



BOARD OF SUPERVISORS **Agenda Number:**
AGENDA LETTER

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: January 9, 2018
Placement: Set Hearing for January 30, 2018
Estimated Time: 30 Minutes on January 30, 2018
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Directors: Glenn Russell, Ph.D., Director, Planning and Development
(805) 568-2085
Contact Info: Dan Klemann, Deputy Director, Long Range Planning Division
(805) 568-2072
SUBJECT: *Montecito Architectural Guidelines and Development Standards Limited Update, Phase II, First Supervisorial District*

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On January 9, 2018, staff recommends that the Board of Supervisors set a hearing for January 30, 2018, to consider the adoption of the *Montecito Architectural Guidelines and Development Standards Limited Update, Phase II*.

On January 30, 2018, staff recommends that the Board of Supervisors take the following actions:

- a) Make the findings for approval (Attachment 1), including California Environmental Quality Act (CEQA) findings;
- b) Determine that the project is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3) and 15265 (Attachment 2);
- c) Adopt a resolution (Attachment 3) amending the *Montecito Architectural Guidelines and Development Standards (Guidelines)*.
- d) Adopt an ordinance (Attachment 4) amending the Montecito Land Use and Development Code (MLUDC) (Case No. 17ORD-00000-00011), Section 35-2 of Chapter 35, Zoning, of the Santa Barbara County Code;
- e) Adopt an ordinance (Attachment 5) amending the Coastal Zoning Ordinance (CZO) (Case No. 17ORD-00000-00012), of Chapter 35, Zoning, of the Santa Barbara County Code; and

- f) Adopt a resolution (Attachment 6) authorizing staff to submit the amendments to the Santa Barbara County Local Coastal Program to the California Coastal Commission for review and certification.

Please provide direction and refer this item back to staff if the Board of Supervisors takes other than the recommended actions.

Summary Text:

At the direction of the Board of Supervisors, the Planning and Development Department has prepared, and is recommending approval of, limited amendments to the *Guidelines*, MLUDC, and CZO. The amendments will result in the clarification of several existing zoning regulations and limitations on the size and/or number of detached accessory buildings on residential lots in Montecito as follows:

1. Clarify the current building footprint limitation for unenclosed portions of detached accessory buildings (e.g., carports and covered patios) (MLUDC and CZO).
2. Limit the height of two-story combined detached accessory buildings in the Inland Area (MLUDC).
3. Clarify the current rear setback limit for detached accessory structures (MLUDC and CZO).
4. Limit the lot coverage of all buildings to 40 percent of the gross lot area (MLUDC and CZO).
5. Add guidelines to limit the floor area of detached accessory buildings (*Guidelines*).

“Accessory structures” are structures located on the same lot and customarily incidental and subordinate to the principal residence or other use. Accessory structures include buildings with roofs supported by columns or walls, which may be referred to as “accessory buildings.”

Many of the proposed amendments focus on accessory buildings. Accessory buildings (i.e., accessory structures with a solid, permanent roof, such as a garage or guest house) contribute to the size, bulk, and scale of development, whereas accessory structures that are not buildings (i.e., accessory structures without a solid, permanent roof, such as a pool or tennis court) typically have fewer visual impacts. However, the proposed amendments do not affect accessory dwelling units (ADUs), which will be addressed under a separate ordinance.

On October 18, 2017, the Montecito Planning Commission (MPC) held a public hearing and voted unanimously (4 to 0, Commissioner Senauer absent) to recommend approval of the proposed amendments with revisions. Please see the MPC staff report dated October 10, 2017, (Attachment 7) and the MPC action letter dated October 18, 2017, (Attachment 8) for additional information.

Background:

The *Guidelines*, MLUDC, and CZO do not regulate the total number or cumulative floor area of detached accessory buildings on residential lots in Montecito. The MLUDC and CZO contain standards that limit the size and height of individual detached accessory buildings, but some of these standards are unclear. As a result, some detached accessory buildings are relatively large and tall in comparison to surrounding development. This has led to community concerns regarding neighborhood

compatibility and the preservation of Montecito's semi-rural character. To address these concerns, the Board of Supervisors directed staff to consider new guidelines and/or zoning standards to limit the size and/or number of detached accessory buildings on residential lots in Montecito.

On May 10, 2017, the MPC received a staff briefing regarding detached accessory buildings and potential *Guidelines* and zoning ordinance amendments. The MPC provided initial comments and direction regarding the potential amendments, but did not take formal action on this matter. The MPC's comments and direction are included in the MPC marked agenda dated May 10, 2017 (Attachment 9).

Public outreach for Phase II included a public workshop at Westmont College (June 28, 2017), a meeting with members of the Montecito Association Land Use Committee (August 3, 2017), and four public meetings of the Montecito Board of Architectural Review (MBAR) (February 23, March 9, July 6, and August 10, 2017). Attachments 10, 11, 12, and 13 contain approved minutes of the February, March, July, and August MBAR meetings, respectively. Staff also placed display advertisements in regional newspapers, sent notices to various community organizations and individuals, and continuously updated a project webpage with hearing and meeting information.

