

**CITY OF SANTA BARBARA
CITY COUNCIL**

Randy Rowse
Mayor

Meagan Harmon
Mayor Pro Tempore

Kristen W. Sneddon
Ordinance Committee Chair

Eric Friedman
Finance Committee Chair

Alejandra Gutierrez
Oscar Gutierrez
Mike Jordan



Rebecca Bjork
Interim City Administrator

Ariel Pierre Calonne
City Attorney

City Hall
735 Anacapa Street
<http://www.SantaBarbaraCA.gov>

**FEBRUARY 15, 2022, 2:00 PM
AGENDA**

THIS MEETING WILL BE HELD BY TELECONFERENCE AS AUTHORIZED BY GOVERNMENT CODE § 54953(e)(1)(A) TO PROMOTE SOCIAL DISTANCING AND PRIORITIZE THE PUBLIC'S HEALTH AND WELL-BEING UNDER SANTA BARBARA COUNTY HEALTH OFFICER ORDERS. AS A PUBLIC HEALTH AND SAFETY PRECAUTION, THE COUNCIL CHAMBERS WILL NOT BE OPEN TO THE GENERAL PUBLIC. COUNCILMEMBERS MAY PARTICIPATE ELECTRONICALLY. THE CITY OF SANTA BARBARA STRONGLY ENCOURAGES AND WELCOMES PUBLIC PARTICIPATION DURING THIS TIME. PUBLIC PARTICIPATION IS AVAILABLE THROUGH THE FOLLOWING OPTIONS:

HOW TO OBSERVE AND/OR SPEAK LIVE AT A MEETING

- **Web:** https://santabarbaraca.gov.zoom.us/webinar/register/WN_BHXU9bk1SWq0ntGHpIRq0Q
(Participation via Zoom) Please complete the Zoom registration questions stating which item you wish to speak on.
- **Telephone:** Dial 1-669-900-6833, Enter Webinar ID: 948 7481 3299
(press *9 to raise/lower hand; press *6 to mute/unmute)
- **Online Streaming:** Council meetings are streamed live at www.SantaBarbaraCA.gov/CAP
- **TV:** Each regular City Council meeting is broadcast live in English and Spanish on City TV Channel 18 and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.santabarbaraca.gov/citytv for rebroadcasts of Finance and Ordinance Committee meetings.

PUBLIC COMMENT: Members of the public wishing to speak must "raise their hand" in the Zoom platform by selecting the virtual hand icon when their item is called. When persons are called on to speak, their microphone will be activated by City staff and the speaker will be notified that they can now unmute themselves in order to begin speaking. The speaker will then need to unmute themselves by selecting the 'mute/unmute' icon or pressing Alt+A on their keyboard. Each speaker will be given a total of 3 minutes to address the Council. Pooling of time is not allowed during meetings conducted electronic public comment. If general public comment on items not on the agenda at the beginning of the 2:00 p.m. session exceeds 30 minutes, there will be an opportunity for additional off-agenda public comment at the end of the meeting. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond the City's subject matter jurisdiction.

WRITTEN PUBLIC COMMENT: Public comments may also be submitted via email to Clerk@SantaBarbaraCA.gov prior to the beginning of the Council Meeting. All public comments submitted via email will be provided to City Council and will become part of the public record.

CONTINUED ON THE NEXT PAGE

PUBLIC COMMENT: Public comment on matters not listed on the agenda will occur at the beginning of the meeting. Members of the public wishing to speak must “raise their hand” in the Zoom platform by selecting the virtual hand icon during the presentation of that item. When persons are called on to speak, their microphone will be activated by City staff and the speaker will be notified that they can now unmute themselves in order to begin speaking. The speaker will then need to unmute themselves by selecting the ‘mute/unmute’ icon or pressing Ctrl+Alt+A on their keyboard.

For those who need accessibility accommodation in using the “raise hand” function and/or registering to participate in the Zoom session, please contact the Clerk’s office by 5:00 p.m. the day before the meeting for assistance. Additionally, a speaker may email Clerk@SantaBarbaraCA.gov by 5:00 p.m. the day before a meeting, stating which item they wish to speak on. When persons are called on to speak, their microphone will be activated the speaker will be notified by City staff that they can now unmute themselves in order to begin speaking. The speaker will then need to unmute themselves by selecting the ‘mute/unmute’ icon or pressing Ctrl+Alt+A on their keyboard.

Each speaker will be given a total of 3 minutes to address the Council. Pooling of time is not allowed during general public comment. The time allotted for general public comment at the beginning of the 2:00 p.m. session is 30 minutes. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond the City’s subject matter jurisdiction.

PUBLIC COMMENT ON AGENDIZED ITEMS: Members of the public wishing to speak on a matter on the agenda must “raise their hand” in the Zoom platform by selecting the virtual hand icon during the presentation of that item. The “raise hand” icon is generally located on most devices in the upper right hand corner of the screen. For those who need accessibility accommodation in using the “raise hand” function, please contact the Clerk’s office by 5:00 p.m. the day before the meeting for assistance. Additionally, a speaker may email Clerk@SantaBarbaraCA.gov by 5:00 p.m. the day before a meeting, stating which item they wish to speak on. When persons are called on to speak, their microphone will be activated and they will be notified to begin speaking. Each speaker will be given a total of 3 minutes to address the Council. Pooling of time is not permitted during meetings conducted electronically.

ORDER OF BUSINESS: Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council meeting begins at 2:00 p.m. in the Council Chamber at City Hall.

REPORTS: Copies of the reports relating to agenda items are available for review at <http://www.SantaBarbaraCA.gov/CAP>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a “CAR”) online at the City’s website (<http://www.SantaBarbaraCA.gov/CAP>). Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are posted to the City’s website as soon as reasonably feasible.

CONSENT CALENDAR: The Consent Calendar is comprised of items that will not usually require discussion by the City Council. A Consent Calendar item is open for discussion by the City Council upon request of a Councilmember, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your “Request to Speak” form, you should come forward to speak at the time the Council considers the Consent Calendar.

SPANISH INTERPRETATION: If you need interpretation of your communications to Council from Spanish into English, please contact the City Clerk’s Office at 564-5309 or by email at Clerk@SantaBarbaraCA.gov. If possible, notification of at least 48 hours will usually enable the City to make arrangements.

INTERPRETACIÓN EN ESPAÑOL: Si necesita una interpretación del español al inglés, para sus comunicaciones al Consejo, comuníquese con la Oficina del Secretario Municipal al 564-5309, o por correo electrónico a Clerk@SantaBarbaraCA.gov. Si es posible, la notificación de al menos 48 horas generalmente permitirá a la Ciudad hacer los arreglos.

AMERICANS WITH DISABILITIES ACT: If you need auxiliary aids or services or staff assistance to attend or participate in this meeting, please contact the City Administrator’s Office at 564-5305 or by email at Clerk@SantaBarbaraCA.gov. If possible, notification at least 48 hours prior to the meeting will usually enable the City to make reasonable arrangements. Specialized services, such as sign language interpretation or documents in Braille, may require additional lead time to arrange.

FEBRUARY 15, 2022 AGENDA

REGULAR CITY COUNCIL MEETING – 2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

1. Subject: Minutes

Recommendation: That Council waive reading and approve the minutes of the regular meetings of January 11 and January 25, 2022.

2. Subject: Adoption Of An Ordinance Amending Affordability Control Covenants For Victoria Hotel And Mental Wellness Center

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Approving a Second Amendment to an Affordability Control Covenant Imposed on Real Property with People's Self-Help Housing Corporation Located at 22 East Victoria Street and a First Amendment to Replacement Affordability Control Covenant Imposed on Real Property with Building Hope, LLC Located at 617 Garden Street and Authorizing the Community Development Director to Execute Such Agreements.

3. Subject: Introduction Of Ordinance And Adoption Of Resolution Amending Title 28 Zoning Ordinance To Clarify Coastal Development Permit Requirement For Accessory Dwelling Units In The Coastal Zone

Recommendation: That Council:

- A. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Acknowledging Receipt of the California Coastal Commission Resolution of Certification of a Local Coastal Program Amendment (PLN2020-00484 / LCP-4-SBC-21-0052-1) and Acceptance of the Suggested Modifications Included in that Resolution of Certification; and
- B. Introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending the Santa Barbara Municipal Code by Adding Chapter 28.86 to Regulate Accessory Dwelling Units in the Coastal Zone and Include Additional Amendments to Chapter 28 to Be Consistent with This Intent.

4. Subject: Adoption Of Resolution To Accept Ownership Of A Public Paseo Between 1200 Block State Street And Granada Garage

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Accepting Dedication of Lot 3 of Final Map 20,835.

5. Subject: Adoption Of Resolution Updating City Council Rules Of Procedure

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Adopting Rules of Procedure Governing the Conduct of City Council Meetings and Rescinding Resolution No. 18-088.

6. Subject: Downtown Organization Annual Assessment Report For 2022 And Intention To Levy

Recommendation: That Council:

- A. Approve the Downtown and Old Town Business Improvement District Annual Assessment Report for 2022; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy Downtown Business Improvement District and Old Town Business Improvement District Assessment Rates for 2022, at a Public Hearing to be Held on March 15, 2022, at 2:00 p.m.

7. Subject: Adoption Of Resolution For Five-Year Measure A Local Program Of Projects For Fiscal Years 2023 – 2027 Public Hearing

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Adopting the Five-Year Measure A Local Program of Projects for Fiscal Years 2023 – 2027.

8. Subject: Increase The Contract For As-Needed Professional Water Main Replacement Design Services

Recommendation: That Council authorize the Public Works Director to execute Amendment No. 2 to City Professional Services Agreement No. 26,272 with Stantec Consulting Services Inc., in the amount of \$302,000, for a total contract amount of \$1,252,000, for additional as-needed professional water main replacement design services.

9. Subject: City Administrator Employment Agreement

Recommendation: That Council approve and authorize the Mayor to execute an employment agreement with Rebecca Bjork to serve as the permanent City Administrator effective February 15, 2022.

This concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

HUMAN RESOURCES

10. Subject: Presentation From The Community Formation Commission

Recommendation: That Council receive a presentation from the Chair and Vice-Chair of the Community Formation Commission on work efforts and proposed timeline.

COMMUNITY DEVELOPMENT DEPARTMENT

11. Subject: City Council Direction On A Multi-Unit Housing Program And Regulations

Recommendation: That Council:

- A. Consider options for regulating multi-unit housing density and building size;
- B. Provide direction on a preferred multi-unit housing program to study in the City's General Plan Programmatic Environmental Impact Report; and
- C. Consider and provide direction on interim methods to incentivize smaller housing units.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

PUBLIC COMMENT (IF NECESSARY)

ADJOURNMENT



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING JANUARY 11, 2022 COUNCIL CHAMBERS, 735 ANACAPA STREET

CALL TO ORDER

Mayor Cathy Murillo called the meeting to order at 2:00 p.m. and announced that the swearing-in portion of the meeting would be held in person, with the remainder of the meeting held via teleconference with all members of the City Council are participating electronically from various locations. (The Finance Committee and Ordinance Committee, which ordinarily meet at 12:30 p.m., did not meet on this day.)

PLEDGE OF ALLEGIANCE

Mayor Murillo.

ROLL CALL

Councilmembers present: Eric Friedman, Alejandra Gutierrez, Oscar Gutierrez, Meagan Harmon, Mike Jordan, Kristen W. Sneddon, Mayor Murillo.

Councilmembers absent: None.

Staff present: Interim City Administrator Rebecca Bjork, City Attorney Ariel Calonne, City Clerk Services Manager Sarah Gorman.

CHANGES TO THE AGENDA

Interim City Administrator Bjork noted that Councilmember Meagan Harmon would complete her Affirmation of Allegiance via teleconference during the teleconference portion of the meeting.

CEREMONIAL ITEMS

1. Subject: Recognition Of Outgoing Mayor Murillo

Action: Councilmembers made remarks relating to Mayor Murillo.

2. Subject: Comments By Outgoing Mayor Murillo

Action: The Mayor made comments regarding her service with the City.

3. **Subject: Affirmation Of Allegiance By Mayor-Elect Randy Rowse, Councilmembers Eric Friedman, Meagan Harmon, And Kristen Sneddon**

Action: Affirmations administered.

4. **Subject: Presentation Of Certificates Of Election**

Action: Certifications of Election presented.

5. **Subject: Comments By Mayor Randy Rowse And Councilmembers Eric Friedman, Meagan Harmon, And Kristen Sneddon**

Action: Councilmembers Eric Friedman and Kristen Sneddon and Mayor Rowse made remarks regarding their incoming service for the City.

RECESS:

2:31 p.m. – 3:15 p.m.

3. **Subject: Affirmation Of Allegiance By Councilmembers Meagan Harmon**

Action: Affirmations administered.

5. **Subject: Comments By Councilmembers Meagan Harmon**

Action: Councilmembers Harmon made comments regarding their incoming service for the City.

6. **Subject: Presentation Of A Poem By City Of Santa Barbara Poet Laureate**

Action: Poet Laureate Emma Trelles read an inauguration poem.

7. **Subject: Seating Of Newly-Installed Mayor And Councilmembers**

Action: Councilmembers were seated.

ROLL CALL

Councilmembers present: Alejandra Gutierrez, Kristen W. Sneddon, Eric Friedman, Meagan Harmon, Oscar Gutierrez, Mike Jordan, Mayor Rowse.

Councilmembers absent: None.

Staff present: Interim City Administrator Rebecca Bjork, City Attorney Ariel Calonne, City Clerk Services Manager Sarah Gorman.

PUBLIC COMMENT RELATING TO CEREMONIAL ITEMS

Members of the Public: Jose Gallegos; Lee Heller; Joshua Medrano.

PUBLIC COMMENT RELATING TO ITEMS NOT ON THE AGENDA

Members of the Public: None.

CHANGES TO THE AGENDA

Interim City Administrator Bjork noted that Item 6 from the Consent Calendar would be removed from consideration.

ITEM REMOVED FROM CONSIDERATION

6. Subject: Authorization To Apply For Grant Funding For The Dwight Murphy Renovation Project

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Approving the Application for Land and Water Conservation Fund Dwight Murphy Renovation Project.

CONSENT CALENDAR (Item Nos. 1-5, 7-12)

The titles of the Ordinances and Resolutions were read.

Motion:

Councilmembers Jordan / Friedman to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

1. Subject: Adoption Of Ordinance Amending Municipal Code Pertaining To Solid Waste Management Regulations

Recommendation: That Council adopt, by reading of title only, an Ordinance Of The Council Of The City Of Santa Barbara Amending The Municipal Code By Adding A New Chapter 7.16 Pertaining To Solid Waste Management And By Repealing Chapter 7.16 Garbage And Refuse Collection.

