



The voice of our community

## Land Use Committee Meeting

March 7, 2017 – 4:00 PM

1469 East Valley Road

### MINUTES

**Present:** Hayman, Eidelson, van Duinwyk, Gray, Bridley, Emmens, Bolley, Lee

**Absent:** Thielscher, Blue

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**I. Call to Order**

**II. Approval of Minutes, February 7, 2017** – MSC, Bridley/Emmens, unanimous (Lee and Gray abstained).

**III. Public Comment for Items not on Agenda** - None

**IV. Conference Agenda Items**

- A. Receive a Presentation Regarding SB 1069 The Accessory Dwelling Unit Law - Deborah Schwartz, Mesa Consulting, presented information on recently adopted State laws easing the approval process for second residential units. Until a new local ordinance is adopted, the State law applies. The law, effective January 1, 2017, provides for ministerial approval of attached or detached units regardless of lot size, no more than 120 days for a decision and loosened requirements related to parking and public services. The County is moving to adopt an ordinance, with Montecito Planning Commission (MPC) consideration on March 22. Ms. Schwartz presentation is attached to these minutes.
- B. Consider Comments to the Montecito Planning Commission Regarding Proposed Accessory Dwelling Units Ordinance Amendment – Greene provided a description of the current ordinance provisions governing second units. Montecito is likely to see conversion of existing accessory structures (guest houses, cabanas and artist's studios) to second/accessory units. The new State law is restrictive but provides discretion to local government in several areas. Greene suggests that we ask the MPC to include a requirement for owner occupancy, minimum 30 day rental period and a maximum unit size of 800 square feet. General concerns were expressed questioning the State's ability to set these mandates and regarding the level of discretion for special districts. A suggestion was made to contact the special districts to find out how they plan to respond. Also there was concern that units would be used for vacation rental; the Committee discussed a longer minimum rental term to be consistent with the policy of SB 1069 to provide more housing. Bridley made a motion that the Committee draft letter to the MPC for consideration

by the Board stating that: a) We do not support the direction of legislation; b) Any County ordinance should include provisions that the property on which the accessory dwelling unit (ADU) is located be owner occupied with a minimum 180-day rental term; specifying that an ADU or guest house, but not both, may be located on a parcel; and that the size of an ADU be limited to 800 square feet; and c) County consider constraints under the MGMO and constraints at Districts in ordinance adoption. Van Duinwyk seconded the motion with the suggestion that the letter address the need for any ordinance to be enforceable. MSC, unanimous. Bridley agreed to assist in research and monitoring of this issue as it develops.

- C. Phase II Architectural Guidelines Recommendations: P&D Staff Response - Hayman described the materials distributed to the committee. These include the County's response to our proposed discussion items (attached). The committee took motions on the individual items as follows: 1) Paragraph A: Will remain as there is agreement; Paragraph B: MSC to continue to advocate for changing the garage exclusion, Bollay/van Duinwyk, unanimous (Lee abstained). Para C: LUC was in agreement with staff; Para D: MSC to advocate for an additional finding that if the height of an accessory structure exceeds 12 feet, the structure is diminutive to the primary structure (instead of an ordinance change to height limit), Bollay/van Duinwyk 6-2 (Gray and Eidelson opposed). Para E and F: LUC was in agreement to drop these from consideration; Para H: MSC to endorse a lot coverage limit as a guideline amendment (not ordinance) Bridley/Bollay, unanimous: Para G: Motion to accept P&D response to exclude height limit changes, MSC Hayman/Emmens, unanimous.

Hayman shared proposed Guidelines introduction language and further revisions from today's subcommittee discussion. There was concurrence to include Item 10. MSC Bollay/van Duinwyk to submit preamble to County as modified, unanimous.

- D. Short Term Rental Ordinance Status – Hayman introduced letter by Weinheimer addressing the inconsistency between an allowance for short term rentals in Montecito and Montecito Community Plan and existing zoning ordinance provisions. Hayman suggests that the Association write to the Board of Supervisors with an endorsement of the Weinheimer letter. MSC Bridley/Bollay, unanimous (Lee abstained).

## **V. Committee/Staff Member Reports**

- A. Channel Drive Walking Path - Discuss Next Steps – This item will be discussed next month due to time limitations and the absence of interested individuals.
- B. East Valley Road Pedestrian Safety Projects – Continued to April
- C. Montecito Board of Architectural Review – No report
- D. Montecito Planning Commission – Greene reported on MPC action on the P&D Work Program. They declined to add tree protection to the program.

## **VI. Planning Commission Items –March 22, 2017**

- A. Casa Dorinda Open Space Management Plan – The MPC will be providing comments. The report has been peer reviewed by P&D staff, agencies and a consultant to the

neighbors. Greene has reviewed and believes the document addresses the appropriate points.

B. Accessory Dwelling Units Ordinance Amendment

**VII. Old Business** – Bridley suggested that LUC meetings start earlier. It was agreed that this would make community participation more difficult.

**VIII. New Business** - None

**IX. Adjournment** – The meeting was adjourned at 6:15 pm

Next meeting April 4, 2017

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