On October 18, 2017, the MPC recommended approval of the proposed amendments with revisions for clarity and consistency. Two public comment letters were submitted to the MPC for the hearing (Attachment 14). The final proposed amendments are summarized below.

Proposed Amendments

1. Unenclosed Accessory Buildings

The MPC and staff recommend amending the zoning ordinances to clarify that the current 800 square-foot building footprint limitation for detached accessory structures (MLUDC Section 35.442.020.B.6 and CZO Section 35-210.2) applies to unenclosed accessory buildings (i.e., roofed buildings supported by columns or posts, such as a carport). Therefore, the proposed MLUDC and CZO amendments state that the building footprint includes "any fully enclosed, partially enclosed, or unenclosed portions of the accessory structure located beneath a solid roof or other permanent covering."

2. Height Limits

To clarify the height limit for two-story combined guesthouses, artist studios, and cabanas (MLUDC Section 35.442.120.F), the MPC and staff recommend limiting the height of two-story combined detached accessory buildings in the Inland Area to 25 feet.

3. Rear Setback Regulations

The zoning ordinances state that detached accessory structures that encroach into the rear setback cannot occupy greater than 30 percent of the rear setback area (MLUDC Section 35.442.020.B.4.a.3 and CZO Section 35-210.1). The proposed amendments clarify that the 30 percent limitation applies to the "cumulative footprint" of all accessory structures that encroach into the rear setback (rather than each, individual accessory structure that encroaches into the rear setback).

4. Lot Coverage

The proposed MLUDC and CZO amendments add a lot coverage regulation to limit the total gross floor area of all approved and proposed buildings to 40 percent of the gross lot area (MLUDC Section 35.442.020.B.6 and CZO Section 35-210.2). The MPC recommended revising the definition of “approved” in this regulation and throughout the proposed amendments. (See Attachment 8, Page 3.) To further clarify the meaning of “approved,” staff recommends the following changes to the MPC’s revisions (shown as underlined text below). These changes are reflected in the proposed *Guidelines*, MLUDC, and CZO amendments (Exhibit A of Attachment 3, Attachment 4, and Attachment 5, respectively).

. . . “approved” means that a valid land use entitlement exists for a detached accessory building or accessory dwelling unit, but the building or unit has not been constructed, or that construction of the detached accessory building or accessory dwelling unit has been legally completed. . . . [Underline = New Text]

5. Detached Accessory Building Floor Area

The MPC and staff recommend adding guidelines to limit the cumulative net floor area of detached accessory buildings. Accordingly, the proposed *Guidelines* amendments include a sliding scale that grants all lots a Detached Accessory Building Allowance (DAB Allowance) based on lot size – that is, the larger the lot, the greater the size and/or number of detached accessory buildings.

Accompanying *Guidelines* language generally requires any detached accessory building floor area in excess of the DAB Allowance to be added to the House Net Floor Area calculations. These guidelines give applicants the flexibility to develop larger or additional detached accessory buildings, provided that the house (primary residential building) is smaller than the Recommended Maximum House Net Floor Area.

Environmental Review:

The MPC recommended that your Board determine that the proposed amendments to the *Guidelines*, MLUDC, and CZO are exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3). Section 15061(b)(3) states that an activity is not subject to CEQA if there is no possibility of a significant effect on the environment. In addition, the proposed CZO and *Guidelines* amendments applicable to the Coastal Zone are exempt from environmental review pursuant to CEQA Guidelines Section 15265. This section exempts local government activities involving the preparation and adoption of local coastal program amendments from environmental review pursuant to CEQA. Please see the Notice of Exemption (Attachment 2) for additional details.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Phase II is budgeted in the Long Range Planning Budget Program on page D-286 of the Planning and Development Department’s Fiscal Year 2017-18. Due to the complexity of the proposed amendment language and the extent of public outreach required for Phase II, costs exceeded the original project budget (actual costs total approximately 700 hours and \$45,000). However, staff anticipates cost

savings from other projects will offset these expenditures. Therefore, staff is not requesting additional funding for the project.

Special Instructions:

The Planning and Development Department will fulfill all noticing requirements.

The Clerk of the Board shall provide a copy of the signed resolutions and ordinance amendments and the minute order to Planning and Development, attention: Jessi Steele.

Attachments:

1. Findings for Approval
2. Notice of Exemption
3. Resolution of the Board of Supervisors for Adoption of *Guidelines* Amendments
4. MLUDC Amendments
5. CZO Amendments
6. Resolution of the Board of Supervisors for CCC Submittal
7. MPC Staff Report (October 10, 2017)
8. MPC Action Letter (October 18, 2017)
9. MPC Marked Agenda (May 10, 2017)
10. MBAR Approved Minutes (February 23, 2017)
11. MBAR Approved Minutes (March 9, 2017)
12. MBAR Approved Minutes (July 6, 2017)
13. MBAR Approved Minutes (August 10, 2017)
14. Comment Letters to the MPC (2)

Authored by:

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