Action: Approved the recommendation(s); Ordinance No. 6050 (January 11, 2022 Council Agenda Report).

2. Subject: Adoption Of Ordinance Approving The 2019-2022 Police Officers' Association Bargaining Unit Memorandum Of Understanding For Authorization Of Dispatch Trainer Specialty Pay

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting a Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Police Officers Association for the period of July 1, 2019 through June 30, 2022.

Action: Approved the recommendation(s); Ordinance No. 6051; Agreement No. 28,013 (January 11, 2022 Council Agenda Report).

3. Subject: Adoption Of Ordinance Amending Municipal Code Sections 30.150.010 And 30.150.040 Of The City's Average Unit-Size Density Incentive Program To Extend The Program To February 15, 2024

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending Santa Barbara Municipal Code Sections 30.150.010 and 30.150.040 of the City's Average Unit-Size Density Incentive Program to Extend the Program from February 28, 2022, to February 15, 2024.

Action: Approved the recommendation(s); Ordinance No. 6052 (January 11, 2022 Council Agenda Report).

4. Subject: Amendment To Position Salary Control Resolution 21-047 With Updates To Classification And Compensation For Certain Positions

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Amending Resolution 21-047, the Position and Salary Control Resolution for Fiscal Year 2022, effective January 15, 2022, to:

- A. Establish the Positions of Airport Operations Specialist Trainee; Cross Functional Team Manager; and re-title Senior Legal Services Analyst to Law Practice Administrator; and
- B. Adjust the Salary Range for Park Ranger and Lead Park Ranger; and Hourly Waterfront Facilities Aide I – IV.

Action: Approved the recommendation(s); Resolution No. 22-001 (January 11, 2022 Council Agenda Report).

5. Subject: Adoption Of A Resolution Continuing Teleconferencing Of City Meetings During The Ongoing COVID-19 State Of Emergency

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Extending its Direction that Meetings of the City Council and City Boards and Commissions Continue to be Held by Teleconference as Authorized by Government Code § 54953(e)(1)(A) to Promote Social Distancing and Prioritize the Public's Health and Well-being Under Santa Barbara County Health Officer Orders.

Action: Approved the recommendation(s); Resolution No. 22-002 (January 11, 2022 Council Agenda Report).

7. Subject: Fiscal Year 2022 Interim Financial Statements For The Five Months Ended November 30, 2021 (250.02)

Recommendation: That Council accept the Fiscal Year 2022 Interim Financial Statements for the five months ended November 30, 2021.

Action: Approved the recommendation(s); (January 11, 2022 Council Agenda Report).

8. Subject: November 2021 Investment Report (260.02)

Recommendation: That Council accept the November 2021 Investment Report.

Action: Approved the recommendation(s); (January 11, 2022 Council Agenda Report).

9. Subject: Emergency Purchase Order With Commercial Aquatic Services To Initiate And Complete Pool Filter Repairs And Variable Speed Operating System Replacement At Los Baños Pool

Recommendation: That Council receive a report from the Parks and Recreation Director of the need to make an emergency purchase order with Commercial Aquatic Services for \$35,354 for pool filter repairs at Los Baños Pool.

Action: Approved the recommendation(s); (January 11, 2022 Council Agenda Report).

10. Subject: Approval Of Agreement With MSW Consultants For City-Wide Solid Waste Cost Of Service Study

Recommendation: That Council authorize the Sustainability and Resilience Director to execute a Professional Services Agreement with MSW Consultants for a City-Wide Solid Waste Cost of Service Study in the amount of \$99,520 and to

approve contract amendments up to \$9,952 for extra services that may result from necessary changes in the scope of work.

Action: Approved the recommendation(s); Agreement No. 28,014 (January 11, 2022 Council Agenda Report).

11. Subject: Authorization For Legal Services With Kaplan Kirsch & Rockwell, LLP For Special Counsel Services And Related Costs

Recommendation: That Council:

- A. Authorize the City Attorney to execute a legal services agreement with Kaplan Kirsch & Rockwell, LLP, for specialized legal services and related costs for on-call legal services for matters specifically arising from the City's development and operation of the Santa Barbara Municipal Airport, in an amount not to exceed \$250,000; and
- B. Increase appropriations in the Fiscal Year 2022 Airport Department budget in the amount of \$110,000 funded from the Airport Operating Fund reserves.

Action: Approved the recommendation(s); Agreement No. 28,015 (January 11, 2022 Council Agenda Report).

12. Subject: Professional Services Agreement For Fire Department Community Risk Assessment And Development Of A Fire Apparatus and Station Location Study

Recommendation: That Council authorize the Fire Chief to execute a professional services agreement with AP Triton Inc. in the amount of \$50,296 to conduct a Community Risk Assessment Analysis and Standards of Cover Deployment Analysis.

Action: Approved the recommendation(s); Agreement No. 28,016 (January 11, 2022 Council Agenda Report).

This concluded the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

13. Subject: Appointment Of Mayor Pro Tempore, Ordinance Committee, And Finance Committee

Recommendation: That Council consider the appointment of a Mayor Pro Tempore, and Chairs and Members of the Ordinance and Finance Committees.

Documents:

- January 11, 2022 Council Agenda Report and any attachment(s).

Speakers:

- Staff: City Attorney Ariel Calonne.
- Members of the Public: None.

Discussion:

- Councilmembers' questions were answered.

Motion:

Councilmembers Friedman/O. Gutierrez nominate Councilmember Harmon for Mayor Pro Tempore. Councilmembers O. Gutierrez/Harmon nominate Councilmember Sneddon for the Ordinance Committee Chair. Councilmembers Harmon/A. Gutierrez nominate Councilmember Friedman for the Finance Committee Chair.

Vote:

Unanimous roll call vote.

14. Subject: Advisory Groups And Council Liaisons Appointments

Recommendation: That Council consider the appointments of Council Liaisons to Advisory Groups and Boards and Commissions.

Documents:

- January 11, 2022 Council Agenda Report and any attachment(s).

Motion:

Councilmembers A. Gutierrez/Sneddon to fill the Board Commission liaison positions as noted below.

Vote:

Unanimous roll call vote.

Councilmember A. Gutierrez:

1. Architectural Board of Review (alternate)
2. Citizens' Oversight Committee
3. Civil Service Commission
4. Housing Authority Commission (alternate)
5. Living Wage Advisory Committee
6. Parks and Recreation Commission
7. Rental Housing Mediation Board
8. Santa Barbara Youth Council
9. Single Family Design Board (alternate)
10. Land Development Team Oversight Subcommittee
11. Police Station Ad Hoc Committee
12. State Street Advisory Committee
13. PATH Neighborhood Partnership (alternate)
14. Santa Barbara Center for the Performing Arts (alternate)

15. South Coast Youth Safety Partnership

Councilmember Sneddon:

1. Community Development and Human Services Committee
2. Creeks Advisory Committee
3. Historic Landmarks Commission
4. Parks and Recreation Commission (alternate)
5. Water Commission
6. Community Choice Energy
7. Sustainability Council Committee
8. Committee on Legislation
9. De La Guerra Plaza Revitalization Design Advisory Committee
10. Farmers' Market Relocation Subcommittee
11. Police Station Ad Hoc Committee
12. Sea Level Rise Adaptation Plan Subcommittee
13. State Street Subcommittee
14. Coast Village Association
15. Looking Good Santa Barbara
16. Cachuma Conservation Release Board (CCRB)
17. Cachuma Operation and Maintenance Board (COMB)
18. Central Coast Water Authority (CCWA, alternate)
19. City/County Affordable Housing Task Group
20. South Coast Youth Safety Partnership (alternate)
21. State Street Interim Operations Ad Hoc Committee

Councilmember Friedman:

1. Airport Commission
2. Library Board
3. Water Commission (alternate)
4. Community Choice Energy
5. Sustainability Council Committee
6. Committee on Legislation
7. Farmers' Market Relocation Subcommittee
8. Land Development Team Oversight Subcommittee
9. Sea Level Rise Adaptation Plan Subcommittee
10. Santa Barbara Beautiful
11. Santa Barbara Chamber of Commerce (alternate)
12. Beach Erosion Authority for Clean Oceans and Nourishment (BEACON)
13. Cachuma Conservation Release Board (CCRB, alternate)
14. Cachuma Operation and Maintenance Board (COMB, alternate)
15. Central Coast Water Authority (CCWA)
16. Santa Barbara Co. Air Pollution Control District Bd. Of Directors (APCD, alternate)
17. Santa Barbara County Association of Governments (SBCAG, alternate)

18. PARC Foundation

Councilmember O. Gutierrez:

1. Arts Advisory Committee
2. Community Events and Festivals Committee
3. Fire and Police Commission
4. Historic Landmarks Commission (alternate)
5. Living Wage Advisory Committee (alternate)
6. Neighborhood Advisory Council
7. Rental Housing Mediation Board (alternate)
8. Santa Barbara Youth Council
9. Sister Cities Board
10. State Street Subcommittee
11. PATH Neighborhood Partnership
12. Santa Barbara Center for the Performing Arts
13. CommUnify
14. State Street Interim Operations Ad Hoc Committee

Councilmember Jordan:

1. Architectural Board of Review
2. Creeks Advisory Committee
3. Downtown Parking Committee
4. Harbor Commission
5. Planning Commission
6. Transportation and Circulation Committee
7. Land Development Team Oversight Subcommittee
8. Sea Level Rise Adaptation Plan Subcommittee
9. State Street Advisory Committee
10. Downtown Santa Barbara
11. Visit Santa Barbara
12. Santa Barbara Chamber of Commerce
13. Beach Erosion Authority for Clean Oceans and Nourishment (BEACON, alternate)
14. Home for Good
15. State Street Interim Operations Ad Hoc Committee

Mayor Pro Tempore Harmon:

1. Access Advisory Committee
2. Downtown Parking Committee (alternate)
3. Housing Authority Commission
4. Single Family Design Board
5. Sustainability Council Committee
6. Committee on Legislation

7. De La Guerra Plaza Revitalization Design Advisory Committee
8. Farmers' Market Relocation Subcommittee
9. Police Station Ad Hoc Committee
10. State Street Advisory Committee
11. State Street Subcommittee
12. Presidio Joint Powers Committee
13. Home for Good
14. City/County Affordable Housing Task Group

Mayor Rowse:

1. Building and Fire Code Board of Appeals
2. Sister Cities Board (alternate)
3. Community Choice Energy
4. Downtown Santa Barbara (alternate)
5. Looking Good Santa Barbara (alternate)
6. Santa Barbara Co. Air Pollution Control District Bd. Of Directors (APCD)
7. Santa Barbara County Association of Governments (SBCAG)
8. Santa Barbara Metropolitan Transit District Board
9. League of California Cities Board
10. U.S. Conference of Mayors Hunger and Homelessness Task Group (Chair)

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

- Councilmember A. Gutierrez reported on their attendance at the following events or made the following comments: 1. Thank the Santa Barbara School District who partnered with County Public Health on Saturday and hosted a vaccine clinic for the public.
- Councilmember O. Gutierrez reported on their attendance at the following events or made the following comments: 1. Comments looking forward to working with Mayor Rowse.
- Councilmember Sneddon reported on their attendance at the following events or made the following comments: 1. CCRB Meeting 2. Rose Pruning Volunteer Session 3. HLC Meetings, next meeting will be hearing concept review of the De la Guerra Plaza Revitalization Plan 4. Two COMB Operation Meetings 5. Riviera Association Meeting.
- Mayor Rowse reported on their attendance at the following events or made the following comments: 1. Comments looking forward to being back in Council and moving forward.

PUBLIC COMMENT (IF NECESSARY)

ADJOURNMENT

Mayor Rowse adjourned the meeting at 4:09 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on February 15 2022.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____	ATTEST:	_____
RANDY ROWSE		SARAH GORMAN
MAYOR		CITY CLERK SERVICES MANAGER



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING JANUARY 25, 2022 COUNCIL CHAMBERS, 735 ANACAPA STREET

CALL TO ORDER

Mayor Randy Rowse called the meeting to order at 2:03 p.m. and announced that the meeting is being held via teleconference. Mayor Pro Tem Meagan Harmon is participating electronically and the remainder of Mayor and Council are participating from Council Chambers. (The Ordinance Committee met at 12:00 p.m. The Finance Committee, which ordinarily meets at 12:30 pm, did not meet on this day.)

PLEDGE OF ALLEGIANCE

Mayor Rowse.

ROLL CALL

Councilmembers present: Eric Friedman, Alejandra Gutierrez, Oscar Gutierrez, Meagan Harmon, Mike Jordan, Kristen W. Sneddon, Mayor Rowse.

Councilmembers absent: None.

Staff present: Interim City Administrator Rebecca Bjork, City Attorney Ariel Calonne, City Clerk Services Manager Sarah Gorman.

CEREMONIAL ITEMS

1. Subject: Employee Recognition – Service Award Pins

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through January 31, 2022.

Action: Authorized the recommended action; (January 25, 2022, Council Agenda Report).

CHANGES TO THE AGENDA

There were no changes to the agenda.

PUBLIC COMMENT

Members of the Public: There were no speakers on this item.

CONSENT CALENDAR (Items Nos. 2-15)

The titles of the Ordinances and Resolutions were read.

Motion:

Councilmembers Sneddon/O. Gutierrez to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

2. Subject: Introduction Of An Ordinance For A Proposed Ten Year Mooring Lease With The State Of California For The East Beach Mooring Program

Recommendation: That Council introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Authorizing the Waterfront Director to Execute Lease Agreement No. 8688 Between the State of California and the City of Santa Barbara, for the East Beach Mooring Permit Program, Commencing Upon the Effective Date of the Enabling Ordinance.

Action: Approved the recommendation(s).

3. Subject: Adoption Of Resolution Urging The California Public Utilities Commission To Adopt A Rulemaking Decision On Net Energy Metering That Supports Growth Of Customer-Sited Solar Energy Installations

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Urging the California Public Utilities Commission to Adopt a Rulemaking Decision on Net Energy Metering that Supports Growth of Customer-Sited Solar Energy Installations.

Action: Approved the recommendation(s); Resolution No. 22-003 (January 25, 2022, Council Agenda Report).

4. Subject: Adoption Of Resolution To Support Grant Applications For Sea-Level Rise Implementation Projects And Regional Coastal Adaptation Monitoring

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Supporting Grant Applications to the California Coastal Commission (CCC) for a Regional Coastal Adaptation Monitoring Program and Sea-Level Rise Adaption Projects at the Airport and Waterfront.

Action: Approved the recommendation(s); Resolution No. 22-004 (January 25, 2022).

5. Subject: Adoption Of Resolution Authorizing Application To And Participation In The California Department Of Housing And Community Development Prohousing Designation Program

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Authorizing Application to and Participation in the Prohousing Designation Program.

