted densities, or result in modifications to resource protection policies or zoning regulations.

The proposed ordinance amendments would not alter the purpose and intent of any policies or development standards of the Comprehensive Plan, including the Montecito Community Plan, and the adoption of the proposed ordinance amendments would not result in any inconsistencies with adopted policies and development standards. Qualifying development would require discretionary review and approval, as well as project specific CEQA analysis. Discretionary approval requires that the proposed development be consistent with the resource protection policies, zoning regulations, and development standards of the Comprehensive Plan, including the Montecito Community Plan. Qualifying development would also require design review approval. In part, design review approval requires that a project's design be compatible with its surrounding area and consistent with the applicable design standards of the Comprehensive Plan.

Therefore, it can be seen with certainty that there is no possibility that this activity may have a significant effect on the environment.

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Department/Division Representative \_\_\_\_\_ Date \_\_\_\_\_

Acceptance Date (date of final action on project): \_\_\_\_\_

Date Filed by County Clerk: \_\_\_\_\_

*Note: A copy of this form must be posted at Planning and Development six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days.*

Distribution: (post six days prior to action, and post original after project approval)

Hearing Support Staff

16ORD-00000-00007 case file