

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585 - 1800



Th18d

DATE: August 18, 2016

TO: Commissioners and Interested Parties

FROM: Jack Ainsworth, Acting Executive Director
Steve Hudson, Deputy Director
Deanna Christensen, Supervising Coastal Program Analyst
Megan Sinkula, Coastal Program Analyst

SUBJECT: **County of Santa Barbara Minor LCP Amendment No. LCP-4-STB-16-0034-1** for Commission Action at its September 8, 2016 hearing in Newport Beach.

AMENDMENT DESCRIPTION

The County of Santa Barbara is requesting that the Commission certify an amendment to the County's Land Use Plan (LUP) and Implementation Plan/Coastal Zoning Ordinance (IP/CZO) portions of its certified Local Coastal Program (LCP). The LCP amendment includes modifications to the Montecito Architectural Guidelines and Development Standards and Coastal Zoning Ordinance applicable to the Montecito Community Plan area to reduce the height limit for hillside structures from 32 to 28 feet, incorporate basements and attached accessory structures into the definition and calculations of net floor area, clarify the height limitation for retaining walls, and make other minor corrections and language revisions.

MINOR LCP AMENDMENT DETERMINATION

Pursuant to Section 30514(c) of the Coastal Act and Section 13554(a) and (d) of the Commission's regulations, the Executive Director has determined the proposed amendment is "minor" in nature. Section 13554(a) of the Regulations provides that a minor amendment includes, but is not limited to, changes which make the use as designated in implementing actions more specific, changes that do not affect the kind, intensity, or density of use, and changes that are consistent with the certified LUP. Section 13554(c) of the Regulations further provides that a minor amendment may include changes such as corrections, reorganization, revisions, or deletion of certified language that does not change the kind, location, intensity or density of use or modify resource protection measures, and additions or revisions to certified policies which further restrict uses that may adversely affect coastal resources if the additions and/or revisions do not conflict with the Chapter 3 of the Coastal Act.

The County's proposed modifications include minor changes to existing language and procedures contained in the County's certified LUP and IP/CZO. The subject amendment request, submitted via County Board of Supervisors Resolution No. 16-129 (attached) and reflected in Ordinance No. 4969 (attached), represents changes to make implementing provisions more organized and specific and reduce the height of hillside development, which does not

change the kind, location, intensity or density of uses allowed. Further, the changes proposed in the subject amendment are consistent with the certified LUP and the requirements of Chapter 3 of the Coastal Act. Therefore, the proposed amendment is considered “minor” as defined under Section 13554 of the Commission’s regulations.

PROCEDURES

Pursuant to Section 13551(b) of Title 14 of the California Code of Regulations, a local government’s resolution for submittal of a proposed LCP amendment must indicate whether the local coastal program amendment will require formal local government adoption after Commission approval, or is an amendment that will take effect automatically upon the Commission’s approval pursuant to Public Resources Code Sections 30512, 30513 and 30519. In this case, the County has submitted the amendment as one that will take effect automatically upon approval by the Commission. If one third of the appointed members of the Commission requests, the determination of minor amendment shall not become effective and the amendment shall be processed in accordance with 14 CCR Section 13555(b).

PUBLIC NOTICE

Section 13555 of Title 14 of the California Code of Regulations requires the Executive Director to prepare a report describing the proposed amendment and providing notice of the Executive Director’s determination the amendment is of a “minor” nature. Section 13555 also requires the Executive Director to report to the Commission at the next meeting, his or her determination and objections to the determination, if any, that have been received within 10 working days. If one third of the appointed members of the Commission requests, the determination of minor amendment shall not become effective and the amendment shall be processed in accordance with Section 13555(b).

Notification of the proposed amendment will be mailed on August 22, 2016. The ten working-day objection period will therefore terminate on September 6, 2016. The Commission will be notified at the September 2016 meeting of any objections.

Also, Section 30503 of the Coastal Act requires that maximum opportunities for public input be provided in preparation, approval, certification and amendment of any LCP. The County held public hearings on the proposed ordinance changes on March 23, 2016 and May 17, 2016. The hearings were noticed to the public consistent with Section 13515 of Title 14 of the California Code of Regulations and the County provided evidence of the measures taken to provide notice of their hearings, consistent with Section 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

EXHIBIT A

ORDINANCE NO. 4969

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING DIVISION 7, GENERAL REGULATIONS, TO AMEND THE MAXIMUM HEIGHT APPLICABLE TO STRUCTURES SUBJECT TO THE RIDGELINE AND HILLSIDE DEVELOPMENT GUIDELINES WITHIN THE MONTECITO COMMUNITY PLAN AREA.

Case No. 16ORD-00000-00003

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning of the Santa Barbara County Code, is amended to amend Subsection 35-127.A.2 of Section 35-127, Height, to read as follows:

2. Maximum height limit.

- a. **In ridgeline/hillside locations outside the Montecito Community Plan Area, or within the Summerland Community Plan Urban Grid and Commercial Core areas.** In addition to the height limit applicable to a structure as described in Section 35-127.A.1, a structure subject to Section 35-144 (Ridgeline and Hillside Development Guidelines) located outside the Montecito Community Plan Area or located within the Summerland Community Plan Area Urban Grid and Commercial Core areas 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 intersects the finished grade or the existing grade, whichever is lower.
 - 1) 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.
 - 2) Except for structures located within the Summerland Community Plan Urban Grid and Commercial Core areas, this 32 foot limit may be increased by no more than three feet where the highest part of the structure is part of a roof element that exhibits a pitch of four in 12 (rise to run) or greater. See Figure 7-2 – Maximum Height.
- b. **Within the Montecito Community Plan Area.** In addition to the height limit applicable to a structure as described in Section 35-127.A.1, a structure subject to Section 35-144 (Ridgeline/Hillside Development Guidelines) located within the Montecito Community Plan Area shall not exceed a maximum height of 28 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 intersects the finished grade or the existing grade, whichever is lower.