Action: Approved the recommendation(s); Resolution No. 22-005 (January 25, 2022).

6. Subject: December 31, 2021 Investment Report And December 31, 2021, Fiscal Agent Report (260.02)

Recommendation: That Council:

A. Accept the December 31, 2021, Investment Report; and

B. Accept the December 31, 2021, Fiscal Agent Report.

Action: Approved the recommendation(s) (January 25, 2022 Council Agenda Report).

7. Subject: Adoption Of Resolution Regarding Police Chief Compensation

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending Resolution No. 21-047, the Position and Salary Control Resolution for Fiscal Year 2022, Affecting the Salary Range for Police Chief effective January 29, 2022.

Action: Approved the recommendation(s); Resolution No. 22-006 (January 25, 2022).

8. Subject: Acceptance Of California Adult Education Programs Funds From Santa Barbara City College For Adult Education Division's SBPL Works! Workforce Development Program And Adult Literacy Programs.

Recommendation: That Council:

A. Authorize the Library Director to accept \$86,684 grant from Santa Barbara City College to fund the work of Adult Education in supporting workforce

development and pandemic-related economic recovery as well as the adult literacy program.

- B. Increase revenue and expenditure appropriations in the Library's Miscellaneous Grant Fund by \$86,684 in Fiscal Year 2022.

Action: Approved the recommendation(s) (January 25, 2022, Council Agenda Report).

9. Subject: Acceptance Of Federal Library Services And Technology Act Funds In Support Of Community Connections Social Services Navigation Project

Recommendation: That Council:

- A. Authorize the Library Director to accept \$60,000 grant from the California State Library in federal Library Services and Technology Act (LSTA) funds; and
- B. Increase revenue and expenditure appropriations in the Library's Miscellaneous Grants, Central Library Program by \$60,000 in Fiscal Year 2022.

Action: Approved the recommendation(s) (January 25, 2022, Council Agenda Report).

10. Subject: Agreement With The County Of Santa Barbara For Law Enforcement Services At Special Events

Recommendation: That Council authorize the Chief of Police to execute a one year agreement with the County of Santa Barbara Sheriff's Department to provide law enforcement services at special events, with an expiration of June 30, 2022, in the amount of \$39,400.

Action: Approved the recommendation(s); Agreement No. 28,017 (January 25, 2022, Council Agenda Report).

11. Subject: Third Amendment To Technical Study Agreement In Support Of California Environmental Quality Act Compliance For The Santa Barbara Police Station Project

Recommendation: That Council authorize the Public Works Director to execute a third amendment to the City Professional Services Agreement No. 26,634 with Dudek to prepare additional necessary technical studies in the amount of \$78,672.50, in order to complete the environmental review for the Santa Barbara Police Station Project, in compliance with the California Environmental Quality Act.

Action: Approved the recommendation(s); Agreement No. 26,634.3 (January 25, 2022, Council Agenda Report).

12. Subject: New Site Use Agreement For Fire Department Radio And Safety Equipment Facilities Space Located At Gibraltar Peak Communications Site

Recommendation: That City Council authorize the Fire Chief to execute a Site Use Agreement with a Five-Year Term for radio equipment and antenna space with Community Radio Inc., located on the Gibraltar Peak Communications Site.

Action: Approved the recommendation(s); Agreement No. 28,018 (January 25, 2022, Council Agenda Report).

13. Subject: Approval To Donate Outdated And Inoperable Computer Workstations To The Santa Barbara County Education Office Computers For Families Program (210.01)

Recommendation: That Council authorize the General Services Manager to donate outdated and inoperable computer workstations to the Santa Barbara County Education Office for the Computers for Families Program.

Action: Approved the recommendation(s) (January 25, 2022, Council Agenda Report).

14. Subject: Water Supply Update, Annual Water Supply Management Report, And Recycled Water And Groundwater Studies

Recommendation: That Council:

- A. Receive an update on the Three-Year Water Supply Outlook;
- B. Approve and adopt the City of Santa Barbara Water Supply Management Report for the 2021 Water Year, finding that the groundwater resources are in long-term balance in accordance with the conjunctive management element of the City's Enhanced Urban Water Management Plan;
- C. Authorize the Public Works Director to execute a professional services agreement with Carollo Engineers, Inc. in the amount of \$61,200 to complete a Recycled Water Market Assessment, and approve expenditures of up to \$6,100 for extra services that may result from necessary changes in the scope of work, for a total contract amount of \$67,300;
- D. Authorize the Public Works Director to execute a joint funding agreement with the United States Geological Survey for the Analysis of Groundwater Flow and Storage in the Foothill and Storage Unit I Groundwater Basins with a City cost-share not to exceed \$59,730; and

- E. Approve an increase in appropriations in the Water Operating Fund in the amount of \$59,730, funded from Water Operating Fund reserves, for the City's share of the Analysis of Groundwater Flow and Storage in the Foothill and Storage Unit I Groundwater Basins.

Action: Approved the recommendation(s); Agreements No. 28,019 and No. 28,020, respectively (January 25, 2022, Council Agenda Report).

CONSENT PUBLIC HEARING

15. Subject: Senate Bill 9 Urgency Ordinance Extension

Recommendation: That Council, adopt by reading in full, by a four-fifths vote, an Uncodified Emergency Ordinance of the Council of the City of Santa Barbara Extending Ordinance No. 6049 as it Pertains to Santa Barbara Municipal Code Title 28 for an Additional Twenty-Two Months and Fifteen Days.

Public hearing opened: 2:12 p.m.

Action: Approved the recommendation(s); Ordinance No. 6053 (January 25, 2022, Council Agenda Report).

Public hearing ended: 2:17 p.m.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Sneddon reported that the Ordinance Committee heard the presentation on the Emergency Economic Recovery Ordinance and made the recommendation to forward support for the creation of a fire lane and for everything else to be sent to the ad hoc committee or State Street Advisory Committee the items of portability, new and existing definitions, design components, timing, considerations of West Victoria Street, the 1300 block of State Street, possibly the 400 block of State Street, and the consideration of public facility fees to be extended on a different timeline.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

POLICE DEPARTMENT

16. Subject: Annual Police Department Update

Recommendation: That City Council receive an oral presentation from the Police Chief and Command Staff regarding the Santa Barbara Police Department.

Documents:

- January 25, 2022 Council Agenda Report and any attachment(s).
- PowerPoint presentation prepared and made by staff.

Speakers:

- Staff: Chief Barney Melekian; Commander Marylinda Arroyo; Commander Kenneth Kushner.
- Members of the Public: None

Discussion:

- Councilmembers' questions were answered.

RECESS

3:57 p.m. – 4:09 p.m.

COMMUNITY DEVELOPMENT DEPARTMENT

17. Subject: Introduction Of Uncodified Ordinance Providing An Economic Recovery Extension And Transition Period By Amending, Restating, And Extending Provisions Previously Included In The Emergency Economic Recovery Ordinances

Recommendation: That Council introduce and subsequently adopt by reading of title only, an Uncodified Ordinance of the Council of the City of Santa Barbara Providing an Economic Recovery Extension and Transition Period by Amending, Restating, and Extending Provisions Previously Included in the Emergency Economic Recovery Ordinances.

The title of the Ordinance was read.

Documents:

- January 25, 2022 Council Agenda Report and any attachment(s).
- PowerPoint presentation prepared and made by staff.
- Proposed Ordinance.

Speakers:

- Staff: Economic Development Manager Jason Harris; Fire Marshal/Battalion Chief Ryan DiGuilio; Supervising Transportation Planner Jessica Grant.
- Members of the Public: Thomas Byrne; Brian Brunello; Kristen Miller; Richard Yates; Jim Knell; Dylan Wilder; Robin Elander; Marge Cafarelli; Brandon Ristaino; Don Zaccagnino; Ian Smith; Patrick Casey; Daniel Baham; Bob Stout; Chad Stevens; Grace Slansky; Anna Marie Gott.

Discussion:

- Councilmembers' questions were answered.

Motion:

Councilmembers Sneddon/A. Gutierrez to approve the recommended action, subject to ordinance amendments read into the record by staff.

Vote:

Unanimous roll call vote.

RECESS

6:37–6:58 pm

LIBRARY DEPARTMENT

18. Subject: Resolution To Formally Withdraw From The Black Gold Cooperative Library System

Recommendation: That Council:

- A. Approve a Resolution Declaring the City of Santa Barbara's Intent to Formally Withdraw from the Black Gold Cooperative Library System;
- B. Direct the City Administrator to Submit the Resolution to the Black Gold Cooperative Library System to Trigger the Notice Requirement for Withdrawal.

The title of the Resolution was read.

Documents:

- January 25, 2022 Council Agenda Report and any attachment(s).
- PowerPoint presentation prepared and made by staff.
- Proposed Resolution.

Speakers:

- Staff: Library Director Jessica Cadiente.
- Members of the Public: Will Tomlinson; Margaret Crocco; Lauren Trujillo; Barbara Hershberg; Anne Howard.

Discussion:

- Councilmembers' questions were answered.

Motion:

Councilmembers Friedman/A. Gutierrez to approve the recommended action; Resolution No. 22-007.

Vote:

Unanimous roll call vote.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

- Councilmember Friedman reported on their attendance at the following events or made the following comments: 1. League of CA cities coastal cities group meeting; 2. City library advisory board; 3. BEACON; 4. Goleta Beach kelp project.
- Councilmember O. Gutierrez reported on their attendance at the following events or made the following comments: 1. Commented on TVSB on City's MLK events.
- Councilmember Sneddon reported on their attendance at the following events or made the following comments: 1. Elected Leader's Collaboration for Homeless; 2. Angela Davis speaker at Fielding Institute; 3. Independent Redistricting Meeting; 4. Housing discussion; 5. COMB meeting; 6. Human Trafficking Vigil; 7. Water Commission meeting; 8. HLC meeting; 9. Appreciated Kids Draw Architecture calendar.

PUBLIC COMMENT (IF NECESSARY)

ADJOURNMENT

Mayor Rowse adjourned the meeting at 7:30 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on February 15, 2022.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____ RANDY ROWSE MAYOR	ATTEST:	_____ SARAH GORMAN CITY CLERK SERVICES MANAGER
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ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A SECOND AMENDMENT TO AN AFFORDABILITY CONTROL COVENANT IMPOSED ON REAL PROPERTY WITH PEOPLE'S SELF-HELP HOUSING CORPORATION LOCATED AT 22 EAST VICTORIA STREET AND A FIRST AMENDMENT TO REPLACEMENT AFFORDABILITY CONTROL COVENANT IMPOSED ON REAL PROPERTY WITH BUILDING HOPE, LLC LOCATED AT 617 GARDEN STREET AND AUTHORIZING THE COMMUNITY DEVELOPMENT DIRECTOR TO EXECUTE SUCH AGREEMENTS

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

WHEREAS, People's Self-Help Housing Corporation, a California nonprofit, public benefit corporation ("People's Self-Help") is fee owner of the real property commonly known as the Victoria Hotel, located at 22 East Victoria Street in the City of Santa Barbara; and

WHEREAS, on February 8, 2022, the City Council, by minute action, approved a Second Amendment to Affordability Control Covenant Imposed on Real Property pertaining to the property located at 22 East Victoria Street in the City of Santa Barbara owned by People's Self Help to restrict the use of the property and the facility to housing for low-income households for a cumulative period of 90 years; and

WHEREAS, People's Self Help and City agree to comply with the Second Amendment to Affordability Control Covenant Imposed on Real Property, recorded in the office of the County Recorder on _____, as Instrument No. _____ of official records; and

WHEREAS, Building Hope, LLC, a California limited liability company, ("Building Hope") as successor in interest to MHA Garden Street Apartments, LP, is fee owner of the real property commonly known as the Mental Wellness Center, located at 617 Garden Street in the City of Santa Barbara; and

WHEREAS, on February 8, 2022, the City Council, by minute action, approved a First Amendment to Replacement Affordability Control Covenant Imposed on Real Property pertaining to the property located at 617 Garden Street in the City of Santa Barbara owned by Building Hope, LLC to restrict the use of the property and the facility to housing for low- and very low-income households for a cumulative period of 90 years; and

WHEREAS, Building Hope, LLC and City agree to comply with the First Amendment to Replacement Affordability Control Covenant Imposed on Real Property, recorded in the office of the County Recorder on _____, as Instrument No. _____ of official records.

NOW THEREFORE, in accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, an Ordinance of the Council of the City of Santa Barbara approving the Second Amendment to Affordability Control Covenant Imposed on Real Property, and the First Amendment to Replacement Affordability Control Covenant Imposed on Real Property, is hereby approved.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 15, 2022

TO: Mayor and Councilmembers

FROM: Community Development Division, Planning Department

SUBJECT: Introduction Of Ordinance And Adoption Of Resolution Amending Title 28 Zoning Ordinance To Clarify Coastal Development Permit Requirement For Accessory Dwelling Units In The Coastal Zone

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Acknowledging Receipt of the California Coastal Commission Resolution of Certification of a Local Coastal Program Amendment (PLN2020-00484 / LCP-4-SBC-21-0052-1) and Acceptance of the Suggested Modifications Included in that Resolution of Certification; and
- B. Introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending the Santa Barbara Municipal Code by Adding Chapter 28.86 to Regulate Accessory Dwelling Units in the Coastal Zone and Include Additional Amendments to Chapter 28 to Be Consistent with This Intent.

DISCUSSION:

On January 1, 2020, amendments to state law for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) came into effect, necessitating amendments to the City's 2018 ADU Ordinance. In November 2020, City Council adopted amendments to the Title 30 (Inland) and Title 28 (Coastal) Zoning Ordinances to regulate accessory dwelling units (ADUs) in accordance with the changes in state law. The state law amendments included allowing multiple ADUs on lots with existing multi-unit dwellings, temporary elimination of an owner-occupancy requirement, and clarification that the City cannot require replacement parking when a garage is converted to an ADU. The Title 28 zoning regulations for ADUs in the Coastal Zone require California Coastal Commission (CCC) approval before they become effective. After Council adoption, the Title 28 amendments were submitted to the CCC on July 8, 2021 for certification as an amendment to the City's Local Coastal Program (LCP).

On December 17, 2021, the CCC certified the amendments with two suggested modifications, which clarify the coastal development permit requirements for ADUs, based on further evaluation and review of the Coastal Act by CCC staff (Attachment 1 – CCC Action Letter and Final Suggested Modifications). Although the CCC previously considered attached ADUs to be an improvement to an existing single family residence and therefore exempt from a coastal development permit, they re-evaluated their position and determined that the creation of a self-contained living unit (whether attached or detached) is not an 'improvement' to an existing residence, and therefore requires a coastal development permit. On January 21, 2022, the CCC released a guidance memo to all local coastal agencies regarding their updated interpretation of the Coastal Act and permit requirements for ADUs, consistent with the suggested modifications to the City's LCP amendment (Attachment 2 – California Coastal Commission Memo).

