



# COMMUNITY DEVELOPMENT DEPARTMENT

## ZONING ORDINANCE AMENDMENTS FOR TWO-UNIT RESIDENTIAL DEVELOPMENT (SB 9)

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Planning Commission October 28, 2021

## Purpose of Hearing

- Review proposed amendments to Title 28 and Title 30 to implement Senate Bill 9
- Forward a recommendation to City Council for adoption as an urgency ordinance to ensure it is effective prior to January 1, 2022

# Presentation Summary

- New State Legislation
- Proposed Ordinance Amendments
- Next Steps

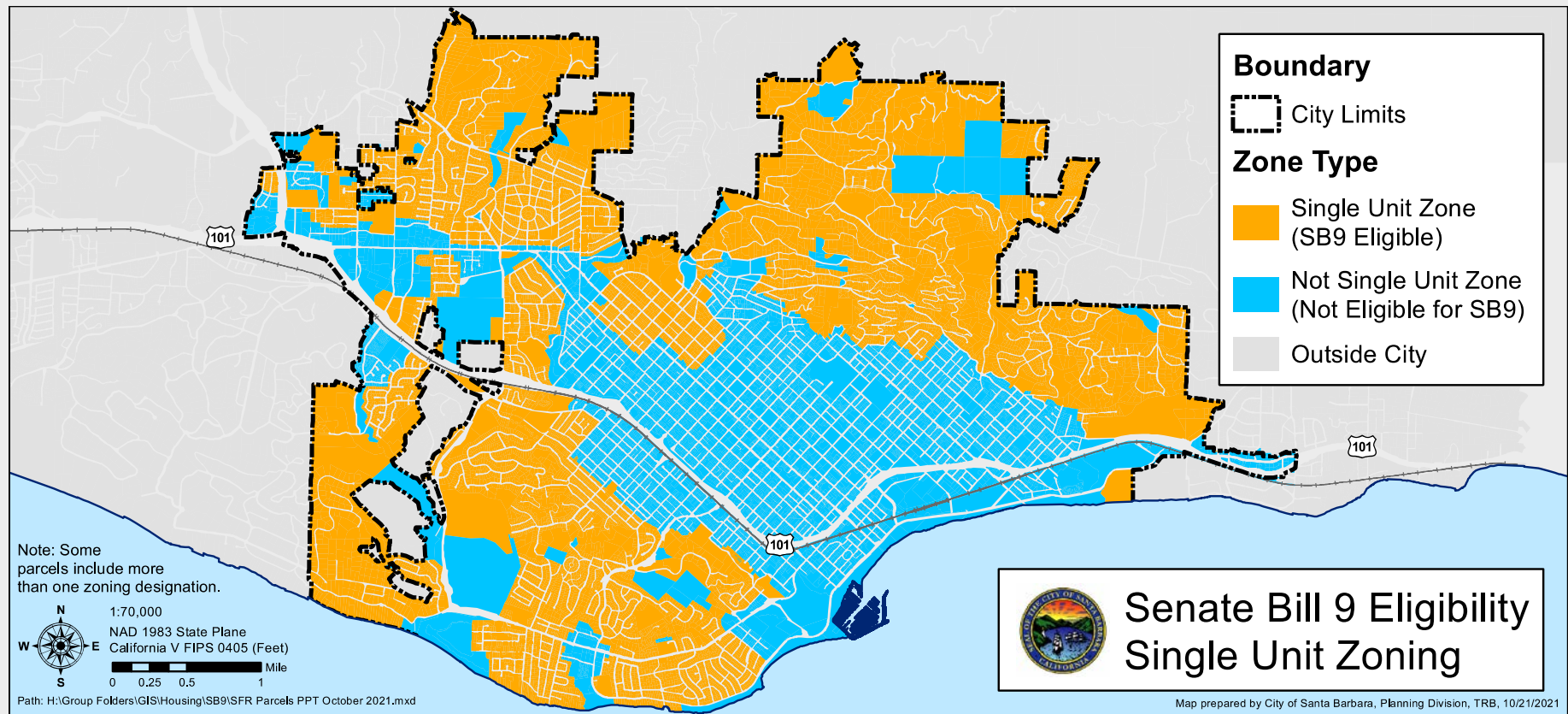
# SENATE BILL 9

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## Senate Bill 9

- Effective January 1, 2022
- Applies in areas zoned for single unit residential use
- Requires ministerial approval of:
  - Two residential units
  - Parcel maps for an urban lot split