- 1) 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 7-2 – Maximum Height.

SECTION 2:

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 3:

Except as amended by this Ordinance, Division 7 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 4:

This ordinance and any portion of this ordinance approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; 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. This ordinance shall apply to projects that have not received preliminary approval by the MBAR as of the effective date of this ordinance, except as otherwise required by State law.

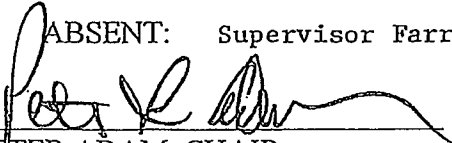
PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 17th day of May, 2016, by the following vote:

AYES: Supervisor Carbajal, Wolf, Adam, and Supervisor Lavagnano

NOES: None


ABSTAIN: None

ABSENT: Supervisor Farr


PETER ADAM, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

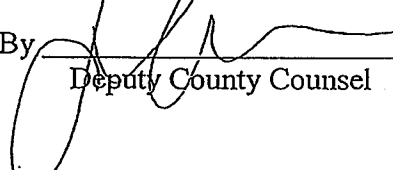
ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By  _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GILZZONI
COUNTY COUNSEL

By  _____
Deputy County Counsel

ATTACHMENT 3

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER ADOPTING SPECIFIC AMENDMENTS) RESOLUTION NO. 16- 129
TO THE MONTECITO ARCHITECTURAL GUIDELINES)
AND DEVELOPMENT STANDARDS)

WITH REFERENCE TO THE FOLLOWING:

- A. On May 16, 1995, by Resolution 95-245, the Board of Supervisors adopted the *Montecito Architectural Guidelines and Development Standards* to provide guidance on locally appropriate architectural and landscape design to ensure compatibility with the semi-rural character of Montecito.
- B. In June 2014, the Board of Supervisors directed staff to prepare a limited update of the *Montecito Architectural Guidelines and Development Standards* focusing on five specific issues, including amendments to the Montecito Land Use and Development Code and the Article II Coastal Zoning Ordinance, as necessary to improve guidelines addressing size, bulk, and scale, retaining walls, and height.
- C. From May 2015 to December 2015, staff solicited input from the public and community at two meetings of the Montecito Association Land Use Committee and a public workshop.
- D. From May 2015 to February 2016, the Montecito Board of Architectural Review held five hearings to advise staff on the preparation of the limited update of the *Montecito Architectural Guidelines and Development Standards* and review draft recommended amendments.
- E. Citizens, California Native American Indian tribes, public agencies, and civic, education, and other community groups have been provided opportunities to be involved in the preparation of the limited update of the *Montecito Architectural Guidelines and Development Standards* in duly noticed public hearings and meetings.
- F. The Montecito Planning Commission has held a duly noticed public hearing on the proposed amendments, at which hearings the amendments were explained and comments invited from the persons in attendance.
- G. The Montecito Planning Commission, after holding a duly noticed public hearing on the above described amendments, endorsed and transmitted to the Board of Supervisors said recommended amendments by resolution.
- H. The Board of Supervisors received and considered the Montecito Planning Commission's recommended actions and held a duly noticed public hearing on the proposed amendments

at which hearing the amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. The Board of Supervisors now finds, consistent with its authority in Government Code Section 65358, that it is in the public interest to provide orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County to adopt amendments to the *Montecito Architectural Guidelines and Development Standards* as provided in Exhibit 1 (underline = new text; ~~strikethrough~~ = deleted text).
3. Inland Area: This resolution and the amendments to the *Montecito Architectural Guidelines and Development Standards* shall take effect and be in force 30 days from the date of its passage. The amendments to the *Montecito Architectural Guidelines and Development Standards* shall apply to projects that have not received preliminary approval by the MBAR as of the effective date this resolution, except as otherwise required by State law.
4. Coastal Zone: This resolution and the amendments to the *Montecito Architectural Guidelines and Development Standards* and any portion of this resolution approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later. The amendments to the *Montecito Architectural Guidelines and Development Standards* shall apply to projects that have not received preliminary approval by the MBAR as of the effective date of this resolution, except as otherwise required by State law.
5. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all documents and other materials in accordance with this Resolution to reflect the above described action by the Board.

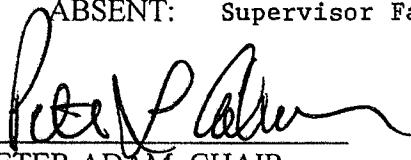
PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 17th day of May, 2016, by the following vote:

AYES: Supervisor Carbajal, Supervisor Wolf, Supervisor Adam, and
Supervisor Lavagnino

NOES: None


ABSTAIN: None

ABSENT: Supervisor Farr



PETER ADAM, CHAIR
BOARD OF SUPERVISORS
ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By 
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

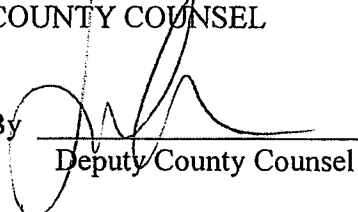
By 
Deputy County Counsel

EXHIBIT:

1. *Montecito Architectural Guidelines and Development Standards* with amendments