



COUNTY OF SANTA BARBARA

Planning and Development

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# Hardship Exemption

**HARDSHIP EXEMPTION APPLICATION (MIS) - Exemption Request Under Growth Management Ordinance No. 3916, Montecito, Section 9.3 Category C - Hardship**

**This is the application packet for hardship exemptions under the Montecito Growth Management Ordinance.**

## THIS PACKAGE CONTAINS

- ✓ **Submittal Requirements and Details**
- ✓ **Application**

## AND, IF ✓'D, ALSO CONTAINS

**Agreement For Payment Of Processing Fees**

[Click to download Agreement to Pay form](#)

**South County Office**  
123 E. Anapamu Street  
Santa Barbara, CA 93101  
Phone: (805) 568-2000  
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Property owners wishing to apply for a hardship exemption must complete questions 1 through 10 in Part I, questions 1 through 5 in Part II and the Declaration of Truthfulness of the information submitted. **Please review the application carefully, as it requires the compilation of very specific information.** When the application is complete and ready to be submitted to the Planning & Development Department, it must be accompanied by **all** of the documents specified in Part II.

**If, during the completion of any part of this application, you do not understand a question or are unsure about how to answer one, please call 568-2000 for assistance.**

The following is a brief description of the annual process relating to hardship exemptions (see Attachment 1(p. 10) - "Rules Of Procedure" for a more detailed description):

<u>Time Period</u>	<u>Action</u>
<u>By June 15 or By December 15</u>	Property owner has made a good faith effort to obtain an allocation under the Growth Management Ordinance.
From June 16 until August 1 <b>or</b> From December 16 until February 1	Property owner prepares and submits application for hardship exemption along with all required documentation. Applicant pays processing fees.
<u>By October 15 or By April 15</u>	Zoning Administrator holds hearing(s) to consider hardship exemption requests. Zoning Administrator makes determination and notifies applicants. Decision of Zoning Administrator is final.
Until October 30 <b>or</b> Until May 1	Applicant may re-apply for bi-annual point allocation if hardship is denied.

Applicants who participated in the Interim Ordinance No. 3763 lottery may apply for a hardship exemption at any time.



PLANNING & DEVELOPMENT
PERMIT APPLICATION

SITE ADDRESS: \_\_\_\_\_

ASSESSOR PARCEL NUMBER: \_\_\_\_\_

PARCEL SIZE (acres/sq.ft.): Gross \_\_\_\_\_ Net \_\_\_\_\_

ZONING: \_\_\_\_\_

COMPREHENSIVE/COASTAL PLAN DESIGNATION: \_\_\_\_\_

1. Financially Responsible Person \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

(For this project)

Mailing Address: \_\_\_\_\_

Street City State Zip

2. Owner: \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ E-mail: \_\_\_\_\_

Street City State Zip

3. Agent: \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ E-mail: \_\_\_\_\_

Street City State Zip

4. Arch./Designer: \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ State/Reg Lic# \_\_\_\_\_

Street City State Zip

5. Engineer/Surveyor: \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ State/Reg Lic# \_\_\_\_\_

Street City State Zip

6. Contractor: \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ State/Reg Lic# \_\_\_\_\_

Street City State Zip

I hereby certify to the best of my knowledge, the information contained in this application and all attached materials are correct, true and complete.

Signature

Print name/date

\*\*\*\*\*

COUNTY USE ONLY

Case Number: \_\_\_\_\_ Submittal Date: \_\_\_\_\_ Supervisorial District: \_\_\_\_\_

Applicable Zoning Ordinance: \_\_\_\_\_ Project Planner: \_\_\_\_\_

Submittal Documents Complete?: \_\_\_\_\_ Yes/Date: \_\_\_\_\_ No/Date \_\_\_\_\_

Exemption Approved: Exemption # \_\_\_\_\_ Date Issued \_\_\_\_\_

Exemption Denied (Attach Findings): \_\_\_\_\_ Date \_\_\_\_\_

**PART II – ELIGIBILITY INFORMATION/APPLICATION WORKSHEET**

This part of the application packet describes the eligibility criteria for the hardship exemption and requests specific information from the applicant/owner.

*Be sure to respond to all questions and provide all of the information requested. Applications submitted without this information will be considered incomplete and this may delay the determination of a hardship.*

In addition to the information requested in this application packet, the County will review resource criteria contained in the most recently-submitted Application for Bi-Annual Land Use Allocation in making hardship determinations.

\*\*\*\*\*

**Eligibility Criteria. Category C hardship exemptions may only be approved in cases where all of the following (1-5) apply.** The following requirements are excerpted from Ordinance 3916; refer to Attachment 1 (p. 10) for Rules of Procedure and definitions and Attachment 2 (p. 14) for complete ordinance language.

**HARDSHIP CATEGORY SECTION 9.3.1:**

- 1. **The application is for a Single Family Residence which will be occupied as the applicant's/owner's primary residence** (for definition, see Attachment 1, p. 10), (Ord. No. 3916, Section 9.3.1).

*The following must be attached to this application (see Attachment 3 (p. 16)):*

\_\_\_\_\_ *Notarized Declaration of Owner Occupancy or other notarized written statement from the applicant(s) declaring that it is his/her intention to occupy the dwelling as his/her primary residence for a minimum of two (2) years and that he/she will not maintain any other primary residence. If the applicant(s) owns his/her present residence, the statement must also indicate what the applicant(s) intends to do with his/her present residence.*

**HARDSHIP CATEGORY SECTION 9.3.2:**

- 2. **The applicant(s)/owner(s) is not entitled to any other exemption enumerated in Ordinance 3916** (Section 9.3.2). To satisfy this requirement, the proposed dwelling unit cannot be eligible for a "Category A - General Exemption" or a "Category B - Affordable Housing Exemption" (see Attachment 4 (p. 17) for a description of these two Categories).

*Indicate with a "Yes" or a "No" if you are eligible for the following:*

\_\_\_\_\_ *Category A - General Exemption.*

\_\_\_\_\_ *Category B - Affordable Housing Exemption.*

*If you answered "Yes" to either of the above, you are not eligible for a hardship exemption.*

HARDSHIP CATEGORY SECTION 9.3.3:

3(a). **The applicant(s)/owner(s) applied for and made a good faith effort to compete with the maximum number of points possible, but failed to receive an allocation under Ordinance 3916 in the allocation period immediately preceding the request for hardship exemption** (Section 9.3.3).

A good faith effort is an obligation to apply for and submit the required information for all of the points relevant to your property.

Indicate with a "Yes", "No", or a "N/A" if the following is true:

\_\_\_\_\_ Applied for, but did not receive an allocation during the most recent point allocation process under Ordinance 3916.

If you answered "No" or "N/A", you are not eligible for a hardship exemption, unless 3(b) below applies to you.

**OR,**

3(b). **The applicant(s)/owner(s) participated in the Interim Ordinance 3763 lottery process (pursuant to Section 3.c of Ordinance 3763), but failed to receive an allocation** (Section 9.3.3 of Ord. No. 3916).

Indicate with a "Yes", "No", or a "N/A" if the following is true:

\_\_\_\_\_ Participated in the Interim Ordinance 3763 Lottery, but did not receive an allocation.

If you answered "No" or "N/A" to both 3(a) and 3(b), you are not eligible for a hardship exemption.

HARDSHIP CATEGORY SECTION 9.3.4:

4. **Strict application of Ordinance 3916 will cause a substantial and irrevocable interference** (see definitions, Attachment 1, p. 10) **with the applicant's/owner's good faith, reasonable investment backed expectations** (Section 9.3.4). To substantiate this finding, you must be able to demonstrate an irreversible loss of your ability to build a primary residence due to the delay imposed by Ordinance 3916 and a loss of your net worth. You must substantiate how you would be affected by being denied a permit to build at this point in time and why this loss would be irrevocable. You must show how, by being denied a hardship exemption, you could never realize a primary residence or you could lose your property.

4.1 **Purchase of the subject property on or after April 4, 1989 shall not be deemed to provide the basis for a reasonable expectation of development** (Section 9.3.4.1). Thus, if you purchased your property after April 4, 1989, you are not eligible for a hardship exemption.

Provide the following:

\* Date you purchased the property: \_\_\_\_\_

\* One of the following must be attached to this application:

\_\_\_\_\_ HUD-1 Escrow Settlement Statement

\_\_\_\_\_ Grant Deed

\_\_\_\_\_ Other (describe attached document which substantiates property purchase date):

\_\_\_\_\_

If no supporting documentation is attached, a hardship determination cannot be made.

4.2 **Historic cash investment and carrying costs may be considered but shall not be determinative of entitlement to a hardship exemption** (Section 9.3.4.2). Factors which may be considered are the purchase price and outstanding indebtedness.

*Provide the following:*

\* *Property purchase price: \$\_\_\_\_\_*

\* *One of the following must be attached to this application:*

\_\_\_\_\_ *HUD-1 Escrow Settlement Statement*

\_\_\_\_\_ *Santa Barbara County Supplemental Assessment Notice or Supplemental Tax Statement*

\_\_\_\_\_ *Other (describe attached document(s) that substantiate 4.2(a) or 4.2(b) below):*

\_\_\_\_\_

\* *All of the following would be helpful to substantiate a finding of financial hardship; however, the information submitted may be a matter of public record and, therefore, is submitted at the applicant's/owner's discretion:*

\_\_\_\_\_ *Federal tax returns for the previous two years*

\_\_\_\_\_ *State tax returns for the previous two years*

\_\_\_\_\_ *Financial Statement (see definitions, Attachment 1, p. 10) signed by a Certified Public Accountant, Accountant, or by the applicant/individual who prepared the Statement*

\_\_\_\_\_ *A signed statement from an officer of a financial lending institution attesting to the fact that, by being denied a hardship allocation, the applicant(s)/owner(s) will suffer a substantial and irrevocable interference with their good faith, reasonable investment backed expectations*

*If no supporting documentation is attached, it may hinder the ability of P&D staff to make a hardship determination.*

4.2(a) **Description of Financial Hardship.** To meet the requirements of Section 9.3.4, documentation must be provided which establishes the value of the property. A written statement by the applicant(s)/owner(s) (with supporting documentation) must also be attached describing **why a delay in receiving a permit to build the proposed dwelling at this point in time will cause a substantial and irrevocable interference with the owner's good faith, reasonable investment backed expectations.** You must show how, by being denied a hardship exemption, you could never realize a primary residence or you could lose your property.

The applicant should submit information regarding historic cash investment and carrying costs, including, but not limited to documentation of: value of the parcel in relation to other assets, other real estate holdings, financial impact of delayed development, the location and value of the current primary residence, the purchase date and rental history of the current primary residence, etc.

*Provide the following:*

\* *Appraised value: \$ \_\_\_\_\_*

\* *Date of Appraisal: \_\_\_\_\_*

\* *The following must be attached to this application:*

\_\_\_\_\_ *Current property appraisal (Appraisal must be recent, within 60 days)*

\_\_\_\_\_ *A detailed written statement by the applicant(s)/owner(s), with supporting documentation, as appropriate, describing the financial hardship.*

*If no supporting documentation is attached, a hardship determination cannot be made.*

4.2(b) **Description of other hardship, if applicable, to support the requirements of Section 9.3.4.** A detailed written statement by the applicant(s)/owner(s) may also be provided describing how a personal, health-related or other unanticipated unusual circumstance will cause a substantial and irrevocable interference with the applicant's/owner's good faith, reasonable investment backed expectations.

*Provide the following, if applicable, to support the requirements of Section 9.3.4:*

\_\_\_\_\_ *A detailed written statement by the applicant(s)/owner(s) describing a personal or other type of hardship.*

HARDSHIP CATEGORY SECTION 9.3.5:

5. **The grant of the exemption shall not impair the purpose and intent of Ordinance 3916. This finding shall not be made unless the applicant(s)/owner(s) demonstrates that the dwelling will not measurably cause or exacerbate service and resource constraints enumerated in Ordinance 3916 and analyzed in the EIR.** The resources and services are set forth on pages 3 and 4 of Ordinance 3916 and are analyzed in the Montecito Community Plan Update, Phase I, Final EIR. They include the following four resource criteria:
- o Water Use
  - o Traffic
  - o Fire Protection
  - o Sewage Disposal (Sanitary District or Septic Systems)

In addition to the Application for Bi-Annual Land Use Allocation, Planning & Development Department staff will consider other information submitted by the applicant(s)/owner(s) which describes how the property may now be eligible for resource points which were not previously awarded.

For those applicant(s)/owner(s) applying for a hardship exemption who participated in the Interim Ordinance 3763 lottery, you must complete the information requested in Attachment 5 (p. 19) to satisfy the finding that the dwelling will not measurably cause or exacerbate the four service and resource constraints listed above.



**DECLARATION OF TRUTHFULNESS OF INFORMATION SUBMITTED**

I/we, \_\_\_\_\_ declare as follows:

The undersigned specifically declares that: (1) if allocated a unit by the County, it will be my/our primary residence; (2) it is my/our intention to reside in this primary residence for a minimum of two (2) years from the date of the certificate of occupancy; (3) all statements made in this application are made for the purpose of obtaining the dwelling unit permit allocation indicated herein; (4) verification of any information contained in this application may be made by the County of Santa Barbara or its agents and the application will be retained by the County, even if the hardship allocation is not awarded; (5) the County will rely on the information contained in this application and I/we have an obligation to amend this information if any of the material facts which I/we have represented herein should change prior to the hardship determination; and (6) I/we understand that residence in the unit for two (2) years from the date of the certificate of occupancy and its use as a primary residence are facts which are material to my obtaining a hardship exemption.

I declare under penalty of perjury that the foregoing information on this hardship exemption application is true and correct as of the date set forth. I/we acknowledge that any intentional or negligent misrepresentation(s) of the information contained in this application may result in rescission of my/our allocation.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

at \_\_\_\_\_, California.  
Location

Applicant's signature(s) \_\_\_\_\_

\_\_\_\_\_

**ATTACHMENT 1**  
**APPLICATION FOR HARDSHIP EXEMPTION – RULES OF PROCEDURE**

These Rules of Procedure are established pursuant to County Code Section 2-31 and Section 9.3.9 of Ordinance 3916.

1. Purpose. Pursuant to Section 9.3, the Zoning Administrator or his/her designee shall make determinations regarding applications for hardship exemptions. The designee shall be at the Deputy Director level or above within the Planning & Development Department.
2. Date, Place and Time of Hearings. The Zoning Administrator shall hold at least one public hearing before October 15 or before April 15 of each year to consider applications for hardship exemptions in the Planning Commission hearing room on a specific date and time to be established by the Zoning Administrator.
3. Noticing. Hearings shall be noticed in accordance with Santa Barbara County Code, Montecito Land Use Development Code (LUDC), Chapter 35.496.
4. Definitions. The following definitions shall pertain to the determination of a hardship exemption:
  - a. Primary Residence: A building or portions thereof designed for and occupied as the principal and permanent home of one family and its guests.
  - b. Irrevocable Interference: Failure to obtain a hardship exemption at this point in time would result in an irreversible loss of your ability to build your primary residence and a loss of your net worth. Requires substantiation of how you would be affected by being denied a permit to build, why this would be irrevocable, why you could never realize a primary residence and/or how you could lose your property.
  - c. Good Faith Effort to Compete. An obligation to apply for and submit the required information for all of the points relevant to your property in the Bi-annual Point Allocation process.
  - d. Financial Statement. A compilation of the applicant(s)/owner(s) total net worth, including, but not limited to: assets/liabilities, income/expenses, etc. in the form of a balance sheet. It must be signed by the person who prepared the Statement.

5. Application for Hardship Exemption. Each property owner wishing to apply for a hardship exemption shall be required to complete and file the application prepared for this purpose with the Planning & Development Department.
- a. To be eligible for the hardship exemption, you must have received the points available in all of the following resource categories: 7.2.2-WATER USE; 7.2.3-TRAFFIC; 7.2.5-FIRE PROTECTION; and 7.2.12-SANITARY DISTRICT or 7.2.13-SEPTIC SYSTEMS in the Application for Bi-Annual Land Use Allocation. The Zoning Administrator or his/her designee will consider additional information submitted by the applicant(s)/owner(s) which describes how the property may now be eligible for resource points which were not previously awarded.
  - b. If you participated in the Ordinance 3763 lottery, but did not receive an allocation, to be eligible for the hardship exemption, you must satisfy the resource criteria requirements for WATER USE, TRAFFIC, FIRE PROTECTION, and SANITARY DISTRICT or SEPTIC SYSTEMS contained in Attachment 5 (p. 19). Interim Ordinance 3763 lottery participants may apply for a hardship exemption at any time.
  - c. All instructions, explanations, conditions and decision-making guidelines contained in the hardship determination application packet shall apply in determining the completeness of the application and considering the applicant's/owner's request.
  - d. All eligibility and procedural requirements set forth in the ordinance shall apply in determining the completeness of the application and considering the applicant's/owner's request.
  - e. The Zoning Administrator or his/her designee shall notify the applicant(s)/owner(s) of incomplete applications within 30 days of receipt.
  - f. For the applicant(s)/owner(s) who unsuccessfully competed in the December point allocation, completed applications for a hardship exemption must be filed with the Planning & Development Department on or before February 1. For the applicant(s)/owner(s) who unsuccessfully competed in the June point allocation, completed applications for a hardship exemption must be filed with the Planning & Development Department on or before August 1.
  - g. Pursuant to Section 9.3.8, a filing fee in an amount established by the Planning & Development Department shall be required at the time the application is submitted.
  - h. Verification of any information contained in the application may be made by the County of Santa Barbara or its agents and the application will be retained by the County, even if the hardship allocation is not awarded.
  - i. The County will rely on the information contained in the application and the applicant(s)/owner(s) has an obligation to amend this information if any of the material facts which he/she has represented should change prior to the hardship determination. Any intentional or negligent misrepresentation(s) of the information contained in the application may result in rescission of the hardship allocation.
  - j. The applicant(s)/owner(s) must demonstrate an intention to occupy the dwelling as his/her primary residence for a minimum of two (2) years from the date of the certificate of occupancy and that he/she will not maintain any other primary residence. Failure to comply with the primary residency requirement could result in rescission of the hardship allocation. Rescission of the hardship allocation will require a noticed public hearing before the Zoning Administrator.

6. Evidence to be Considered. All facts in evidence considered by the Zoning Administrator or his/her designee shall be set forth in the application for hardship determination filed by the applicant(s)/owner(s), and for those projects which went through the point allocation process, in those files. This evidence may be a matter of public record.
7. Findings. In order to approve an application for hardship exemption, the Zoning Administrator or his/her designee shall be required to make written findings as identified in the application for hardship exemption available from the Planning & Development Department.
8. Authority of the Zoning Administrator. Pursuant to Section 9.3.7, decisions of the Zoning Administrator or his/her designee shall be the final decision of the County.
9. Expiration of Hardship Exemption. An allocation based on hardship shall expire one year from the date of issuance, if the residence for which the hardship was issued has not commenced construction or the residence has not been established. Prior to the expiration of such one-year period, the Director of the Planning & Development Department may extend such period for good cause shown.
10. Property Transfer. An allocation to obtain a land use permit/coastal development permit, based on hardship pursuant to Section 9.3.6, shall automatically expire upon transfer of the property up to the point of obtaining a Building Permit. Subsequent to the Building Permit stage, the County shall consider whether or not the hardship allocation should remain in effect, based on the facts submitted by the applicant(s)/owner(s).
11. Reporting. Ordinance 3916 shall be reviewed for possible amendments by the Board of Supervisors at least once every five (5) years to account for changes in resource and service availability. Periodic resource and infrastructure constraint reports may cause the Board to reduce the annual permit allocation. If greater than 19 total units are allocated from the three (3) classes of exemptions in any one year, the Planning & Development Department will prepare a special resources and services status report to the Board of Supervisors, whereupon, the Board may modify the current annual permit allocation of 19 units, based on the findings of the status report and for good cause shown.

**ATTACHMENT 2**  
**SECTION 35B-9: EXEMPTIONS (TEXT OF ORDINANCE 3916)**

**9.3 Category C: Hardship.**

A hardship exemption may be issued by the Zoning Administrator or his/her designee, upon notice and hearing, if **all** of the following findings can be made:

- 9.3.1 The application is for a Single Family Residence which will be occupied as the primary residence of the applicant.
- 9.3.2 The applicant is not entitled to any other exemption enumerated in the ordinance.
- 9.3.3 The applicant has either applied for and made a good faith effort to compete with the maximum number of points possible, but failed to receive an allocation under the ordinance in the allocation period immediately preceding the request for exemption, or participated in the Interim Ordinance 3763 lottery process pursuant to Section 3.c., but failed to receive an allocation.
- 9.3.4 Strict application of the ordinance will cause a substantial and irrevocable interference with owner's good faith, reasonable investment backed expectations.
- 9.3.4.1 For purposes of this subsection, purchase of the subject property on or after April 4, 1989 shall not be deemed to provide the basis for a reasonable expectation of development.
- 9.3.4.2 For purposes of this subsection, historic cash investment and carrying costs may be considered but shall not be determinative of entitlement to a hardship exemption. Factors which may be considered include, but are not limited to: date of purchase, purchase price, value of parcel in relation to other assets, financial impact of delayed development, location and value of current primary residence, purchase date and rental history of current primary residence, other real estate holdings, unanticipated unusual circumstances creating hardship, health considerations, household size.
- 9.3.5 The grant of the exemption shall not impair the purpose and intent of the ordinance. This finding shall not be made unless the applicant demonstrates that the dwelling will not measurably cause or exacerbate service and resource constraints enumerated in this ordinance and analyzed in the EIR.
- 9.3.6 An allocation based on hardship pursuant to this section shall automatically expire upon transfer of the property.
- 9.3.7 Decisions of the Zoning Administrator or his/her designee shall be the final decision of the County, notwithstanding the provisions of Chapter 35.102 of the County Code.
- 9.3.8 Applicant shall deposit fees to cover the costs of processing the exemption application pursuant to a schedule established by Planning & Development Department.
- 9.3.9 The Zoning Administrator shall establish rules of procedure pursuant to County Code Section 2-31.

**ATTACHMENT 3**

**DECLARATION OF OWNER OCCUPANCY**

I/we, \_\_\_\_\_, declare as follows:  
print name

1. I/we have applied for a Hardship Exemption under the Montecito Growth Management Ordinance (Ordinance No. 3916) for the following property (list address):  
\_\_\_\_\_
2. Once constructed, this will serve as my/our primary residence. I/we do not intend to maintain any other primary residence. I/we intend to live in this primary residence for a minimum of two (2) years.
3. (Complete this line if the applicant owns his/her current residence). Once the proposed residence is complete, I/we intend to do the following with my/our current residence:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Executed on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ California.