# Single Unit Zone Statistics

- ~12,495 Single Residential Zone parcels
  - 14% in Coastal Zone
  - 42% in High Fire Hazard Areas
    - 26% of those in Foothill or Extreme Foothill High Fire Hazard Areas
  - 34% with Slope of 20% or Greater

## Excluded Areas Per SB 9

- Prime Farmland
- Wetlands
- Hazardous Waste Site
- Lands Identified for Conservation in an Adopted Plan or Under a Conservation Easement
- Habitat for Protected Species



## Conditionally Excluded Areas Per SB 9

- Very High Fire Hazard Severity Zone\*
- Earthquake Fault Zone\*
- Special Flood Hazard Area\*
- Regulatory Floodway\*

***\*Unless subject to compliance with hazard mitigation building codes and measures***

# Historic Resources Protection

- Not allowed within:
  - Historic district or property on State Historic Resources Inventory
  - City Landmark District, Historic District Overlay Zone, or a lot with a City Landmark or Structure of Merit



# Existing Rental Housing Exclusions

- Proposed project cannot demolish or alter:
  - Housing that restricts rents to persons of moderate, low, or very low income
  - Housing subject to rent or price control
  - Housing occupied by a tenant in the last three years

# Short Term Rental Restrictions

- Rental of any unit created under this program shall be for a term longer than 30 days



## Standards Allowed

- Objective Zoning, Design Review, and Subdivision Standards
  - ***Objective standards cannot physically preclude construction of two units of at least 800 square feet each***

# Urban Lot Splits

- Allowed subject to certain lot size and other objective standards
  - *Title 27 (Subdivisions) amendments for Urban Lot Splits proceeding directly to Council Ordinance Committee*



# Urban Lot Splits

Proposed SBMC Chapter 27.60

- Parcel Map must be submitted concurrently with application for a Two-unit Residential Development
- Parcel cannot be the result of an Urban Lot Split or be split again through an Urban Lot Split

# Urban Lot Splits

Proposed SBMC Chapter 27.60

- Minimum 1,200 sq. ft., and no less than 40% of original lot size
- Maximum two units per lot
- Must meet Fire Code and City Parking & Access Design Standards
- Must meet street frontage, or access easement



# PROPOSED ORDINANCE AMENDMENTS

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## Two-Unit Residential Ordinance Amendments

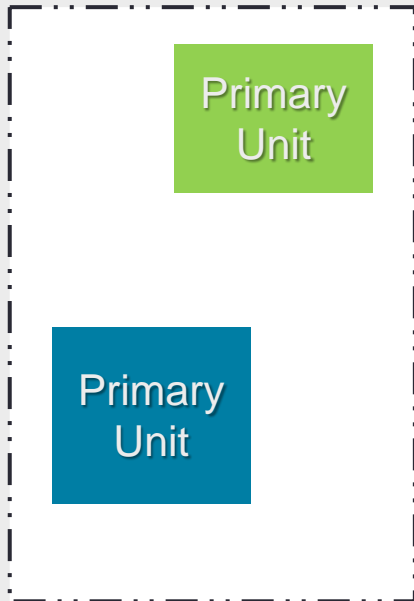
- Title 30 (Inland) Zoning
- Title 28 (Coastal) Zoning
  - *Urgency ordinance effective immediately, followed by Local Coastal Program Amendment*



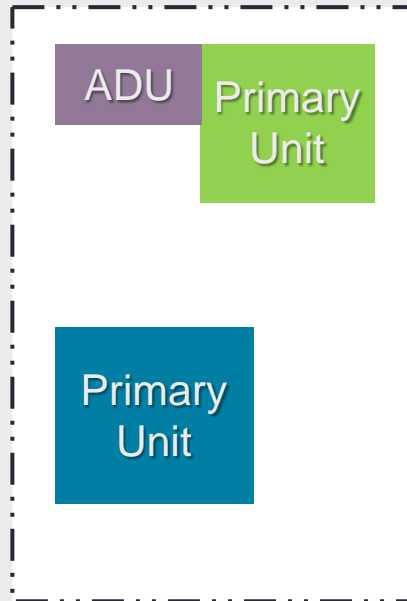
# Two-Unit Standards

Topic	Proposed Standard
Minimum Lot Size	None
Number of Units	<ul style="list-style-type: none"> <li>- Maximum of two primary units per lot</li> <li>- One Accessory Dwelling Unit allowed per primary unit on a lot</li> </ul>
Parking	<p>One space (covered or uncovered) for each unit</p> <p><i>Exception: No parking required if located ½ mile from major transit corridor or stop, or one block to car share vehicle location</i></p>

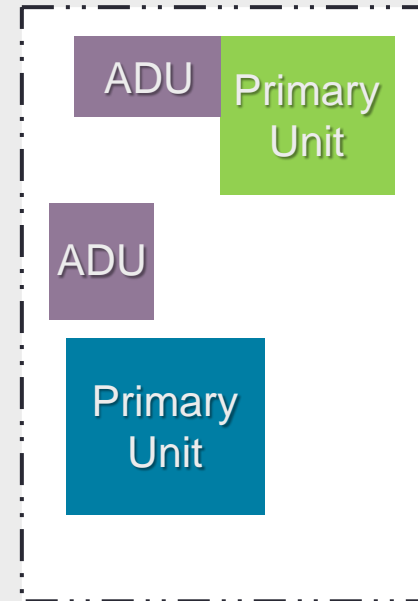
## Add 2<sup>nd</sup> Unit



## Add 2<sup>nd</sup> Unit & ADU

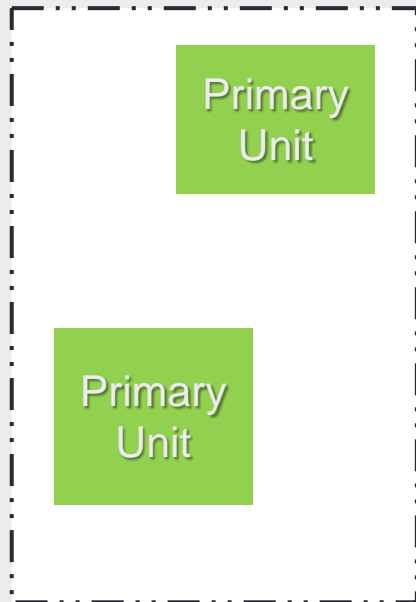


## Add 2<sup>nd</sup> Unit & ADUs

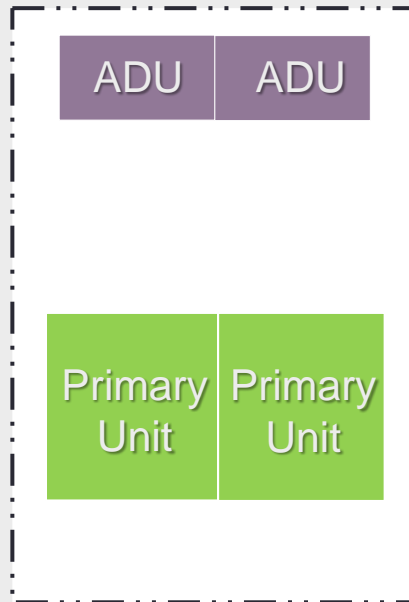


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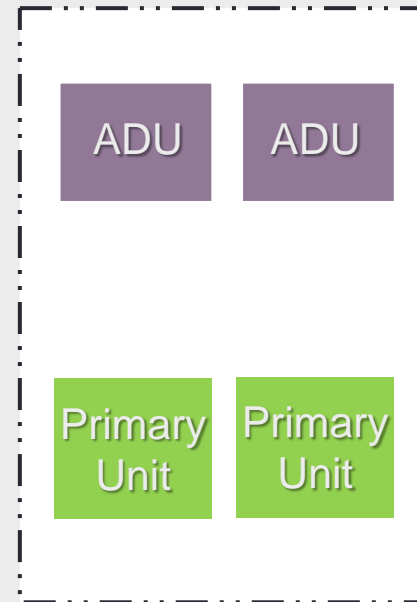
## 2 New Units



## 2 New Units & ADUs



## 2 News Units & ADUs



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## Two-Unit Standards (Cont.)

Topic	Proposed Standard
Maximum Floor Area – Per Unit	Lots $\leq 14,999$ sq. ft. with 1-bdrm or studios: <b>850 sq. ft.</b>
	Lots $\leq 14,999$ sq. ft. with 2+ bedroom units: <b>1,000 sq. ft.</b>
	Lots $\geq 15,000$ sq. ft. : <b>1,200 sq. ft.</b>
	Lots in High Fire Hazard Areas: <b>800 sq. ft.</b>
Total Floor Area – All Structures	85% of maximum Floor-to-Lot Area Ratio (FAR)

## Two-Unit Standards (Cont.)

Topic	Proposed Standard
Setbacks	<ul style="list-style-type: none"><li>- Comply with applicable setbacks for zone</li><li>- Interior setbacks may be reduced to 4 feet for one-story buildings and portions under 17 feet in height</li><li>- No setback required to convert or substantially redevelop existing structure to two-unit residential</li></ul>
Building Separation	<ul style="list-style-type: none"><li>- Detached main building: 10 feet</li><li>- Detached accessory buildings: 5 feet</li></ul>

## Two-Unit Standards (Cont.)

Topic	Proposed Standard
Height	Meet Solar Access Height regulations plus:
Outside High Fire Hazard Area	<ul style="list-style-type: none"><li>- Height of existing unit on site; or</li><li>- 25 feet and two stories maximum;</li><li>- Second story plate heights limited to 8 feet</li></ul>
Inside High Fire Hazard Area	16 feet and maximum one-story



# Habitat Protection

## Inland

- Development prohibited within 35 feet of top of creek bank, wetland, or Environmentally Sensitive Habitat Area

## Coastal Zone

- Development prohibited in Environmentally Sensitive Habitat Areas and buffers per Coastal Land Use Plan policies

# Architectural Design

- Standards similar to Accessory Dwelling Units
- Subsequent amendments anticipated to refine standards



## Coastal Zone (Title 28)

- Senate Bill 9 does not supersede Coastal Act
- Two-Unit Residential projects must be consistent with Coastal Land Use Plan policies
- Coastal Development Permit is required
  - *May be approved, conditionally approved, or denied without a public hearing*

## Coastal Zone (Title 28) Cont.

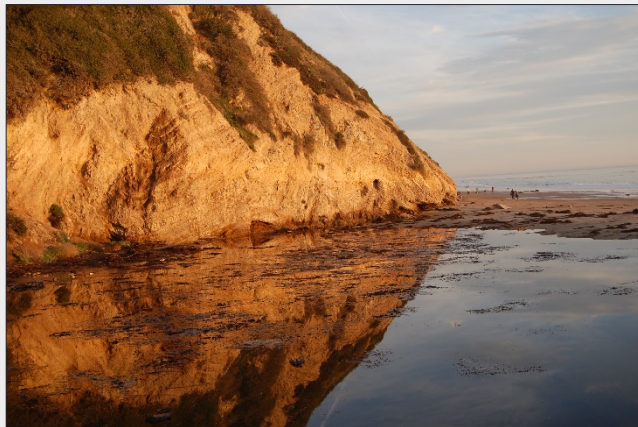
- Coastal Land Use Plan Policy 2.1-1 requires affordable housing in exchange for increased density
  - *One of the two primary units must be restricted to rent at levels affordable to low-income households*

## Coastal Zone (Title 28) Cont.

- Two-Unit Residential projects are prohibited in locations that conflict with coastal resource protection policies:
  - *Habitat areas and buffers*
  - *Shoreline hazard areas and buffers*
- Two parking spaces required per unit to protect public access to beach and shoreline

# California Environmental Quality Act

- An ordinance to implement Senate Bill 9 is not considered a project under CEQA per State law



