

**ATTACHMENT 3: MONTECITO LAND USE AND DEVELOPMENT CODE ORDINANCE
AMENDMENTS**

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, DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, AND DIVISION 35.10, GLOSSARY, TO IMPLEMENT NEW REGULATIONS REGARDING THE PERMITTING OF TRANSITIONAL AND SUPPORTIVE HOUSING.

Case No. 17ORD-00000-00001

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 (MLUDC), of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential section of Table 2-4 Allowed Land Uses and Permit Requirements for Resource Protection Zone, of Section 35.422.030, Resource Protection Zone Allowable Land Uses, of Chapter 35.422, Resource Protection Zone, to read as follows:

Table 2-4 Allowed Land Uses and Permit Requirements 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
LAND USE (1)	PERMIT REQUIRED BY ZONE	
	RMZ	
		Specific Use Regulations

RESIDENTIAL

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
Residential accessory uses and structures	P	35.422.030.E
Special care home, 7 or more clients	CUP	35.442.070
Transitional and supportive housing	S	35.442.070

Key to Zone Symbols

RMZ	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 35.422.030.C (Development Plan approval required).

SECTION 2:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the MLUDC, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential section of Table 2-7 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 2-7 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	
	R-1/E-1	R-2
		Specific Use Regulations

RESIDENTIAL

Accessory dwelling unit	P	—	35.442.015
Artist studio	P	—	35.442.120
Dwelling, one-family (3)	P	P	35.442.140
Dwelling, two-family	—	P	
Dwelling, multiple	—	—	
Farmworker dwelling unit	P (3)	P (3)	35.442.105
Farmworker housing complex	CUP	CUP	35.442.105
Guesthouse	P	—	35.442.120
Home occupation	P	P	35.442.130
Mobile home park	CUP	CUP	
Organizational house (fraternity, sorority, etc.)	—	—	
Residential accessory use or structure	P	P	35.442.020
Residential project convenience facilities	—	—	
Residential second unit	P	—	35.442.160
Special care home, 7 or more clients	CUP	CUP	35.442.070
<u>Transitional and supportive housing</u>	<u>S</u>	<u>S</u>	<u>35.442.070</u>

Key to Zone Symbols

R-1/E-1	Single-Family Residential
R-2	Two-Family Residential

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 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).

SECTION 3:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the MLUDC, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential section of Table 2-8 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 2-8 - 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
	DR	PRD	

RESIDENTIAL

Accessory dwelling unit	—	—	
Artist studio	—	—	
Dwelling, one-family	P	P	
Dwelling, two-family	P	P	
Dwelling, multiple	P	P	
Farmworker dwelling unit	P	P	35.442.105
Farmworker housing complex	P	—	35.442.105
Guesthouse	—	—	
Home occupation	P	P	35.442.130
Mobile home parks	CUP	CUP	
Organizational house (fraternity, sorority, etc.) (3)	CUP	—	
Residential accessory use or structure	P	P	35.442.020
Residential project convenience facilities	P	P	
Special care home, 7 or more clients	CUP	CUP	35.442.070
Transitional and supportive housing	<u>S</u>	<u>S</u>	<u>35.442.070</u>

Key to Zone Symbols

DR	Design Residential
PRD	Planned Residential Development

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.423.030.C (Development Plan approval required).
- (3) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

SECTION 4:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the MLUDC, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-12 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:

Table 2-12 Allowed Land Uses and Permit Requirements for Commercial 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	
	CN	CV
	Specific Use Regulations	

RESIDENTIAL USES

Caretaker/Manager dwelling	—	CUP	35.442.060
Farmworker dwelling unit	CUP	—	35.442.105
Farmworker housing complex	—	—	35.442.105
Home occupation	P	P	35.442.130
Mixed use project residential component - market rate	CUP	—	35.424.050
Mixed use project residential component - 1 unit (3)	P	P	35.424.050
Mixed use project residential component 2 to 4 units (3)	CUP	CUP	35.424.050
Special care home, 7 or more clients	CUP	CUP	35.442.070
Transitional and supportive housing	<u>S</u>	<u>S</u>	<u>35.442.070</u>

Key to Zone Symbols

CN	Neighborhood Commercial
CV	Resort/Visitor Serving Commercial

Notes:

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

SECTION 5:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the MLUDC, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-14 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:

Table 2-14 Allowed Land Uses and Permit Requirements 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
LAND USE (1)	PERMIT REQUIRED BY ZONE	
	REC	PU
		Specific Use Regulations

RESIDENTIAL USES

Caretaker/Manager dwelling	CUP	—	35.442.060
Transitional and supportive housing	CUP	—	35.442.070

Key to Zone Symbols

REC	Recreation
PU	Public Utilities

Notes:

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

SECTION 6:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the MLUDC, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.442.070, Community Care Facilities, of Chapter 35.442, Standards for Specific Land Uses, to add a new Subsection E titled “Transitional and supportive housing” and to read as follows:

E. Transitional and supportive housing.

- 1. Considered a residential use.** In compliance with Government Code Section 65583(a)(5), transitional and supportive housing shall be considered residential uses of property, and the residents and operators of the housing shall be considered a family as this term is used in this Development Code in relation to the residential use of property.
- 2. Dwelling types.** For the purposes of this Subsection E (Transitional and supportive housing), the term dwelling includes one-family dwellings, two-family dwellings, multiple dwellings, accessory dwelling units, special care homes, agricultural employee housing, farmworker housing, caretaker units, mobilehomes, including mobilehomes located in mobilehome parks, and including units in stock cooperatives, community apartments, condominiums, townhouses, and planned unit developments.
- 3. Subject to same permit requirements and development standards.** Transitional housing 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) and the same development standards and occupancy restrictions as other dwellings of the same type in the same zone.
- 4. 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).

5. Allowable restrictions.

- a. Transitional and supportive housing shall comply with County ordinances, including restrictions on structure height, setbacks, lot dimensions, and placement of signs, as long as such restrictions are identical to those applied to other dwellings of the same type in the same zone.
- b. Supportive services provided onsite shall only serve residents of that particular housing project who are members of the target population.
- c. Pursuant to Government Code Section 65589.5(d), the County 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).

6. 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.

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

8. Processing.

- a. Transitional and supportive housing shall be considered residential uses and may be allowed in compliance with Division 35.2 (Montecito Zones and Allowable Land Uses) and Government Code Section 65583(a)(5). 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.
- b. If required, 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).
- 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 for the housing if the residential use has obtained the necessary Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).

SECTION 7:

DIVISION 35.10, Glossary, of Section 35-2, the MLUDC, 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 revise the definition of “Special Care Home” and add the following new definitions of “Supportive Housing,” “Target Population,” and “Transitional Housing” to read as follows:

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 as a "Group Home-Children,"

"Supportive Housing," "Transitional Housing Home, including substance abuse recovery," "Adult Residential Home," "Residential Care Facility for the Elderly or Handicapped," or "Foster Home."

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (See Government Code Section 65582(g).)

Target Population. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. (See Government Code Section 65582(i).)

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. (See Government Code Section 65582(j).)

SECTION 8:

All existing indices, section references, and figure and table numbers contained in Section 35-2, the MLUDC, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 9:

Except as amended by this Ordinance, Division 35.2 Montecito Zones and Allowable Land Uses, Division 35.4, Montecito Standards for Specific Land Uses and Division, and Division 35.10, Glossary, of Section 35-2, the MLUDC, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 10:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JOAN HARTMANN, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel