COMMUNITY DEVELOPMENT DEPARTMENT

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

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

- 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
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

<table>
<thead>
<tr>
<th>Topic</th>
<th>Proposed Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>None</td>
</tr>
<tr>
<td>Number of Units</td>
<td>- Maximum of two primary units per lot</td>
</tr>
<tr>
<td></td>
<td>- One Accessory Dwelling Unit allowed per primary unit on a lot</td>
</tr>
<tr>
<td>Parking</td>
<td>One space (covered or uncovered) for each unit</td>
</tr>
<tr>
<td></td>
<td><em>Exception: No parking required if located ½ mile from major transit corridor or stop, or one block to car share vehicle location</em></td>
</tr>
</tbody>
</table>
Add 2\textsuperscript{nd} Unit

- Primary Unit

Add 2\textsuperscript{nd} Unit & ADU

- ADU
- Primary Unit

Add 2\textsuperscript{nd} Unit & ADUs

- ADU
- Primary Unit
- Primary Unit

STREET
2 New Units

2 New Units & ADUs

2 New Units & ADUs

Primary Unit

ADU

Primary Unit

ADU

Primary Unit

Primary Unit

Primary Unit

Primary Unit
### Two-Unit Standards (Cont.)

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

<table>
<thead>
<tr>
<th>Topic</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Setbacks</td>
<td>- Comply with applicable setbacks for zone</td>
</tr>
<tr>
<td></td>
<td>- Interior setbacks may be reduced to 4 feet for one-story buildings and portions under 17 feet in height</td>
</tr>
<tr>
<td></td>
<td>- No setback required to convert or substantially redevelop existing structure to two-unit residential</td>
</tr>
<tr>
<td>Building Separation</td>
<td>- Detached main building: 10 feet</td>
</tr>
<tr>
<td></td>
<td>- Detached accessory buildings: 5 feet</td>
</tr>
</tbody>
</table>
## Two-Unit Standards (Cont.)

<table>
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<tr>
<th>Topic</th>
<th>Proposed Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height</td>
<td>Meet Solar Access Height regulations plus:</td>
</tr>
</tbody>
</table>
| Outside High Fire Hazard Area | - Height of existing unit on site; or
|                               |   - 25 feet and two stories maximum;                                                                                                           |
|                               |   - Second story plate heights limited to 8 feet                                                                                               |
| 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
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
(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.
SB9 Eligible Parcels Parking Requirement

- Exempt from Parking Requirements
- Parking Required

*This map is an approximate representation. Only parcels located within one-half mile walking distance of either a high-quality transit corridor or major transit stop are exempt from parking requirements.

Boundary
- City Limits
- Not SB9 Eligible
- Outside City

Note: Some parcels include more than one zoning designation.

Path: H:/Group Footers/GIS/Housing/SB9/SFR Parcels and Parking PPT October 2021.mxd

Map prepared by City of Santa Barbara, Planning Division, TRB, 10/26/2021
Existing Lot

Lot Split & New Unit

Lot Split & 3 New Units

Primary Unit

Primary Unit

Primary Unit

Primary Unit

Primary Unit

Primary Unit

ADU