On January 20, 2022, the Planning Commission reviewed the suggested modifications and recommended (with a 4/3 vote) that Council accept them (Attachment 3 – Planning Commission Minutes). The Planning Commission also recommended that the City amend Categorical Exclusion Order E-06-01 and the corresponding section of Title 28 (28.44.070 Exclusions and Exemptions), which allows certain categories of development to be excluded from coastal development permit requirements. Currently, E-06-01 and Title 28 exclude the construction of one single family residence on an existing vacant parcel in certain areas from needing a coastal development permit. An amendment to Categorical Exclusion Order E-06-01 to exclude all or certain types of ADUs is a process separate from a Local Coastal Program amendment. It requires consultation with CCC staff, supporting documentation and evidence that there is no potential for any significant adverse impacts to coastal resources, and a 2/3 vote of the California Coastal Commission for approval.

After Council accepts the Resolution and adopts proposed changes to Title 28, the Resolution and adopted ordinance are forwarded to the CCC. At the next available hearing, the CCC will determine if the City's action to accept the suggested modifications was legally adequate. Planning staff anticipates this hearing in April 2022. Finally, once the notice of certification is filed with the Secretary of the State of California Resources Agency, the Title 28 amendments will go into effect.

Building permit applications for ADUs in the Coastal Zone that were submitted before the effective date of the Title 28 ordinance amendments will be given a 60-day grace period in order to obtain a building permit issued under state law regulations. After the 60-day grace period, if a permit was not issued, the newly adopted regulations will apply.

- ATTACHMENTS:**
1. CCC Action Letter and Final Suggested Modifications
 2. CCC Memo on Updates Regarding the Implementation of New ADU Laws
 3. Planning Commission Minutes of January 20, 2022

Council Agenda Report
Introduction Of Ordinance And Adoption Of Resolution Amending Title 28 Zoning
Ordinance To Clarify Coastal Development Permit Requirement For Accessory Dwelling
Units In The Coastal Zone
February 15, 2022
Page 3

PREPARED BY: Rosie Dyste, Project Planner

SUBMITTED BY: Elias Isaacson, Community Development Director

APPROVED BY: City Administrator's Office

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-2801
VOICE (805) 585-1800
FAX (805) 641-1732



January 3, 2022

Elias Isaacson, Community Development Director
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

RE: City of Santa Barbara Local Coastal Program Amendment No. LCP-4-SBC-21-0052-1
(Accessory Dwelling Units)

Dear Mr. Isaacson:

On December 17, 2021, the Coastal Commission approved LCP Amendment LCP-4-SBC-21-0052-1, with two suggested modifications. The subject amendment consists of several modifications to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) portion of its certified Local Coastal Program (LCP) to regulate accessory dwelling units (ADUs). The Commission's resolution of certification is contained in the staff report dated December 2, 2021. The suggested modifications, as approved by the Commission, are attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above the Commission's certification with suggested modifications shall expire six months from the date of Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development require pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.
- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object

to the Executive Director's determination. If a majority of the Commissioners present object to the Executive Director's determination and find that the local government action does not conform to the provisions of the Commission's action to certify the Local Coastal Program Amendment, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.

- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

Please feel free to contact me should you have any questions regarding this matter. The Commission and staff greatly appreciate the City's cooperation and assistance in this matter.

Authorize on behalf of the California Coastal Commission by:

John Ainsworth
Executive Director

DocuSigned by:

Denise Venegas

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By: Denise Venegas
Coastal Program Analyst

FINAL SUGGESTED MODIFICATIONS TO THE PROPOSED IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE AMENDMENT

LCP Amendment No. LCP-4-SBC-21-0052-1 (Accessory Dwelling Units)

Existing language of the certified Implementation Plan/Coastal Zoning Ordinance (IP/CZO) is shown in straight type. The City's proposed amendment language to the certified IP/CZO is shown in ~~strike through~~ and underline. Language approved by the Commission to be modified is shown in ~~double strike through~~ and double underline.

SUGGESTED MODIFICATION 1

Section 28.44.070 shall be modified as follows:

...

D. SINGLE FAMILY RESIDENCE EXEMPTION. Improvements to existing single-family residences ~~including an attached accessory dwelling unit or a junior accessory dwelling unit~~; provided, however, that those improvements which involve a risk of adverse environmental effect shall require a coastal development permit, as provided ~~for~~ in Section 13250 ~~or Section 13553~~ of Title 14 of the California Administrative Code, as amended from time to time. ~~Attached accessory dwelling units and accessory dwellings units located in an existing accessory structure or in a proposed or existing primary residence that meet the requirements of Section 28.86 are exempt from obtaining a Coastal Development Permit. A junior accessory dwelling unit that is created from at least one existing bedroom and is entirely within an existing single-family residence and does not change the building envelope is not considered development and does not require a coastal development permit is not subject to the LCP.~~

SUGGESTED MODIFICATION 2

Section 28.86.100 shall be modified as follows:

Title 28.86.100 Permits and Processing.

All accessory dwelling units and junior accessory dwelling units shall comply with applicable state and local building codes and shall require approval of either a Coastal Exemption, Coastal Exclusion, or Coastal Development Permit, and a building permit and a Coastal Development Permit if required. The City shall ministerially approve or disapprove a complete building permit application for an accessory dwelling unit or junior accessory dwelling unit in compliance with time periods established by State law, following any applicable discretionary coastal permit approvals.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2421
VOICE (415) 904-5200
FAX (415) 904-5400



To: Planning Directors of Coastal Cities and Counties
From: John Ainsworth, Executive Director, California Coastal Commission
Date: January 21, 2022

RE: Updates Regarding the Implementation of New ADU Laws

I. Introduction

California's ongoing housing crisis continues to exacerbate housing inequity and affordability, especially in the coastal zone. To address this critical issue, the state Legislature has enacted a number of laws in the last several years that are designed to reduce barriers to providing housing and to encourage construction of additional housing units in appropriate locations. To this end, the 2019 legislative session resulted in a series of changes to state housing laws that facilitate the development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), which can help provide additional housing units that can be more affordable than other forms of market rate housing. Importantly, the changes did not modify existing provisions of state housing law that explicitly recognize that local governments must still abide by the requirements of the Coastal Act, and by extension, Local Coastal Programs (LCPs). Thus, provisions on coastal resource protection must be incorporated into the planning and development process, and into updated LCP J/ADU requirements, when considering J/ADUs in the coastal zone.

The Coastal Commission strongly encourages local governments to update their LCPs with J/ADU provisions in a manner that harmonizes the State's housing laws with the Coastal Act. Doing so would protect the State's coastal resources while also reducing barriers to constructing J/ADUs and helping to promote more affordable coastal housing.

The Coastal Commission has previously circulated three memos to assist local governments with understanding how to carry out their Coastal Act obligations while also implementing state requirements regarding the regulation of J/ADUs. These memos have raised some questions for local governments, including the manner in which they are to be understood together. In order to address this issue, and to reflect lessons learned regarding J/ADU regulation in the coastal zone in the past few years, this updated memo supersedes and replaces these prior memos. This updated memo also elaborates on the changes to state housing laws that went into effect on January 1, 2020 and provides further information to help local governments harmonize these laws with the Coastal Act. This memo will briefly discuss the authority that the Coastal Act grants the Commission and local governments over housing in the coastal zone, new legislation regarding J/ADUs, how local governments can streamline J/ADU applications under the Coastal Act, and some key issues that should be considered when LCP amendments for J/ADU

provisions are undertaken. This memo is intended to provide general guidance for local governments with fully certified LCPs. The Coastal Commission is responsible for Coastal Act review of J/ADUs in most areas that are not subject to a fully certified LCP. Local governments that have questions about specific circumstances not addressed in this memo should contact the appropriate district office of the Commission.

II. Coastal Act Authority Regarding Housing in the Coastal Zone

The Coastal Act has a variety of provisions directly related to housing. Relevant here, the Coastal Act does not negate local government compliance with state and federal law “with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any other law hereafter enacted.” (Pub. Res. Code § 30007.) The Coastal Act also requires the Coastal Commission to encourage housing opportunities for low- and moderate-income households (Pub. Res. Code § 30604(f)) but states that “[n]o local coastal program shall be required to include housing policies and programs. (Pub. Res. Code § 30500.1.) Finally, new residential development must be “located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it” or in other areas where development will not have significant adverse effects on coastal resources. (Pub. Res. Code § 30250.)

While the Commission does not currently have the explicit authority to provide or protect affordable housing in the coastal zone, the Commission has continued to preserve existing density and affordable housing whenever possible, including by supporting and encouraging the creation of J/ADUs. The creation of new J/ADUs in existing residential areas is one of many strategies that aims to increase the housing stock, including creating additional housing units of a type and size that can be more affordable than other forms of housing in the coastal zone, in a way that may be able to avoid significant adverse impacts on coastal resources.

III. Overview of New Legislation

As of January 1, 2020, [AB 68](#), [AB 587](#), [AB 881](#), [AB 670](#), [AB 671](#), and [SB 13](#) collectively updated existing Government Code Sections 65852.2 and 65852.22 concerning local government review and approval of J/ADUs, and as of January 1, 2021, AB 3182 further updated the same laws, with the goal of increasing statewide availability of smaller, and potentially more affordable, housing units. Importantly, some of the changes affect local governments in the coastal zone and are summarized below.

- Local governments continue to have the discretion to adopt J/ADU provisions that are consistent with state law, and they may include specific requirements for protecting coastal resources and addressing issues such as design guidelines and protection of historic structures.
- Outside of an LCP context, existing or new J/ADU provisions that do not meet the requirements of the new legislation are null and void and will be substituted with the

provisions of Section 65852.2(a) until the local government comes into compliance with new provisions. (Gov. Code § 65852.2(a)(4).) However, existing J/ADU provisions contained in certified LCPs are not superseded by Government Code Section 65852.2 and continue to apply to Coastal Development Permit (CDP) applications for J/ADUs until the LCP is modified. Coastal jurisdictions without any J/ADU provisions or with existing J/ADU provisions that were adopted prior to January 1, 2020 are encouraged to update their LCPs to comply with the State's new laws. Such new or updated LCP provisions need to ensure that new J/ADUs will protect coastal resources in the manner required by the Coastal Act and LCP, including, for example, by ensuring that new J/ADUs are not constructed in locations where they would require the construction of shoreline protective devices, in environmentally sensitive habitat areas and wetlands, or in areas where the J/ADU's structural stability may be compromised by bluff erosion, flooding, or wave uprush over the structure's lifetime.

- A major change to Section 65852.2 is that the California Department of Housing and Community Development (HCD) now has an oversight role to ensure that local J/ADU provisions are consistent with state law. If a local government adopts an ordinance that HCD deems to be non-compliant with state law, HCD can notify the Office of the Attorney General. (Gov. Code § 65852.2(h)(3).) To ensure a smooth process, local governments should submit their draft J/ADU provisions to HCD and Coastal Commission staff to review for housing law and Coastal Act consistency before they are adopted locally and should continue to foster a three-way dialogue regarding any potential issues identified. Additionally, Coastal Commission and HCD staff meet regularly to discuss and resolve any issues that arise in the development of J/ADU provisions in the coastal zone. The Commission continues to prioritize J/ADU LCP amendments, and some may qualify for streamlined review as minor or de minimis amendments. (Pub. Res. Code § 30514(d); 14 Cal. Code Regs. § 13554.)
- In non-coastal zone areas, local governments are required to provide rapid, ministerial approval or disapproval of applications for permits to create J/ADUs, regardless of whether the local government has adopted updated J/ADU provisions. (Gov. Code § 65852.2(a)(3).) In the coastal zone, CDPs are still necessary in most cases to comply with LCP requirements (see below); however, a local public hearing is not required, and local governments are encouraged to streamline J/ADU processes as much as feasible.

Other recent legislative changes clarify that local J/ADU provisions may not require a minimum lot size; owner occupancy of an ADU (though if there is an ADU and a JADU, one of them must be owner-occupied); fire sprinklers if such sprinklers are not required in the primary dwelling; a maximum square footage of less than 850 square feet for an ADU (or 1,000 square feet if the ADU contains more than one bedroom); and in some cases, off-street parking. Section 65852.2(a) lists additional mandates for local governments that choose to adopt a J/ADU

ordinance, all of which set the “maximum standards that local agencies shall use to evaluate a proposed [ADU] on a lot that includes a proposed or existing single-family dwelling.” (Gov. Code § 65852.2(a)(6).) As indicated above, in specific cases coastal resource considerations may negate some such requirements, but only when tied to a coastal resource impact that would not be allowed under the Coastal Act and/or the LCP. In recent LCP amendments, these types of considerations have most often arisen in terms of the off-street parking provisions (see below).

IV. General Guidance for Reviewing J/ADU Applications

The following section lays out the general permitting pathway in which local governments can process J/ADU applications in a manner that is consistent with Coastal Act requirements and LCP provisions.

1) Check prior CDP history for the site.

Determine whether a CDP or other form of Coastal Act/LCP authorization was previously issued for development of the site and whether that CDP and/or authorization limits, or requires a CDP or CDP amendment for, changes to the approved development or for future development or uses of the site. The applicant should contact the appropriate Coastal Commission district office if a Commission-issued CDP and/or authorization affects the applicant’s ability to apply for a J/ADU.

2) Determine whether the proposed J/ADU constitutes “development.”

As defined by the Coastal Act, development refers to both “the placement or erection of any solid material or structure” on land as well as any “change[s] in the density or intensity of use of land[.]” (Pub. Res. Code § 30106.) Most J/ADUs constitute development if they include, for example, new construction of a detached ADU, new construction of an attached J/ADU, or conversion of an existing, uninhabitable, attached or detached space to a J/ADU (such as a garage, storage area, basement, or mechanical room). The construction of new structures constitutes the “placement or erection of solid material,” and the conversion of existing, uninhabitable space would generally constitute a “change in the density or intensity of use.” Therefore, these activities would generally constitute development in the coastal zone that requires a CDP or other authorization. (Pub. Res. Code § 30600.)

Unlike new construction, the conversion of an existing, legally established habitable space to a J/ADU within an existing residence, without removal or replacement of major structural components (e.g., roofs, exterior walls, foundations, etc.), and which does not change the intensity of use of the structure, may not constitute development within the definition in the Coastal Act. An example of a repurposed, habitable space that may not constitute new development (and thus does not require Coastal Act or LCP authorization) is the conversion of an existing bedroom within a primary structure.