# NEXT STEPS

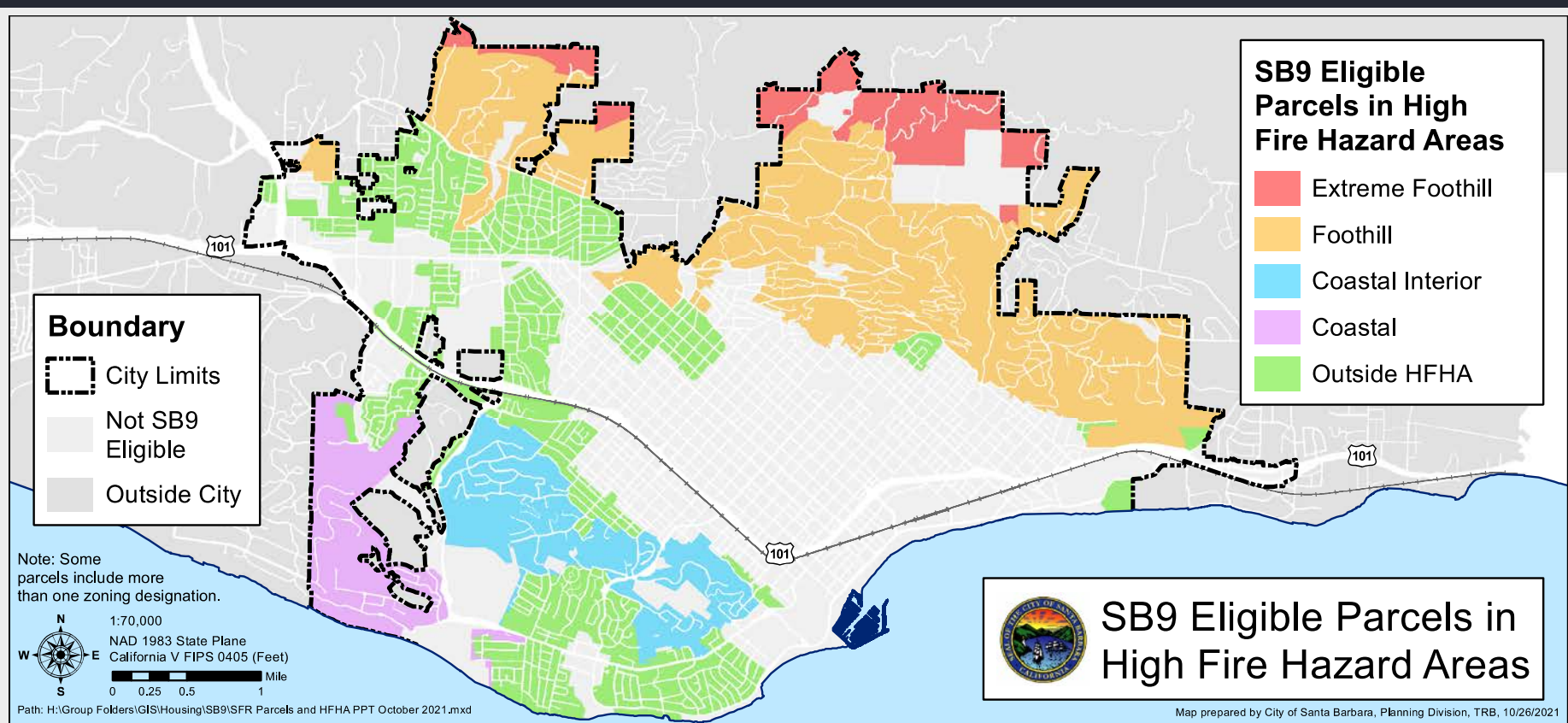
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# Schedule

- November 16 → Council Ordinance Committee
- December → Council Introduction and Adoption
  - *Propose adoption of Title 27, 28, and 30 amendments as Urgency Ordinance and effective immediately*
- Early 2022 → Local Coastal Program Amendment submittal to Coastal Commission