I/we declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

State of California

For Notary Seal or Stamp

County of \_\_\_\_\_

On \_\_\_\_\_ before me, the under-signed,  
a Notary Public in and for said County and State,  
personally appeared \_\_\_\_\_

\_\_\_\_\_  
proved to me on the basis of satisfactory  
evidence to be the person(s) whose name(s)  
subscribed to the within instrument and acknowledged  
that \_\_\_\_\_  
executed the same.

\_\_\_\_\_  
Signature of Notary

**ATTACHMENT 4**  
**STAFF CHECKLIST – ELIGIBILITY FOR EXEMPTIONS A AND B**  
**UNDER THE MONTECITO GROWTH MANAGEMENT ORDINANCE**

Applicant Name: \_\_\_\_\_

Project Location: \_\_\_\_\_

Category A Exemptions

**The proposed dwelling does not qualify for exemptions available to the following types of projects under Section 9.1** (Category A: Projects which are exempt from all provisions of the Montecito Growth Management Ordinance):

- 9.1.1 Any second residential dwelling unit located in a single family zone district, which provides complete independent living facilities for one or more persons pursuant to Section 35.442.110, Santa Barbara County Zoning Ordinance, Montecito Land Use Development Code (LUDC), and Section 35-142, Article II.
- 9.1.2 Facilities for supervised seniors and/or handicapped persons, or group quarters.
- 9.1.3 Reconstruction or replacement of permitted or legal nonconforming units consistent with the nonconforming use or structure provisions of Article II and Montecito Land Use Development Code (LUDC).
- 9.1.4 Units subject to an approved and recorded phasing agreement under Section 2.h. of Interim Ordinance 3763.
- 9.1.5 Condominium Conversions of existing units.
- 9.1.6 Permittable structures inhabited as a dwelling unit and not requiring a land division, documented to exist prior to August 3, 1990.
- 9.1.7 Projects with final Board of Architectural Review approval as of the effective date of this ordinance (3/12/91). Projects under appeal of a Board of Architectural Review decision as of the effective date of this ordinance, and subsequently granted approval shall also be exempted.

Category B Exemptions

**The proposed dwelling does not qualify for exemptions available to the following types of projects under Section 9.2** (Category B: High Priority Units).

- 9.2.1 Units not subject to the yearly allocation permit caps: Up to a maximum of eight affordable units per year, on a first come basis, which meet the requirements of the County's Housing Element and the Planning & Development Department Housing Guidelines, shall have the highest priority and shall not be counted against the yearly permit allocation cap of 19 units per year, nor subject to the bi-annual allocation system described in Sec. 35B-6.
- 9.2.2 Units subject to the yearly allocation permit cap, but exempt from the point allocation system: Up to the maximum number of allocations (19) shall be allowable for the following type of projects, per year. Allocations shall be made prior to the issuing of any other allocations subject to the cap for a given six month period.
  - a. Affordable units in excess of eight per year;
  - b. Market rate units that are part of a 50% or more affordable project qualifying under 9.2.1 above.

**ATTACHMENT 5****HARDSHIP EXEMPTION SUBMITTAL REQUIREMENTS - RESOURCE CRITERIA****1. WATER USE**

- a. Project served by Montecito Water District.
- b. Project demonstrates that it does not increase net water usage for the parcel in question above historic level of 1979 to 1988, or above current water use, whichever is less.
- c. Project utilizes a private on-site well from demonstrated perennial sources located outside of the Montecito ground water basin or water allotment from the City of Santa Barbara.