Previously circulated Commission J/ADU memos (being superseded and replaced by this memo) indicated that construction or conversion of a J/ADU contained within or directly attached to an existing single-family residence (SFR) may qualify as development that was exempt from the requirement to obtain a CDP. Specifically, the Coastal Act and the Commission's implementing regulations identify certain improvements to existing SFRs that are allowed to be exempted from CDP requirements (Pub. Res. Code § 30610(a); 14 Cal. Code Regs § 13250.) Although the Commission has previously certified some LCP amendments that permitted certain exemptions for such ADU development, in a recent action, the Commission reevaluated its position and found that "the creation of a self-contained living unit, in the form of an ADU, is not an 'improvement' to an existing SFR. Rather, it is the creation of a new residence. This is true regardless of whether the new ADU is attached to the existing SFR or is in a detached structure on the same property." ¹ On this basis, and based on the finding that a variety of types of J/ADUs—including both attached and detached J/ADUs—could have coastal resource impacts that make exemptions inappropriate, it rejected the local government's proposed exemptions for certain J/ADUs. Local governments considering updating LCP J/ADU provisions should consider the Commission's recent stance regarding exemptions for ADUs and may work with Commission staff to determine the best way to proceed on this issue.

3) If the proposed J/ADU constitutes development, determine whether a CDP waiver or other type of expedited processing is appropriate.

If a local government's LCP includes a waiver provision, and the proposed J/ADU meets the criteria for a CDP waiver, the local government may issue a CDP waiver for the proposed J/ADU. The Commission has generally allowed a CDP waiver for proposed J/ADUs if the Executive Director determines that the proposed development is de minimis (i.e., it is development that has no potential for any individual or cumulative adverse effect on coastal resources and is consistent with all Chapter 3 policies of the Coastal Act). Such a finding can typically be made when the proposed J/ADU project has been sited, designed, and limited in such a way as to ensure any potential impacts to coastal resources are avoided (such as through habitat and/or hazards setbacks, provision of adequate off-street parking to ensure that public access to the coast is not impacted, etc.). (See Pub. Res. Code § 30624.7.) Projects that qualify for a CDP waiver typically allow for a reduced evaluation framework and streamlined approval.

Most, if not all, LCPs with CDP waiver provisions do not allow for waivers in areas where local CDP decisions are appealable to the Coastal Commission. There have been a variety of reasons for this in the past, including that the Commission's regulations require that local governments hold a public hearing for all applications for appealable development (14 Cal. Code Regs § 13566), and also that development in such areas tends to raise more coastal resource concerns and that waivers may therefore not be appropriate. However, under the state's J/ADU provisions, public hearings are not required for qualifying development.

Because of this, the above-described public hearing issue would not be a concern, so it could be appropriate for LCPs to allow CDP waivers in both appealable and non-appealable areas at least related to this criterion. Local governments should consult with Commission staff should they consider proposing CDP waiver provisions in their LCP. Any LCP amendment applications that propose to allow waivers in appealable areas should ensure that there are appropriate procedures for notifying the public and the Commission regarding approvals of individual, appealable waivers (such as Final Local Action Notices) so that the proper appeal period can be set, and any appeals received are properly considered.

The Coastal Act also provides for other streamlined processing for certain types of development, including for minor development. (Pub. Res. Code § 30624.9.) In certain cases, categories of development can also be excluded from CDP requirements if certain criteria are met (see box). In any case, local governments without such CDP waiver and other processing and streamlining tools are encouraged to work with Commission staff to amend their LCP to include such measures.

Coastal Act section 30610(e) allows certain categories of development that are specified in Commission-approved Categorical Exclusion (Cat Ex) Orders to be excluded from CDP requirements, provided that the category of development has no potential for any significant adverse effect, either individually or cumulatively, on coastal resources. (See also 14 Cal. Code Regs §§ 13240 et seq.)

Cat Ex Orders apply to specific types of development within identified geographical locations. For example, the Commission may approve a Categorical Exclusion for J/ADUs that would normally require a CDP (i.e., it is defined as development) because that specific development type in that specific geographic area can be demonstrated to not result in individual and/or cumulative coastal resource impacts. Cat Ex Orders are prohibited from applying to: tide and submerged lands; beaches; lots immediately adjacent to the inland extent of any beach; lots immediately adjacent of the mean high tide line of the sea where there is no beach; and public trust lands.

Cat Ex Orders provide another potential means of streamlining J/ADU consideration, and interested local governments should consult with Commission staff if they intend to propose such an Order. Cat Ex Orders are processed separately from LCP amendments, require a 2/3 vote of the Commission to be approved, and are typically subject to conditions. Once approved, the local government is responsible for reviewing development that might be subject to the Cat Ex Order and is typically required to report any exclusions applied pursuant to the Order to the Commission for review by the Executive Director and for an appeal period before they can become effective. It is important to note that while Cat Ex Orders can be a powerful tool if approved, the Commission must be able to conclude that the specific category of development in a specific geographic area has no potential for any significant adverse coastal resources impacts in order to approve one. Thus, the local government pursuing a Cat Ex Order must provide supporting documentation and evidence that can conclusively show that to be the case.

4) If a full CDP is required, review CDP application for consistency with certified LCP requirements.

If a proposed J/ADU constitutes development and cannot be processed as a waiver or similar expedited Coastal Act approval authorized in the certified LCP, it requires a CDP. The CDP must be consistent with the requirements of the certified LCP and, where applicable, the public access and recreation policies of the Coastal Act. The local government must then provide the required public notice for any CDP applications for J/ADUs and process the application pursuant to LCP requirements, but should process it within the time limits contained in the ADU law, if feasible. However, local governments are not required to hold a public hearing on CDPs for ADUs. (Gov. Code § 65852.2(l).) Once the local government has issued a decision, it must send the required final local action notice to the appropriate district office of the Commission. If the CDP is appealable, a local government action to approve a CDP for the ADU may be appealed to the Coastal Commission. (Pub. Res. Code § 30603.)

V. Key Considerations

Per Government Code Section 65852.2, subd. (l), known as the Coastal Act Savings Clause, the State's new ADU requirements shall not be "construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976." There are a number of key issues that local governments should account for in order to ensure their LCP J/ADU provisions are consistent with the requirements in the Coastal Act. This section addresses some of the key issues that the Commission has dealt with recently, including public coastal access parking requirements and protection of sensitive habitats and visual qualities. Local governments are encouraged to contact their local Coastal Commission district office for further assistance.

Protection of public recreational access in relation to parking requirements

Government Code Section 65852.2 requirements regarding parking for J/ADUs are as follows:

- a. One parking space is required per unit or per bedroom, whichever is less. The parking space can be a tandem space in an existing driveway.
- b. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, no replacement parking space(s) are required.

However, Section 65852.2 further stipulates that the parking requirements listed above do not apply to ADUs constructed:

- a. Within ½ mile walking distance of public transportation stops/routes;
- b. Within a historic district;
- c. Within a primary residence or accessory structure;
- d. When on-street parking permits are required but not offered to the occupant of the ADU;

- e. And where a car-share vehicle is located within one block of the ADU.

Thus, the Government Code limits the circumstances when a local government can require a J/ADU project to address its parking needs onsite. This is a departure from most local government parking requirements which often explicitly specify the number of off-street parking spaces that must be provided onsite in any particular development, including residential development. The potential outcome is that private residential J/ADU parking needs can be shifted onto adjacent public streets. At the same time, the Coastal Act contains objectives and policies designed to protect and provide for maximum coastal access opportunities, which includes maintaining sufficient public coastal parking, including as implemented through LCP off-street parking provisions. The addition of J/ADUs may interfere with coastal public street parking availability if, for example, a garage is converted to a J/ADU and parking is not replaced onsite, in addition to the J/ADU parking demand itself. The Commission has often found that when private residential parking needs are not accommodated onsite, it can lead to increased use of on-street parking to address such needs, thereby reducing the availability of on-street parking to the general public. This may adversely affect public coastal access if it occurs in high visitor-serving areas and/or areas with significant public recreational access opportunities, and where on-street parking is heavily used. The result will be that the general public could be displaced from on-street parking by J/ADU parking needs, which may violate the Coastal Act's requirements to protect, provide, and maximize public coastal access and recreational opportunities. In many impacted coastal neighborhoods, development patterns over the years have not adequately accounted for off-street parking needs, and adding J/ADU parking to the mix will only exacerbate such public parking difficulties. Additionally, because general on-street parking is typically free or lower cost compared to other public parking facilities, J/ADU construction may also interfere with maintaining lower cost coastal access for all.

In order to avoid conflicts regarding parking requirements for J/ADUs as they may impact public access, local governments are encouraged to work with Commission staff to identify or map specific neighborhoods and locations where there is high visitor demand for public on-street parking needed for coastal access and to specify parking requirements for each such area that harmonizes Government Code requirements with the Coastal Act (and any applicable LCP policies). These maps can denote areas that supply important coastal public parking and access opportunities, and require that J/ADU development in these areas ensure that private residential parking needs are accommodated off-street. Importantly, such upfront LCP mapping and provisions allow the local government to address impacts to public access and parking supply without the need for a protracted, or even necessarily a discretionary, decision. The Commission has previously found that local governments may include specific off-street parking requirements for J/ADUs constructed in these locations and may also require maintenance of all off-street parking for the primary residence (see examples below). However, harmonizing the distinct priorities between the Coastal Act's protection of public coastal access and the J/ADU provisions on parking requirements will require a case-by-case consideration of the specific circumstances of each jurisdiction.

Protection of sensitive habitats and visual qualities; avoidance of hazards

While most J/ADU projects take place within established residential neighborhoods where potential coastal resource impacts are fairly limited, there can be cases where such projects may affect significant coastal resources, such as sensitive habitats and shorelines and beaches. As a general rule, LCPs include many provisions protecting such resources, and it is important that proposed J/ADU provisions are not structured to undo any such LCP protections that already apply. J/ADUs may need to be reviewed for specific siting and design standards, particularly in visually sensitive areas (such as the immediate shoreline, between the first public road and the sea, near LCP-designated scenic areas, etc.). Similarly, where sensitive habitat may be present, J/ADUs must be reviewed for impacts to such habitat, including with respect to fuel modification for defensible space. Additionally, local governments should include provisions for J/ADUs constructed in areas vulnerable to sea level rise and other coastal hazards which ensure not only that these structures will meet all LCP requirements for new development to be safe from such hazards, but that also addresses the need for future sea level rise adaptations (including future accommodation or removal, risk disclosure conditions on the J/ADU, and any other risk-related issues dealt with in the LCP).

VI. Examples of Recently Updated ADU Provisions in Certified LCPs

A number of local jurisdictions have recently updated their LCPs to include new J/ADU provisions. Coastal Commission staff reports are linked below, which summarize specific issues that arose between Coastal Act requirements and the new J/ADU provisions as well as the necessary changes that were made in order to harmonize each jurisdiction's LCP with the State's housing laws. The suggested modifications shown in the staff reports were all approved by the Coastal Commission.

[City of Santa Cruz \(approved May 2021\)](#). This LCP amendment included clarifying language to address which provisions of the new state housing laws applied to ADUs in the coastal zone of the City of Santa Cruz as well as ensuring that the coastal resource protection provisions of the City's current LCP are maintained. The amendment also addressed specific off-street parking requirements for ADUs sited near significant coastal visitor destinations. The City of Santa Cruz adopted the Commission's modifications in August 2021.

[City of Pacifica \(approved June 2021\)](#). This LCP amendment revised the City's Implementation Plan to incorporate J/ADU provisions that are in line with the updated state housing laws, including streamlined procedures for J/ADU review and permitting processing, providing J/ADU development standards, and crafting tailored modifications to address specific public access parking needs in key visitor destination areas. The City of Pacifica adopted the Commission's modifications in August 2021.

[County of San Mateo \(approved July 2021\)](#). This LCP amendment incorporated more specific ADU regulations relating to size limits, maximum number of J/ADUs permitted per lot, streamlined review and process of J/ADU permits, and parking availability in areas that are

significant coastal visitor destinations. The County of San Mateo adopted the Commission's modifications in September 2021.

City of Encinitas (approved August 2021). The Coastal Commission approved revisions to the City of Encinitas' Implementation Plan that updated existing definitions for ADUs and JADUs and clarified development standards for accessory units, including standards for size, height, and setbacks.

City of Santa Barbara (approved December 2021). The Coastal Commission approved Commission staff's revision of the City of Santa Barbara's LCP amendment submittal addressing updated ADU provisions to be consistent with state housing laws. The amendment revised J/ADU terms and definitions, building standards, parking requirements, and permitting review and processing procedures. The staff report included modifications that address the CDP exemption issue (discussed above).



City of Santa Barbara

PLANNING COMMISSION

MINUTES

JANUARY 20, 2022

1:00 P.M.

This Meeting was Conducted Electronically
SantaBarbaraCA.gov

COMMISSION MEMBERS:

Gabriel Escobedo, Chair
Roxana Bonderson, Vice Chair
John M. Baucke
Jay D. Higgins
Sheila Lodge
Devon Wardlow
Lesley Wiscomb

STAFF:

Tava Ostrenger, Assistant City Attorney
Allison DeBusk, Senior Planner
Gillian Fennessy, Commission Secretary

CALL TO ORDER

Chair Escobedo called the meeting to order at 1:00 p.m.

I. ROLL CALL

Chair Gabriel Escobedo, Vice Chair Roxana Bonderson (at 1:03 p.m.), Commissioners John M. Baucke, Jay D. Higgins, Sheila Lodge, Devon Wardlow, and Lesley Wiscomb

STAFF PRESENT

Tava Ostrenger, Assistant City Attorney
Allison DeBusk, Senior Planner
Daniel Gullett, Principal Planner
Rosie Dyste, Project Planner
Brenda Beltz, Project Planner
Janet Ahern, City TV Production Specialist
Gillian Fennessy, Commission Secretary

II. PRELIMINARY MATTERS

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items:

Ms. DeBusk announced that Item III.B, 1236 San Andres Street, is postponed to the February 17, 2022 Planning Commission Meeting.

B. Announcements and appeals:

No announcements.

C. Comments from members of the public pertaining to items not on this agenda:

Public comment opened at 1:02 p.m., and as no one wished to speak, it closed.

Written correspondence from Cass Ensberg was acknowledged.

III. **NEW ITEM**

A. **ACTUAL TIME: 1:03 P.M.**

SUGGESTED MODIFICATIONS TO THE TITLE 28 ORDINANCE AMENDMENTS FOR ACCESSORY DWELLING UNITS

Project Number: PLN2020-00484,
Amendment Number: LCP-4-SBC-21-0052-1

Review of the California Coastal Commission's Suggested Modifications to the City's adopted Accessory Dwelling Unit Ordinance. The Suggested Modifications would require most Accessory Dwelling Units in the Coastal Zone to receive approval of a Coastal Development Permit. The Planning Commission will consider a recommendation to City Council for adoption of a Resolution of the Council of the City of Santa Barbara accepting the California Coastal Commission's Resolution of Certification and Suggested Modifications to the Local Coastal Program Amendment LCP-4-SBC-21-0052-1 for amendments to Santa Barbara Municipal Code Title 28 for Accessory Dwelling Units.