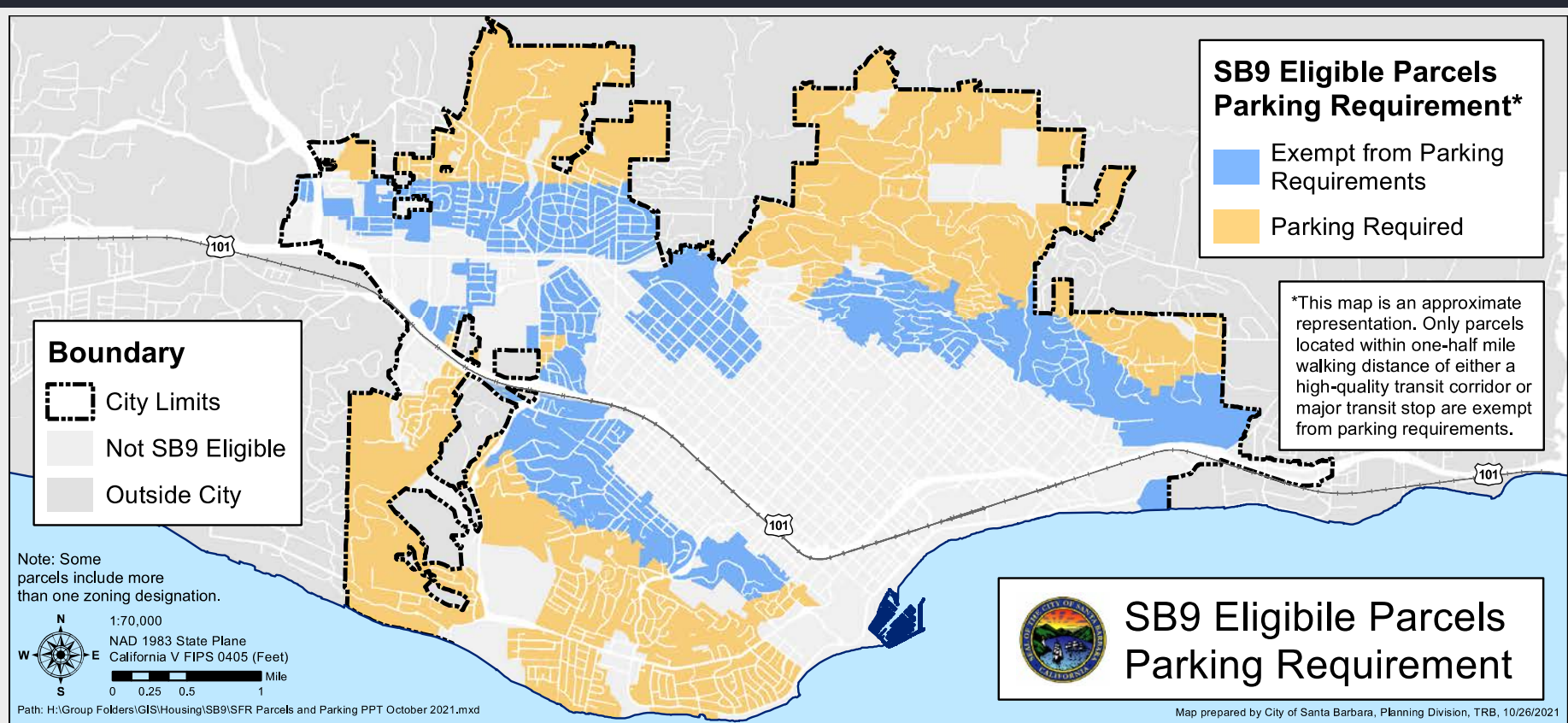






## CA Government Code § 65913.4(a)(6)

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. **This subparagraph does not apply to sites** excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites **that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.**





- City of Santa Barbara / CWPP Area
- Existing City of Santa Barbara High Fire Hazard Area
- Santa Barbara County High Fire Hazard Area (Outside City Limits)
- CAL FIRE Adopted Very High Fire Hazard Severity Zone - 2007
- Coastal Zone Boundary