*NOTE: You may be eligible for (a), (b), or (c); or (a) and (b); or (b) and (c). You cannot be eligible for (a) and (c), which are mutually exclusive.*

*CHECK THE CRITERIA APPLICABLE TO YOU: (a)\_\_\_\_\_;(b)\_\_\_\_\_; or (c)\_\_\_\_\_; or (a) and (b)\_\_\_\_\_; or (b) and (c)\_\_\_\_\_.*

***YOU MUST SUBMIT THE FOLLOWING:***

1. For (a), a letter from the Montecito Water District must be submitted.

**Instructions:** Label and attach the letter from MWD.

2. For (b), provide all of the information required in Exhibit A - Submittal Requirements for Water Use.

**Instructions:** Label and attach information required.

3. For (c), submit a hydrology report from a registered geologist, which shows the location of the on-site well(s) and demonstrates that the well(s) draw from a perennial water source located outside of the Montecito Groundwater Basin. Or, submit a letter from the City of Santa Barbara verifying that the proposed dwelling unit has a water allotment from the City.

**Instructions:** Label and attach the hydrology report or letter from the City of Santa Barbara.



## 2. **TRAFFIC**

Project demonstrates that it does not direct measurable traffic to one or more of the following roadways:

1. Hot Springs Rd.
2. Olive Mill Rd.
3. San Ysidro Rd., south of East Valley intersection
4. East Valley Rd. between San Ysidro and Sheffield

DO YOU MEET THIS TRAFFIC CRITERION? \_\_\_\_\_ Yes; \_\_\_\_\_ No

Note: The Planning & Development Department will make the determination that the "project demonstrates that it does not direct measurable traffic" to one or more of the roadways listed above. Criteria for determining "measurable traffic" shall include, but not be limited to the following:

- o Traffic generation will be based on an average of ten (10) vehicle trips per day (Institute of Transportation Engineers, 1987) per dwelling unit proposed.
- o It shall be assumed that proposed projects located **directly on** or that take their **sole access** off of one of the four roadways listed above would have a measurable traffic impact by contributing ten (10) ADT's per unit.

Instructions: There are no submittal requirements, in addition to this application, for points in the traffic category.

## 3. **FIRE PROTECTION**

Project complies with all of the following:

- a. Travel distance from nearest M.F.P.D. fire station to proposed structure is less than three (3) miles.
- b. Response time for fire apparatus from fire station to proposed structure does not exceed five (5) minutes.
- c. The project shall be served by a fire district-approved water supply system which satisfies fire flow criteria identified in Montecito Fire Protection District Standard 88-3.

***YOU MUST SUBMIT THE FOLLOWING:***

A letter from the Montecito Fire Protection District verifying that all of the criteria (a - c) have been met. (Model Letter, Exhibit B)

Instructions: Label and attach the letter from MFPD.

**4. SANITARY DISTRICT**

Project hooks up to Montecito Sanitary District sewer system.

*IF YES, YOU MUST SUBMIT THE FOLLOWING:*

A letter from the Montecito Sanitary District (MSD) certifying that the project is currently located within the District boundaries and will be served by the District's sewer system. (Model letter, Exhibit C)

Instructions: Label and attach the letter from MSD.

**OR****5. SEPTIC SYSTEMS**

For projects that propose use of private septic systems, soil type indicates a less than moderate restriction for sanitary facilities.

*IF YES, YOU MUST SUBMIT THE FOLLOWING:*

The Planning & Development Department has mapped the soils that have a less than moderate (i.e., "slight") restriction for septic systems on a map that is available at the front counter of P&D.

Planning & Development Department staff will also consider additional information which substantiates that the reason for the restriction no longer exists (e.g., flooding potential eliminated) or that the soil type was incorrectly mapped. This documentation must be confirmed by the Environmental Health Services Department (EHS).

Instructions: Xerox the section of the soils map at the front counter of P& D that shows the parcel on which your project is proposed. Identify as clearly as possible the subject parcel in one of the areas that is shown as having less than moderate (i.e., "slight") restriction for septic systems. Label and attach the section of the soils map that you have copied.

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