Staff Contact: Rosie Dyste, Project Planner RDyste@SantaBarbaraCA.gov,
(805) 564-4599

Rosie Dyste, Project Planner, gave the Staff presentation. Daniel Gullett, Principal Planner and Brenda Beltz, Project Planner were available to answer questions.

Public comment opened at 1:12 p.m., and as no one wished to speak, it closed.

Written correspondence from Steve Johnson was acknowledged.

MOTION: Wiscomb / Lodge

Recommend City Council approve the California Coastal Commission's suggested modifications to the Title 28 Ordinance amendments for Accessory Dwelling units, with an additional recommendation for staff to work on a Coastal Exclusion clause as a future local coastal program amendment for Accessory Dwelling Units.

The motion carried by the following vote:

Ayes: 4 Noes: 3 (Baucke, Bonderson, and Wardlow) Abstain: 0 Absent: 0

Vice Chair Bonderson opposed the motion because she is concerned about the way Suggested Modification 1, Section 28.44.070, has been edited no longer excluding attached Accessory Dwelling Units (ADUs) that are not inside the single family dwelling unit from a coastal development permit (CDP), as well as requiring a CDP for detached existing structures being converted within their own footprint, as she believes that it should be an easier process and it goes against the whole purpose of the State legislature for ADUs, and thus should be exempt from a CDP.

Commissioner Baucke opposed the motion because he finds the Coastal Commission's modifications are contrary to the legislative intent of the State Legislature for ADUs. The City's proposal was protective of coastal resources as it was written. Concerned about the additional cost and time for ADU applicants with the proposed amendments. Concurs with an exemption process for ADUs in order to be exempt from CDPs for projects not impacting resources. Concerned that we don't have HCD feedback on Coastal Commission's updated procedure memo.

Commissioner Wardlow opposed the motion because she finds that the modifications proposed by the Coastal Commission are an over step. It creates unnecessary and additional processes and procedures for City residents and is not the right policy. Would like City Council to ensure that this is not imposed on the community.

B. 1236 SAN ANDRES STREET

Assessor's Parcel Number: 039-151-001
Zoning Designation: R-M (Residential Multi-Unit)
Application Number: PLN2021-00532
Applicant / Owner: Lonnie Roy and Jarrett Gorin / SBMR, LLC

Request to amend conditions of approval associated with the Planning Commission's prior approval of a four-unit condominium development in order to allow an accessory dwelling unit within an area identified as restricted from development. The discretionary application required for this project is an Amendment to Condition of Approval II.A.5 in Planning Commission Resolution No. 01-08 to allow development within the restricted portion of the lot.

Item B is postponed to the February 17, 2022 agenda.

IV. ADMINISTRATIVE AGENDA

ACTUAL TIME: 2:50 P.M.

A. Committee and Liaison Reports:

1. Staff Hearing Officer Liaison Report

Commissioner Higgins reported on the January 12, 2022 Staff Hearing Officer meeting.

2. Other Committee and Liaison Reports

a. Commissioner Lodge reported on the January 19, 2022 Historic Landmarks Commission meeting.

V. ADJOURNMENT

Chair Escobedo adjourned the meeting at 2:52 p.m.

Submitted by,



Gillian Fennessy, Commission Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL COMMISSION RESOLUTION OF CERTIFICATION OF A LOCAL COASTAL PROGRAM AMENDMENT (PLN2020-00484 / LCP-4-SBC-21-0052-1) AND ACCEPTANCE OF THE SUGGESTED MODIFICATIONS INCLUDED IN THAT RESOLUTION OF CERTIFICATION

WHEREAS, the City's Local Coastal Program (LCP) has two parts: a Coastal Land Use Plan (LUP), with a major update certified in 2019, and Coastal Implementation Plan, initially certified in 1986, with periodic amendments; and

WHEREAS, Section 30514 of the California Coastal Act (Coastal Act) provides that all amendments to a certified LCP shall be submitted to, and processed by the California Coastal Commission (CCC), in accordance with §30512 and §30513 of the Coastal Act; and

WHEREAS, in 2017 and in 2020, state laws came into effect to facilitate the permitting and construction of accessory dwelling units (ADUs), necessitating amendments to the City's Zoning Ordinance to enact local regulations for ADUs; and

WHEREAS, the City adopted amendments to the Title 30 (Inland) Zoning Ordinance and Title 28 (Coastal) Zoning Ordinance to provide consistent ADU regulations throughout the City, with additional provisions in Title 28 to protect coastal resources consistent with the policies of the certified 2019 Coastal LUP; and

WHEREAS, Coastal LUP Policy 2.1-2 allows ADUs, which tend to be more affordable than standard housing, as long as such development is found consistent with the policies of the Coastal LUP; and

WHEREAS, in July 2020, the City provided a review draft of the Title 28 Zoning Ordinance amendments of the Santa Barbara Municipal Code to the CCC South Central Coast staff; and

WHEREAS, on August 5, 2020, the CCC staff submitted preliminary comments on the City's review draft of the Title 28 Zoning Ordinance amendments for ADUs; and

WHEREAS, on August 6, 2020, the Planning Commission held a duly noticed public hearing to consider a recommendation to the City Council on proposed amendments to the Zoning Ordinance for ADUs, and voted 7/0 to continue the item indefinitely; and

WHEREAS, following the Planning Commission's motion to continue the amendments to the Zoning Ordinance for ADUs indefinitely, additional edits were made to the draft Title 28 and Title 30 Zoning Ordinance amendments in response to written input from CCC staff, verbal and written input from State Housing and Community Development staff, public comments, and to correct an omission; and

WHEREAS, on September 3, 2020, the Planning Commission held a duly noticed public hearing to consider a recommendation to the City Council on proposed amendments to the Zoning Ordinance for ADUs, and voted 7/0 to recommend that City Council adopt amendments to the Zoning Ordinance for ADUs; and

WHEREAS, on September 3, 2020, written public notice was provided of the upcoming City Council hearings and six week availability of review drafts of the Title 28 amendment prior to final action by City Council, pursuant to the California Code of Regulations Title 14, Article 5, §13515; and

WHEREAS, on September 29, 2020, the Ordinance Committee held a duly noticed public hearing to review and consider recommending that City Council adopt amendments to the Zoning Ordinance for ADUs, and voted to move staff's recommendations to City Council for amendments to Title 28 and Title 30; and

WHEREAS, on October 27, 2020, the City Council held a duly noticed public hearing to introduce and subsequently adopt, an Ordinance of the Council of the City of Santa Barbara amending Title 28 and Title 30 of the Santa Barbara Municipal Code; and

WHEREAS, on November 10, 2020, the City Council held a duly noticed public hearing to adopt an Ordinance of the Council of the City of Santa Barbara amending Title 28 and Title 30 of the Santa Barbara Municipal Code; and

WHEREAS, on February 23, 2021, City Council held a duly noticed public hearing and adopted Resolution No. 21-010 to approve submittal of a LCP Amendment application to the CCC for certification; and

WHEREAS, on July 8, 2021, an LCP Amendment application (LCP-4-SBC-21-0052-1) was submitted to the CCC South Coast office for the amendments to the Zoning Ordinance for ADUs; and

WHEREAS, on July 29, 2021, CCC staff notified the City that, pursuant to Article 15, §13551 and §13552 of the Commission's regulations, additional information on (1) Public Noticing and (2) LCP Amendment Scope was required to deem the LCP Amendment application complete; and

WHEREAS, on August 3, 2021, the City submitted to the CCC (1) acknowledgement of the public noticing requirement and (2) an underlined and strikethrough copy of the Title 28 ordinance amendments; and

WHEREAS, on August 19, 2021, the CCC Executive Director deemed that the LCP Amendment complied with the submittal requirements of Coastal Act §30510(b); and

WHEREAS, pursuant to Coastal Act §30512 and California Code of Regulations, Title 14, §13522, the LCP Amendment was required to be scheduled for public hearing and acted on by the CCC no later than 90 days from the date the amendment was properly submitted; and

WHEREAS, on September 23, 2021, the CCC held a duly noticed public hearing to consider, pursuant to Coastal Act §30517 and California Code of Regulations, Title 14, §13535(c), extending the 90 day time limit to act on the LCP Amendment to one year, and voted to approve the time extension; and

WHEREAS, on November 22, 2021, CCC staff submitted two preliminary suggested modifications to the City's LCP Amendment for review and comment; and

WHEREAS, City staff informally discussed the suggested modifications with CCC staff and indicated the City would consider accepting the suggested modifications as amended per the discussion; and

WHEREAS, on December 17, 2021, the CCC held a duly noticed public hearing to consider the LCP Amendment, and unanimously voted to certify the LCP Amendment with two suggested modifications; and

WHEREAS, on January 3, 2022, the CCC submitted a Resolution of Certification of the LCP Amendment, final suggested modifications, and procedural requirements to make the LCP Amendment certification final and effective; and

WHEREAS, the CCC's Resolution of Certification of the LCP Amendment with suggested modifications will expire six months from the CCC's action on December 17, 2021; and

WHEREAS, the City's Environmental Analyst conducted environmental review and made a determination that City Council action to acknowledge receipt of the CCC's Resolution of Certification of the LCP Amendment and accept and agree to the suggested modifications included therein are exempt from the CEQA pursuant to Public Resources Code §21080.9 and State California Environmental Quality Act Guidelines §15265; and

WHEREAS, on January 20, 2022, the Planning Commission held a duly noticed public hearing to consider a recommendation to City Council on the CCC's Resolution of Certification of the LCP Amendment with suggested modifications, and voted to forward the Resolution of Certification of the LCP Amendment with suggested modifications to the City Council with a recommendation of approval; and

WHEREAS, all public noticing required pursuant to the Santa Barbara Municipal Code, California Code of Regulations Title 14, §13515, and California Government Code §65353 was completed for February 15, 2022 and March 1, 2022 City Council hearings to consider the CCC's Resolution of Certification of the LCP Amendment with suggested modifications;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

1. The Council of the City of Santa Barbara hereby:

A. Acknowledges receipt of the CCC's Resolution of Certification of the LCP Amendment (PLN2020-00484/LCP-4-SBC-21-0052-1), with two suggested modifications;

B. Accepts and agrees to the two suggested modifications included in the Resolution of Certification; and

C. Agrees to issue coastal development permits for the total area included in the certified Local Coastal Program.

2. The LCP Amendment shall take effect automatically after the following actions occur:

A. The CCC Executive Director determines that the City's action and notification procedures are legally adequate to satisfy the CCC's certification order.

B. The CCC Executive Director reports the determination to the CCC at its next regularly scheduled public meeting and the CCC does not object to the determination.

C. Notice of the certification of the LCP Amendment is filed with the Secretary of Resources Agency for posting and inspection.

Exhibit A:

CCC Resolution of Certification of LCP Amendment No. LCP-4-SBC-21-0052-1

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001
(805) 585-1800



F14b

DATE: December 2, 2021

TO: Commissioners and Interested Persons

FROM: Steve Hudson, District Director
Barbara Carey, District Manager
Jacqueline Phelps, District Supervisor
Denise Venegas, Coastal Program Analyst

SUBJECT: City of Santa Barbara Local Coastal Program Amendment No. LCP-4-SBC-21-0052-1 (Accessory Dwelling Unit) for December 17, 2021 Commission Meeting

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, reject proposed City of Santa Barbara Local Coastal Program (LCP) Amendment No. LCP-4-SBC-21-0052-1 as submitted, and approve the amendment only if modified pursuant to two suggested modifications. The motions to accomplish this recommendation are found starting on page 5 of this staff report.

The City of Santa Barbara ("City") is requesting an amendment to the Implementation Plan /Coastal Zoning Ordinance (IP/CZO) portion of its certified Local Coastal Program (LCP) to regulate accessory dwelling units (ADUs) consistent with state law. The subject amendment would add and revise definitions for terms related to ADUs and add new provisions and development standards regarding ADU permitting and development. Currently, the City of Santa Barbara's LCP allows for the development of secondary dwelling units within residential zones. The proposed amendment would delete all references and regulations specific to secondary dwelling units and add a new section that adds specific provisions relating to ADUs (e.g., square footage, building envelope, setbacks, height, parking, owner occupancy, etc.). Further, the amendment allows ADUs as permitted uses in all areas zoned for single-family or multi-family residential use as a primary use, including on lots with either an existing or proposed dwelling unit; prohibits ADUs in a location that would conflict with the coastal resource protection policies of the City's Land Use Plan (LUP); and prohibits certain types of ADUs in high fire hazard zones.

Under the proposed amendment, no parking would be required for a Junior ADUs or an ADU located outside of these mapped areas if it met state ADU law criteria (i.e., if the subject ADU is less than a half-mile from public transportation, is located within an architecturally and historically significant district, is contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building, when on-street permits are

required but not offered to the ADU occupant, and/or when located within 500 feet of a carshare vehicle). Additionally, when an existing garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of the ADU, those displaced parking spaces are required to be replaced on the same lot as the primary residential unit. This requirement for off-street parking for ADUs located within LUP mapped “Key Public Access Parking Areas” is consistent with the LUP’s public access policies because it ensures that on-street public parking spaces that facilitate coastal access are protected for public use, as the LUP requires.

Furthermore, the proposed amendment includes provisions regarding the review and approval of ADUs. Specifically, the amendment allows for attached ADUs, ADUs located in an existing accessory structure or in a proposed or existing primary residence, or Junior ADUs to be exempt from obtaining a Coastal Development Permit. Additionally, the amendment clarifies that a Junior ADU created from an existing bedroom and located entirely within an existing residence with no change in the building envelopment is not considered development. All other ADUs would require a coastal development permit (CDP), although the CDP would not require a public hearing consistent with state law. Lastly, the proposed amendment includes language that would allow ADUs to be approved under a Categorical Exclusion.

While the City has indicated that these exemption regulations were adopted in conformance with guidance issued by the Commission, upon further analysis and evaluation, staff believes that the Coastal Act does not allow for ADUs to be exempted from coastal permit requirements. Therefore, **Suggested Modifications One (1) and Two (2)** deletes language that exempts ADUs, ADUs located in an existing accessory structure or, a proposed or existing primary residence, or Junior ADUs from obtaining a CDP. These modifications ensure that the proposed amendment remains consistent with the permitting and exemption provisions of the certified IP/CZO and the Coastal Act.

Additionally, since ADUs and Junior ADUs are not listed as a category of development that is excluded from CDP requirements, **Suggested Modification Two (2)** also deletes language that would allow ADUs and Junior ADUs to be approved pursuant to a Coastal Exclusion. All ADUs, except for Junior ADUs not considered development (e.g., created from an existing bedroom and entirely within an existing residence with no change in the building envelopment), would require a Coastal Development Permit.