#### Proposed Modifications to City High Fire Hazard Areas

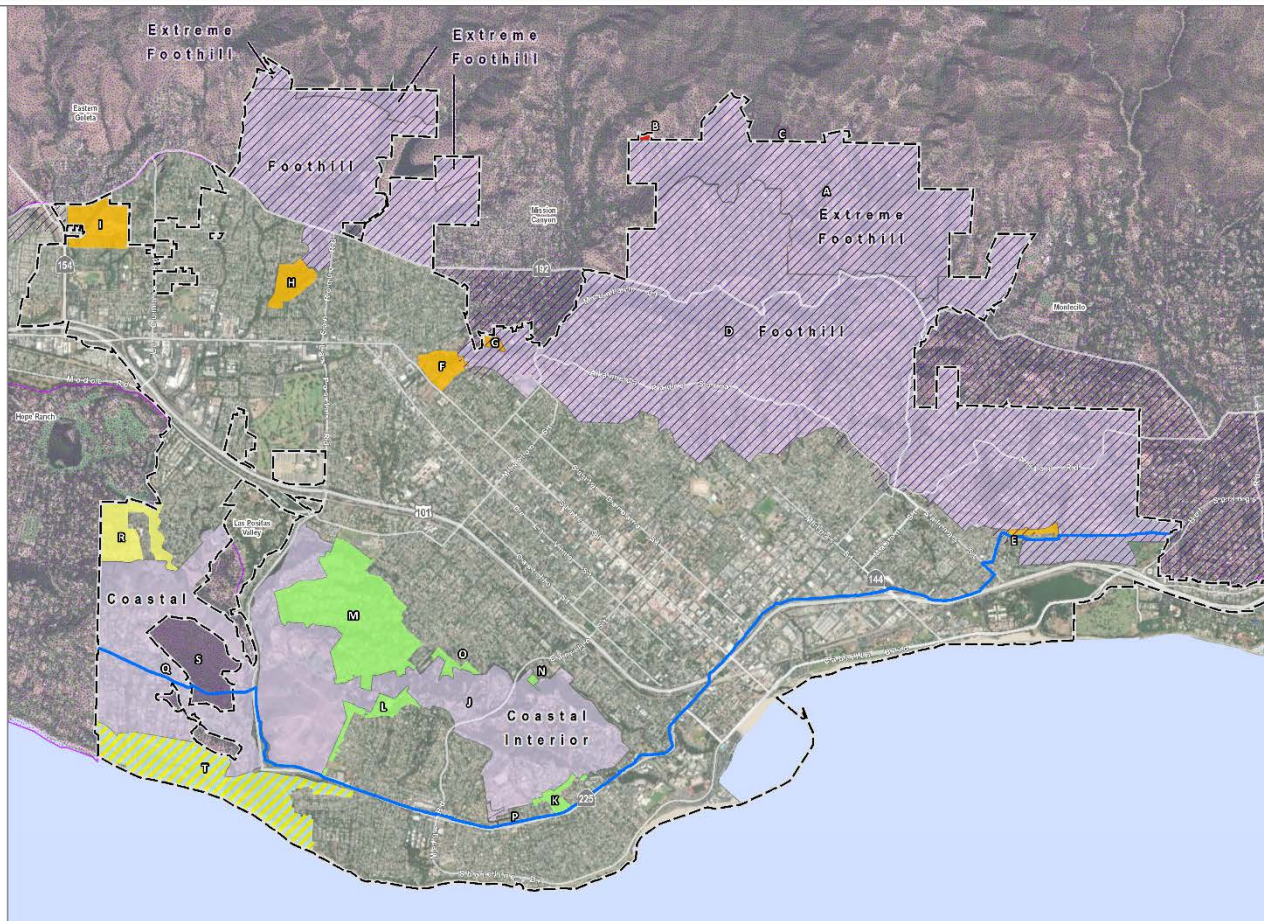
##### Proposed Additions in the Inland Area

