

PROPOSED ORDINANCE AND GUIDELINE REVISIONS TO IMPROVE
HILLSIDE DEVELOPMENT OUTCOMES

DRAFT – OCTOBER 1, 2009

A myriad of adopted County documents call for the preservation and protection of hillside areas by limiting development to that which is subordinate in appearance to the natural character of the land. For Montecito, this intent is spelled out in the Montecito Community Plan and implemented through the Montecito Land Use Development Code and the Montecito Architectural Guidelines and Development Standards.

While the intent of the applicable goals, policies, development standards, ordinances and guidelines is clear, design review and development approvals do not consistently result in development that meets the intent. With the continuing trend towards maximizing the gross square footage of development, we have seen designs that utilize large basement areas and tall plate heights. The trend toward large, habitable basements has resulted in more extensive grading and export of cut material, taller building elevations where basements daylight, and excessive alteration of natural landforms.

In order to address these undesired outcomes, we recommend that revisions be made to the Montecito Land Use Development Code and the Montecito Architectural Guidelines and Development Standards. Specific revisions are as follows:

A. Montecito Land Use Development Code:

1. Define height of a structure as the distance from finish or existing grade, whichever is lower.
2. Clarify the methodology for determining the height of structures located on 10 or more feet of fill with a return to the intent stated in the Montecito Community Plan.
3. Specify that the maximum 32' structural height on hillsides includes adjacent retaining walls.
4. Add 20' height limit for any elevation specified in the Architectural Guidelines and as required by the Hillside Overlay to the MLUDC.
5. Revise definition of 'basement' and add a definition of 'daylighted basement'.

B. Montecito Architectural Guidelines and Development Standards:

1. Revise the definition of 'floor area' for purposes of determining appropriate house size to include basement and daylighted basement areas with adequate height for habitable use.
2. Add definitions of 'basement' and 'daylighted basement'.

The proposed revisions are shown as marked changes in the attached pages.

We believe that implementation of these changes will help to ensure that development on Montecito hillsides is more in keeping with the original intent of the Montecito Community Plan and the Montecito Architectural Guidelines. It will also remove some incentives to grade excessively for the construction of basements and to lower pads to allow increased building height. In addition to these changes, strict application of existing policies that require the minimization of grading is essential.

Montecito Land Use Development Code

35.430.090 - Height Measurement, Exceptions and Limitations

A. Purpose. This Section describes the required methods for measuring the height of structures to determine compliance with the height limits established by this Development Code and provides exceptions to those height limits.

B. Height limit of structures. The height of each structure shall not exceed the applicable height limit established for the applicable zone by Division 35.2 (Montecito Zones and Allowable Land Uses) and/or other requirements of this Development Code, except as otherwise provided by this Section and this Development Code.

C. Height measurement. The following methodology shall be used to determine the height of a structure. Additionally, Subsection D. through Subsection I. below, provide or reference additional specific height measurement criteria and exemptions for specific types of development.

- 1. Height of structures.** The height of a structure shall be the vertical distance between the finish or existing grade, whichever is lower, and the uppermost point of the structure directly above that grade except as provided in Subsection C.1.a below. The height of any structure shall not exceed the applicable height limit except as provided in Subsection D. through Subsection I., below, see Figure 3-2 (Height Limit).

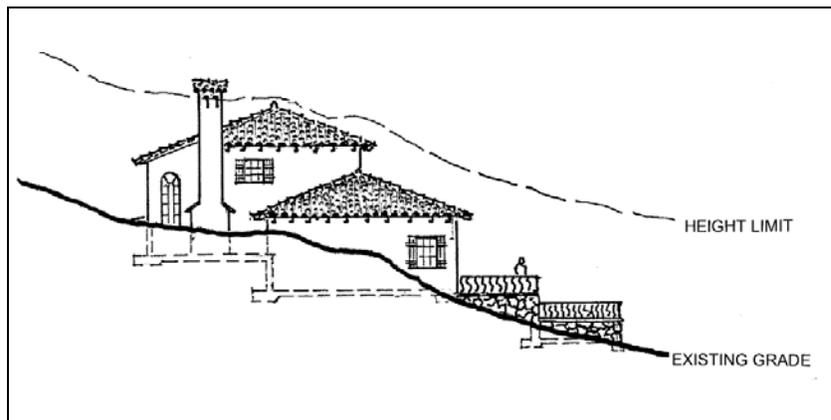


Figure 3-2 - Height Limit

a. Measurement from finished grade.

(1) Located on fill.

(a) Coastal Zone. For lots located within the Coastal Zone, where site preparation results in a maximum fill of 10 feet or greater, the height of a structure shall be the average vertical distance between the finished grade and the uppermost point of the structure directly above that grade if any portion of the structure is located above an area of the site where the finished grade is 10 feet or more above existing grade, measured at 20 foot intervals around the footprint of the structure.