In conclusion, the City has carefully crafted ADU provisions that reflect the City’s unique coastal zone attributes and, at the same time, relax standards for ADUs overall to help incentivize and facilitate their construction. Further, the ADU provisions make clear that the coastal resource protection requirements of the certified LCP will apply to the development of ADUs. The result is a set of provisions that should adequately protect coastal resources as required by the LUP while at the same time facilitating an increase in ADUs and by extension, an increase in affordable housing stock in the City’s coastal zone.

For the reasons described in this report, Staff recommends that the Commission find that the IP/CZO amendment, only if modified as suggested, conforms with and is adequate to carry out the policies of the certified Land Use Plan.

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Exhibits

[Exhibit 1 – LCP Amendment Proposed Text Changes in Strikethrough/Underline](#)

[Exhibit 2 – LUP Figure 3.1-2 “Key Public Access Parking Areas”](#)

I. PROCEDURAL OVERVIEW

A. Standard of Review

The Coastal Act provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter. (Section 30513)

...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30513)

The Commission may suggest modifications... (Section 30513)

Any proposed amendments to a certified local coastal program shall be submitted to, and processed by, the commission in accordance with the applicable procedures and time limits specified in Sections 30512 and 30513... (Section 30514(b))

Pursuant to Section 30512(c), the standard of review for the proposed amendment to the City's certified IP/CZO, pursuant to Sections 30513 and 30514(b) of the Coastal Act, is whether the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the City's certified LCP. All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified City of Santa Barbara LUP as guiding policies pursuant to Policy 1.2-1 of the LUP.

B. Procedural Requirements

If the Commission certifies the LCP amendment as submitted, no further City Council action will be necessary pursuant to Section 13544(b)(2) of Title 14 of the California Code of Regulations. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the City Council, and the LCP amendment is not effective, pursuant to Section 13542(f). Should the Commission deny the LCP Amendment, as submitted, but then approve it with suggested modifications, then the City Council may consider accepting the suggested modifications and submitting them by resolution to the Executive Director for a determination that the City Council's acceptance is consistent with the Commission's action. In that scenario, pursuant to Section 13544(c) of Title 14 of the California Code of Regulations, the modified LCP Amendment will become final at the subsequent Commission meeting if the Commission concurs with the Executive Director's Determination that the City Council's action in

accepting the suggested modifications approved by the Commission for this LCP Amendment is legally adequate. If the City Council does not accept the suggested modifications within six months of the Commission's action, then the LCP amendment remains uncertified and not effective within the coastal zone.

C. Public Participation

Section 30503 of the Coastal Act requires the provision of maximum opportunities for public input in preparation, approval, certification and amendment of any LCP. The City held a series of public hearings on this amendment. The hearings were duly noticed consistent with the provisions of Section 13515 of Title 14 of the California Code of Regulations. Notice of the Coastal Commission's consideration of the subject amendment has been distributed to all known interested parties.

II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS FOR THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO) AMENDMENT

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce each resolution and a staff recommendation is provided.

A. DENIAL OF THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE AMENDMENT AS SUBMITTED

MOTION I:

I move that the Commission reject City of Santa Barbara Implementation Plan/Coastal Zoning Ordinance Amendment No. LCP-4-SBC-21-0052-1 as submitted.

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in denial of the Implementation Plan/Coastal Zoning Ordinance Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY AS SUBMITTED:

The Commission hereby **denies** certification of the Implementation Plan/Coastal Zoning Ordinance Amendment No. LCP-4-SBC-21-0052-1 as submitted by the City of Santa Barbara, and adopts the findings set forth below on grounds that the Implementation Plan Amendment, as submitted, does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan

amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan Amendment as submitted.

B. CERTIFICATION OF THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE AMENDMENT IF MODIFIED

MOTION II:

I move that the Commission certify City of Santa Barbara Implementation Plan/Coastal Zoning Ordinance Amendment No. LCP-4-SBC-21-0052-1 if it is modified as suggested in this staff report.

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the amendment with suggested modifications and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby **certifies** the City of Santa Barbara Implementation Plan\Coastal Zoning Ordinance Amendment No. LCP-4-SBC-21-0052-1, if modified as suggested, and adopts the findings set forth below on grounds that the Implementation Plan Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan Amendment, if modified as suggested, complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the land use plan amendment may have on the environment.

III. SUGGESTED MODIFICATIONS

The staff recommends the Commission certify the proposed IP/CZO amendment, with two suggested modifications as shown below. Existing language of the certified Implementation Plan/Coastal Zoning Ordinance is shown in straight type. Language proposed to be added by the City of Santa Barbara in this amendment is shown underlined. Language proposed to be deleted by the City of Santa Barbara in this amendment is shown as ~~strikethrough~~. Language recommended by Commission staff to be inserted is shown in double underlined. Language recommended by Commission staff to be deleted is shown in ~~double strikethrough~~.

Suggested Modification No. 1

Section 28.44.070 shall be modified as follows:

....
D. SINGLE FAMILY RESIDENCE EXEMPTION. Improvements to existing single-family residences ~~including an attached accessory dwelling unit or a junior accessory dwelling unit;~~ provided, however, that those improvements which involve a risk of adverse environmental effect shall require a coastal development permit, as provided ~~for~~ in Section 13250 ~~or Section 13553~~ of Title 14 of the California Administrative Code, as amended from time to time. ~~Attached accessory dwelling units and accessory dwellings units located in an existing accessory structure or in a proposed or existing primary residence that meet the requirements of Section 28.86 are exempt from obtaining a Coastal Development Permit. A junior accessory dwelling unit that is created from at least one existing bedroom and is entirely within an existing single-family residence and does not change the building envelope is not considered development and does not require a coastal development permit is not subject to the LCP.~~

Suggested Modification No. 2

Section 28.86.100 shall be modified as follows:

Title 28.86.100 Permits and Processing.

All accessory dwelling units and junior accessory dwelling units shall comply with applicable state and local building codes and shall require approval of either a Coastal Exemption, Coastal Exclusion, or Coastal Development Permit, and a building permit and a Coastal Development Permit if required. The City shall ministerially approve or disapprove a complete building permit application for an accessory dwelling unit or junior accessory dwelling unit in compliance with time periods established by State law, following any applicable discretionary coastal permit approvals.

IV. FINDINGS FOR DENIAL AS SUBMITTED AND APPROVAL OF THE AMENDMENT, IF MODIFIED AS SUGGESTED

The following findings support the Commission's denial of the proposed Implementation Plan/Coastal Zoning Ordinance (IP/CZO) Amendment as submitted and approval of the IP/CZO Amendment if modified as suggested in Section III (Suggested Modifications) above. The Commission hereby finds and declares as follows:

A. Amendment Description and Background

The City of Santa Barbara is requesting an amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) component of its certified Local Coastal Program (LCP) to regulate accessory dwelling units (ADUs) consistent with recent changes to state housing law (including changes establish by Assembly Bills 68, 587, and 881, and Senate Bill 13, which all took effect on January 1, 2020). The subject amendment would add and revise definitions for terms related to ADUs and add new provisions and development standards

regarding ADU permitting and development.

Currently, the City of Santa Barbara's LCP allows for the development of second dwelling units within residential zones (IP/CZO Section 28.94.030.Z). The proposed amendment would delete all references and regulations specific to secondary dwelling units and add a new section (Section 28.86) which adds specific provisions relating to ADUs (e.g., square footage, building envelope, setbacks, height, parking, owner occupancy, etc.). Further, the amendment allows ADUs as permitted uses in all areas zoned for single-family or multi-family residential use as a primary use, including on lots with either an existing or proposed dwelling unit; prohibits ADUs in a location that would conflict with coastal resource protection policies of the City's Land Use Plan (LUP); and prohibits certain types of ADUs in high fire hazard zones. Additionally, the amendment would revise other regulations that would continue to apply to ADUs and includes sale and rental terms and the owner-occupancy requirements for ADUs.

Under the proposed amendment, accessory dwelling units would be regulated under two categories of ADUs (Special ADU and Standard ADU). Special ADUs are specific types of smaller ADUs (in terms of size, height, and setbacks) and Junior ADUs that are allowed in any high fire hazard area pursuant to state housing law. Additionally, the proposed amendment allows for more than one Special ADU on a lot. Standard ADUs are typically larger ADUs and the proposed amendment does not allow for more than one standard ADU on a lot.

Regarding parking standards, the proposed provisions would not require off-street parking for Junior ADUs. Additionally, when an existing garage, carport, or covered parking structure is demolished or converted as part of ADU development, those displaced parking spaces shall be replaced on the same lot as the primary residential unit. All other ADUs require a minimum of one off-street parking space, except for ADUs located outside of key public access parking areas as delineated in Figure 3.1-2 of the City's LUP and incorporate at least one of the following measures to reduce parking demand: a) the ADU is located within a walking distance of one-half mile of a public transit stop; b) ADU is located within an architecturally and historically significant historic district; c) ADU is contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building; d) when on-street parking permits are required but not offered to the occupants of the ADU, or e) when there is a carshare vehicle located with a walking distance of 500 feet of the ADU.

Furthermore, the proposed amendment includes provisions regarding the review and approval of ADUs. Specifically, the amendment allows for attached ADUs, ADUs located in an existing accessory structure or in a proposed or existing primary residence, or Junior ADUs to be exempt from obtaining a Coastal Development Permit. Additionally, the amendment clarifies that a Junior ADU created from an existing bedroom and located entirely within an existing residence with no change in the building envelopment is not considered development. All other ADUs would require a coastal development permit (CDP), although the CDP would not require a public hearing (consistent with Government Code section 65852.2(j)). Lastly, the proposed amendment includes language that would allow ADUs to be approved under a Categorical Exclusion.

The full text of the City's proposed changes to the IP/CZO is included as Exhibit 1 of this report.

The City of Santa Barbara submitted the subject LCP Amendment to the Commission on July 15, 2021. The amendment submittal was deemed complete by Commission staff and filed on August 19, 2021. At its October 2021 Commission meeting, the Commission extended the 60-day time limit to act on the LCP amendment for a period not to exceed one year.

B. Consistency Analysis

Pursuant to Section 30513 and 30514 of the Coastal Act, the standard of review for the proposed amendment to the Implementation Plan/Coastal Zoning Ordinance (IP/CZO) portion of the certified LCP is whether the proposed amendment would be in conformance with, and adequate to carry out, the provisions of the certified Land Use Plan (LUP) component of the certified LCP. All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified LUP as guiding policies pursuant to Policy 1.2-1 of the LUP.

1. Public Access and Recreation

The LCP contains objectives, policies, and other provisions designed to protect and provide for maximum public access and recreational opportunities, as well as to encourage free and lower cost opportunities. These provisions require that existing public access and visitor-serving opportunities be protected and enhanced, that barriers to such opportunities be reduced, and that public access parking, including explicitly on-street parking spaces, be protected for public use. These LUP provisions include:

LUP Policy 3.1-1 states:

Maximum Public Access. As outlined in Coastal Act 30210, in carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

LUP Policy 3.1-15 states:

Coastal Access Parking. Maximize, maintain, improve, and promote efficient use of the parking supply for public access to the shoreline, coastal recreation areas, Stearns Wharf, and the Harbor. Where appropriate and feasible, continue to provide public parking facilities that are distributed throughout the Coastal Zone so as to provide convenient access to the shoreline and to avoid the impacts of overcrowding or overuse of any single area.

LUP Policy 3.1-29, in relevant part, states:

Off-Street Parking for New Development and Substantial Redevelopment.

A. Parking standards in the Zoning Ordinance are designed to ensure sufficient off-street parking is provided for new development and substantial redevelopment so as to avoid significant adverse impacts to public access to the shoreline and coastal recreation areas. Off-street parking for new development and substantial redevelopment, therefore, shall be consistent with the Zoning Ordinance.

LUP Policy 3.1-30 states:

Preserve Existing Key Public Access Parking. Preserve public parking in existing Key Public Access Parking Areas (see Policy 3.1-35 Locations of Key Public Access Parking Areas) where safe, appropriate, and feasible. Permanent restrictions or reductions of public parking in Key Public Access Parking Areas (including seasonal restrictions) shall only be allowed if the restriction or reduction does not result in a significant adverse impact to public access to the shoreline and coastal recreation areas. Mitigation required to avoid a significant adverse impact to public access shall include the provision of 1:1 replacement parking or a comparable mitigation measure such as providing facilities for active transportation. The evaluation of impact(s) of a restriction or reduction of public parking may include public access mitigation measures proposed as part of the project (e.g. bus stop enhancements, bicycle parking, etc.). Mitigation shall be implemented prior to or concurrent with implementation of the restriction or reduction of public parking.

LUP Policy 3.1-35 states:

Locations of Key Public Access Parking Areas. The following are Key Public Access Parking Areas (public parking lots and on-street parking), as shown on Figure 3.1-2 Key Public Access Parking Areas, that provide public access to the shoreline, coastal recreation areas, Stearns Wharf, the Harbor, and existing lease space on City owned property in the Waterfront Beaches/Harbor Component Area and County owned property at Arroyo Burro County Beach Park:

- A. On-street parking in the pull-out along Cliff Drive from the westerly City boundary to 350 feet east towards Sea Ledge Lane (for access to Cliff Drive Overlook);
- B. Arroyo Burro County Beach Park public parking lot (for access to Arroyo Burro Beach and Douglas Family Preserve);
- C. On-street parking along Alan Road from Cliff Drive to Wade Court (for access to Arroyo Burro Beach and Douglas Family Preserve);
- D. On-street parking along Borton Drive from its terminus at Douglas Family Preserve to Linda Road, Linda Road from Borton Drive to Mesa School Lane, Mesa School lane from its terminus at Douglas Family Preserve to Linda Road, Medcliff Road from Balboa Drive to Selrose Lane, Selrose Lane from Balboa Drive to La Jolla Drive, and La Jolla Drive (for access to Douglas Family

Preserve);

E. On-street parking along Mesa Lane from Edgewater Way to Selrose Lane and Medcliff Road from Mesa Lane to Via Sevilla (for access to Mesa Lane Stairs);

F. La Mesa Park public parking lot (for access to La Mesa Park);

G. On-street parking along Santa Cruz Boulevard from its terminus at Thousand Steps to Pacific Avenue (for access to Thousand Steps);

H. Shoreline Park public parking lots (for access to Shoreline Park);

I. On-street parking along Shoreline Drive from La Marina Drive to 300 feet west towards Las Ondas and La Marina Drive from Shoreline Drive to Del Oro (for access to Shoreline Park and Leadbetter Beach);

J. La Playa and Leadbetter public parking lots (for access to Leadbetter Beach);

K. Harbor public parking lots (Main, Boat Launch Ramp, Commercial/90 Minute, and West) and on-street parking along West Cabrillo Boulevard (for access to the Harbor and West Beach);

L. Palm Park and Garden Street public parking lots (for access to East Beach and Stearns Wharf);

M. Stearns Wharf public parking lots (for access to Stearns Wharf);

N. On-street parking along Calle Puerto Vallarta from East Cabrillo Boulevard to South Milpas Street, South Milpas Street from Calle Puerto Vallarta to East Cabrillo Boulevard, and East Cabrillo Boulevard (for access to East Beach);

O. Casa Las Palmas, Fess Parker Hotel public parking lot adjacent to South Milpas Street and Calle Puerto Vallarta, Cabrillo West, and Cabrillo East public parking lots (for access to East Beach); and

P. Andrée Clark Bird Refuge public parking lot (for access to the Andrée Clark Bird Refuge).

The LUP requires that coastal access be provided and protected, including specifically in terms of on-street public parking and lower-cost visitor opportunities. Specifically, LUP provisions speak to protecting on-street public parking, prohibiting restrictions on public parking that would adversely affect public access to beaches, trails, or other recreational lands, and minimizing barriers to public coastal access to the maximum extent feasible. In addition, the LUP explicitly requires that on-street public parking be protected (enhanced even) and requires that new development provides for its own parking needs off-street. As a result, any proposed IP provisions that do not do so would be inconsistent with the LUP.