- Extreme Foothill
- Coastal Interior
- Coastal
- Foothill

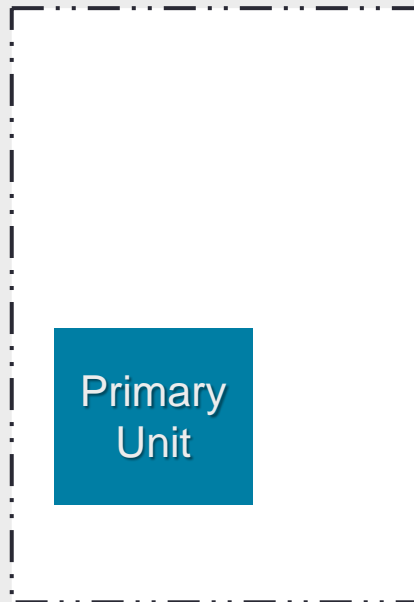
##### Proposed Removals

##### Proposed Additions in the Coastal Zone

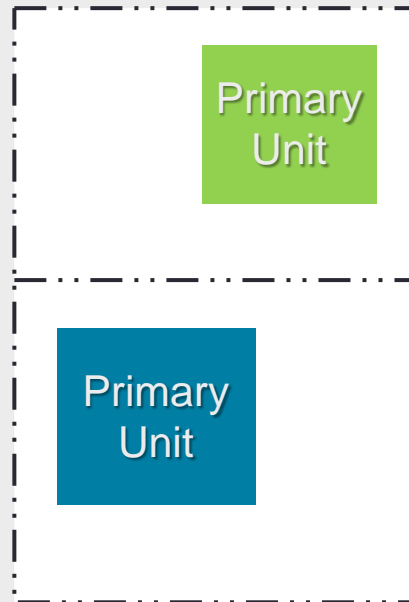
- Coastal



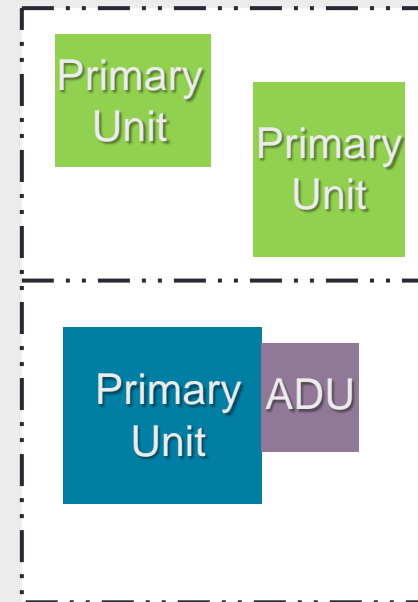
## Existing Lot



## Lot Split & New Unit

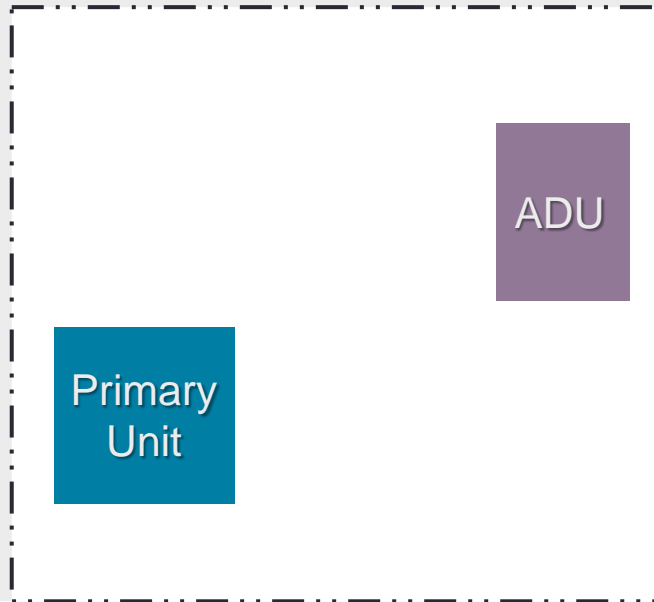


## Lot Split & 3 New Units

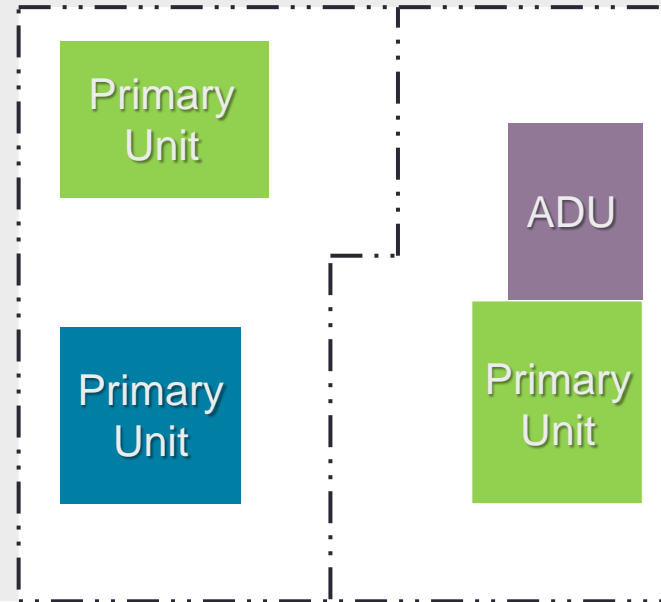


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## Existing Lot



## Lot Split & 2 New Units



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