(b) Inland area. For lots located within the Inland area that are zoned AG-I, R-1/E-1, R-2 or PRD, where site preparation results in a maximum fill of 10 feet or greater in height, the height of a structure shall be the average vertical distance between the finished grade and

~~the uppermost point of the structure directly above that grade for those portions of the structure, measured at 20 foot intervals around the footprint of the structure, located above an area of the site where the finished grade is 10 feet or more above the existing grade. {This will also require changes to the tables in Division 35-2, for example Table 2-10.}~~

- (2) **View corridor.** For lots located within the View Corridor (VC) Overlay, the height of a structure shall be the vertical distance between the average finished grade and the uppermost point of the structure directly above that grade.

2. Maximum height in ridgeline/hillside locations. In addition to the height limit applicable to a structure as described in Subsection C.1 (Height of structures) above, a structure subject to Chapter 35.452 (Montecito Ridgeline and Hillside Development) or Section 35.428.070 (Montecito Hillside Overlay Zone) shall comply with the following:

- a. The structure shall not exceed a maximum height of 32 feet as measured from the highest part of the structure, excluding chimneys, vents and noncommercial antennas, to the lowest point of the structure where an exterior wall or adjacent retaining 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, See Figure 3-3 (Maximum Height). For the purposes of this measurement, adjacent retaining wall shall mean any retaining wall over 3.5 feet in height within 25 feet of the perimeter of the structure to be measured.
- b. No elevation, including retaining walls adjacent to the structure, shall exceed an average height of 20 feet as measured at five-foot intervals from average finished grade to the top of the ridge of the highest gable roof, except as permitted under Subsection D.2.

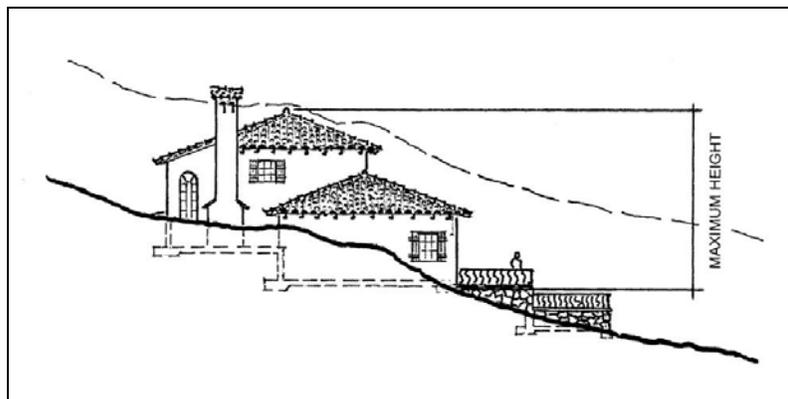


Figure 3-3 – Maximum Height
{needs to be edited to show height measured from bottom of retaining wall}

DIVISION 35.10 – Glossary (MLUDC)

Basement. A story located directly below a building above partly or wholly underground. A basement shall be counted as a story if its floor-to-ceiling height is 6.5 feet or more, and more than one-half of its height is above the average natural or finish grade, whichever is lower, measured along the perimeter of the portion with a 6.5 foot or greater floor to ceiling height.~~level of the adjoining ground surface.~~

Daylighted Basement. Basement area with 6.5 feet or more floor to ceiling height that has a 4 foot or greater exterior wall surface that is above grade, as measured from natural or finished grade, whichever is lower, on one or more sides.

Montecito Architectural Guidelines and Development Standards

III. Residential Architectural & Landscape Design Guidelines

B.3 Guidelines:

a. The floor area of a proposed house should be in scale with development on similar sized parcels in the immediate area. Table 1 shall serve as a reference for this purpose. A project with a floor area (size) substantially in excess of the floor area of the immediately surrounding properties will have the burden of demonstrating that the project cannot be viewed by surrounding property owners due to siting or that its spatial volume (mass, bulk and scale) when taken together with its lot size, setbacks and landscaping does not make it incompatible with similar surrounding properties. Floor area is defined as the total area of all floors of a building as measured to the interior surface of exterior walls, excluding attics, basements with a floor to ceiling height of less than 6.5 feet, basements¹ of any height intended for mechanical equipment but not to exceed 5% of the total gross floor area of the structure and unenclosed porches, balconies, decks, garages and attached garages of 800 square feet or less. For attached garages of greater than 800 square feet, the square footage in excess shall be included as part of the floor area of the structure. One-half of the floor area of a basement with a floor to ceiling height of 6.5 or more shall be included as part of the floor area of the structure. For daylighted basements², the first 800 square feet of floor area shall be included as part of the floor area of the structure. Daylighted basement floor area in excess of 800 square feet shall also have 50% of the excess area included in the floor area calculation.

Historic structures on parcels that have been further subdivided shall not be used for neighborhood compatibility comparisons.

IV. Hillside Guidelines and Development Standards

D. Size, Bulk and Scale Guidelines for Properties in the Montecito Hillside District {Same as language above}

¹ Basement. A story located directly below a building above partly or wholly underground. A basement shall be counted as a story if its floor-to-ceiling height is 6.5 feet or more, and more than one-half of its height is above the average natural or finish grade, whichever is lower, measured along the perimeter of the portion with a 6.5 foot or greater floor to ceiling height.

² Daylighted Basement. Basement area with 6.5 feet or more floor to ceiling height that has a 4 foot or greater exterior wall surface that is above grade, as measured from natural or finished grade, whichever is lower, on one or more sides.