As a general rule, residential development generates parking needs, including when existing garages, carports, or other designated parking locations are converted into livable space (which can actually increase site parking demand while simultaneously decreasing site parking supply). Where a site does not accommodate all of its parking demand on-site and off-street, such parking demand is pushed onto adjacent public streets and rights-of-way. That, in turn, reduces the availability of on-street parking for coastal visitors, including

most importantly in areas of the coast at or near significant public accessways. Recent updates to the ADU laws restrict the circumstances when local governments can require that parking demand associated with ADU-generated residential needs be accommodated onsite, but these laws explicitly do not supersede the Coastal Act and by extension, the LUP that implements it locally and is the standard of review here. The LUP is clear that public on-street coastal access parking is a critical coastal resource in the City and doesn't allow it to be adversely impacted.

To address this issue, through its Land Use Plan update in 2019, the City identified and mapped the most critical of these on-street public parking areas (known as "Key Public Access Parking Areas") in its coastal zone in order to preserve the supply of existing public access parking within these areas. These areas are shown on LUP Figure 3.1-2 "Key Public Access Parking Areas" (Exhibit 2). In addition, the LUP Key Public Access Parking Areas policies (3.1-30 and 3.1-35) define the primary use of these areas and specify the types of permanent restrictions, alterations, and/or reductions in public parking that require an evaluation of impacts to public access to the shoreline and coastal recreation areas.

In these areas, the City generally found there was potential for adverse impacts to the public's ability to access the beach if ADU projects did not properly account for their parking needs on-site, and thus the proposed amendment requires that all parking demand be accommodated on-site within these key public parking areas. Under the proposed amendment, no parking would be required for a Junior ADUs or an ADU located outside of these mapped areas if it met state ADU law criteria (i.e., if the subject ADU is less than a half-mile from public transportation, is located within an architecturally and historically significant district, is contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building, when on-street permits are required but not offered to the ADU occupant, and/or when located within 500 feet of a carshare vehicle). Additionally, when an existing garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of the ADU, those displaced parking spaces are required to be replaced on the same lot as the primary residential unit. This approach in requiring off-street parking for ADUs located within LUP mapped "Key Public Access Parking Areas" is consistent with the LUP's public access policies because it ensures that on-street public parking spaces that facilitate coastal access are protected for public use, as the LUP requires.

In this case, the City's proposed ADU amendment strikes an appropriate balance that will encourage ADUs in the coastal zone while protecting public access in key public access parking areas of the City of Santa Barbara's coastal zone, as more specifically described in proposed Section 28.86.080, consistent with the City's certified LUP as it applies to these mapped key public access parking areas. Accordingly, the proposed Implementation Plan/Coastal Zoning Ordinance amendment conforms with and is and adequate to carry out the applicable access and recreation policies of the certified Land Use Plan.

2. New Development

The City of Santa Barbara Land Use Plan (LUP) includes several policies requiring the protection of coastal resources, including requiring that development be sited and designed

in such a way as to avoid significant adverse impacts on such resources. These provisions include:

LUP Policy 2.1-16 states:

Siting of New Development. As outlined in Coastal Act Section 30250(a), new and substantially redeveloped residential, commercial, or industrial development, except as otherwise provided in the Coastal LUP, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

LUP Policy 2.1-2 states:

Accessory Dwelling Units. The City may allow accessory dwelling units, which tend to be more affordable than standard housing, so long as such development is found consistent with the policies of the Coastal LUP.

LUP Policy 2.1-16 requires new development to be sited within, contiguous with, or in close proximity to existing development and where the development would not have significant adverse impacts on coastal resources. To ensure that new development is consistent with Section 30250 of the Coastal Act (incorporated by reference into the certified LUP), the siting and design of new development must adhere to the requirements of other applicable policies of the certified LUP. Such policies include, but are not limited to, policies and provisions regarding the protection of environmentally sensitive habitat areas, public access, and scenic and visual resources.

The Commission is aware that the state has a housing crisis, and in particular an affordable housing crisis, and those issues are only more acute in the state's coastal zone. To address this critical need, the state legislature has enacted a number of housing laws in the last several years that are designed to eliminate barriers to providing housing, and to help foster additional housing units—particularly critically needed affordable units—where they can be appropriately accommodated by adequate public services and where, in the coastal zone, they will not adversely affect coastal resources. Toward this end, the 2019-2020 legislative session included a series of changes to state housing law designed to facilitate more ADUs and affordable housing units. Those changes have triggered the need for jurisdictions in the coastal zone to update their LCPs to address requirements affecting the development of ADUs. Importantly, state law continues to explicitly require that the Coastal Act's (and by extension LCPs') coastal resource protections be incorporated into the process when considering ADUs, and thus, updated local government ADU provisions must continue to ensure coastal resource protection. In short, the goal of updating LCPs related to ADUs is to harmonize the state ADU/Junior ADU housing laws changes with the Coastal Act in a way that continues to protect coastal resources while also reducing and eliminating barriers to ADUs. Here, the City of Santa Barbara has done just that with this proposed LCP amendment. Importantly, the City also worked with the California Department of Housing and Community Development (HCD), the agency charged with enforcing new state ADU laws, and HCD has not registered any objections to the proposed

amendment.

Much of the City of Santa Barbara's coastal zone consists of already-developed residential areas with adequate public services that may be appropriate for in-fill ADU development, both inside and outside of the coastal zone. Within the coastal zone, there are also substantial areas within the City where ADUs could likely be developed with no impacts to coastal resources. Thus, at a broad level, the proposed IP/CZO amendment should help achieve the streamlining objectives of the state ADU and housing legislation while helping further the City's own housing goals as specified in the LCP. In areas where there are potential coastal resource issues, there are tools readily available to help foster ADU construction while simultaneously appropriately protecting those resources. For example, in Santa Barbara, there are certain areas where coastal resource issues may preclude ADUs, but these same issues would preclude any development in such areas (e.g., locations that would require shoreline armoring, in environmentally sensitive habitat areas, in wetlands, or in areas where the ADU's structural stability may be compromised by bluff erosion, flooding, or wave uprush over their lifetime, etc.). The proposed amendment makes clear that the coastal resource protection requirements of the certified LCP will apply to the development of ADUs.

LUP Policy 2.1-2 further states that the City may allow accessory dwelling units so long as such development is found consistent with the policies of the Coastal LUP. Specifically, the amendment includes language (Section 28.86.030.C.1) that prohibits ADUs in a location that would conflict with the resources protection policies of the City's LUP.

For the reasons stated above, the Commission finds that the Implementation Plan/Coastal Zoning Ordinance amendment conforms with and is adequate to carry out the coastal resource protection policies of the certified Land Use Plan.

3. Coastal Development Permit Requirements

The City's IP/CZO requires coastal development permit authorization for proposed development within the Coastal Zone:

In addition to any other permits or approvals required by the City, a coastal development permit shall be required prior to commencement of any development in the coastal zone of the City, unless the development involves emergency work subject to the provisions of Section 28.44.100 or the development is subject to one of the exclusions or exemptions specified in Section 28.44.070.

Certified IP/CZO Section 28.44.040 defines "development" as follows:

On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits,

except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

Certified IP/CZO Section 28.44.070 sets forth provisions for exempting certain types and classes of development from the need to obtain a CDP:

The following categories of development, through the end of this section, are exempt from the coastal development permit requirements of this chapter pursuant to Section 30610 of the Public Resources Code and Section 13250-13253 of Title 14 of the California Administrative Code.

D. SINGLE FAMILY RESIDENCE EXEMPTION. Improvements to existing single-family residences; provided, however, that those improvements which involve a risk of adverse environmental effect shall require a coastal development permit, as provided in Section 13250 of Title 14 of the California Administrative Code, as amended from time to time.

...

Coastal Act and California Code of Regulations Policies

Section 30610 of the Coastal Act, in relevant part, states:

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for... improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained pursuant to this chapter.

Section 13250 of Title 14 of the California Code of Regulations, in relevant part, states:

(a) For purposes of Public Resources Code Section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:

- (1) All fixtures and other structures directly attached to a residence;
- (2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and
- (3) Landscaping on the lot.

(b) Pursuant to Public Resources Code Section 30610(a), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effects:

- (1) Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff.
- (2) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas;
- (3) The expansion or construction of water wells or septic systems;

...

In addition to the above mentioned provisions, the City has also adopted a categorical exclusion order (Categorical Exclusion Order No. E-86-3) which was approved in 1985 and amended (Categorical Exclusion Order No. E-06-1) in 2006. The order excludes the following categories of development from the requirement to obtain a CDP: (1) construction of one single-family residence on an existing vacant parcel in the area designated as non-appealable on the City of Santa Barbara's Post-LCP Certification Permit and Appeal Jurisdiction Map; and (2) demolition and reconstruction of an existing single family residence in the area designated as non-appealable on the City's Post-LCP Certification Permit and Appeal Jurisdiction Map, unless the application for demolition and reconstruction of an existing single family residence is on a lot that either: (a) contains a City Landmark or Structure of Merit, (b) contains or is within 100 feet of archaeological or paleontological resources, or (c) contains or is within 100 feet of an environmentally sensitive habitat area, stream, wetland, marsh, or estuary, regardless of whether such resources are mapped or unmapped, then the application shall require a coastal development permit.

As proposed, the subject amendment would add an additional CDP exemption to IP/CZO Section 28.44.070(D) to allow for attached ADUs, ADUs located in an existing accessory structure or a proposed or existing primary residence, or Junior ADUs, which are consistent with the requirements of IP/CZO Section 28.86 (i.e., the proposed new ADU regulations section) without issuance of a CDP. It's important to note that the City included this additional CDP exemption using the guidance contained in the Commission's April 21, 2020 "Implementation of New ADUs Laws" Memo to Planning Directors of Coastal Cities and Counties.

Coastal Act Section 30610(a) states that improvements to existing single-family residences (SFR) are exempt from Coastal Act permitting requirements unless they are of a type that the Commission's regulations identify as involving a risk of adverse environmental effects. Section 13250 of the Commission's regulations provides greater detail on what is allowed as exempt improvements to SFRs. Relevant here, Section 13250(a) clarifies what is considered to be a part of an existing SFR and can therefore be improved without the need for a coastal development permit. Section 13250(a)(2) specifically excludes guest houses

and self-contained residential units from the list of structures on the property that are normally associated with a SFR and that may be approved pursuant to an exemption determination. However, Section 13250(a)(1) states that all fixtures and other structures directly attached to a residence are also considered to be a part of the SFR, but does not refer to, or exclude, guest houses or self-contained residential units from the list of structures associated with a SFR and allowed to be improved without a permit. For this reason, the Commission has in the past advised that ADUs that are attached to a SFR may be exempt but that detached ADUs may not be exempt.

Upon further consideration, the Commission finds that this distinction is inapt and does not carry out the intent of Section 30610 of the Coastal Act, which is to only exempt improvements to an existing SFR, rather than to also exempt the creation of new residential units. The purpose of Section 13250 is to describe certain classes of development that involve a risk of adverse environmental effects and therefore require a permit. But exempting ADUs that are attached to a SFR, but not ones that are detached, is not based on the difference in impacts on coastal resources that such types of structures would have. Both attached and detached ADUs could be equally subject to coastal hazards and could have equal impacts on views, habitat, and other resources. Accordingly, the provision should be interpreted in a protective manner and in a way that is most consistent with Section 30610(a) of the Coastal Act. Section 30610(a) only exempts improvements to existing SFRs, rather than the creation of new residences, even if they happen to be attached to an existing SFR. For these reasons, the Commission finds that the creation of a self-contained living unit, in the form of an ADU, is not an "improvement" to an existing SFR. Rather, it is the creation of a new residence. This is true regardless of whether the new ADU is attached to the existing SFR or is in a detached structure on the same property. The Commission therefore rejects the proposed LCP Amendment's creation of CDP exemptions for certain classes of ADUs.

As described above, the proposed amendment language exempts most ADUs from CDP requirements. **Suggested Modification One (1)** would delete language to IP/CZO Section 28.44.070(D) that exempts attached ADUs, ADUs located in an existing accessory structure or, a proposed or existing primary residence, or Junior ADUs from obtaining a CDP. This modification ensures that Section 28.44.070(D) remains consistent with the permitting and exemption provisions of the certified IP/CZO and Coastal Act. Furthermore, **Suggested Modification One (1)** adds clarifying language that a Junior ADU that is created from a least one existing bedroom and is entirely within an existing single-family residence and does not change the building envelope is not considered development and does not require a CDP. While it is appreciated that the City adhered to previous guidance from the Commission, the Commission's current position on ADUs and Junior ADUs is they require a CDP in the vast majority of circumstances and should not be automatically exempted. Commission staff has coordinated with City staff regarding this topic, and the changes recommended in the suggested modifications were developed in cooperation with City staff.

Further, the amendment would include permit and processing provisions (Section 28.86.100) for ADUs under the proposed new ADU regulations Section 28.86. The amendment language states that ADUs and Junior ADUs shall obtain either a Coastal

Exemption, Coastal Exclusion, or Coastal Development Permit, and a building permit. However, as described above, in order to remain consistent with the permitting and exemption provisions of the certified IP/CZO and Coastal Act, Commission staff finds it necessary to require **Suggested Modification Two (2)** to delete language that would allow ADUs and Junior ADUs to be approved pursuant to a Coastal Exemption.

Additionally, the amendment includes language that would allow the approval of certain ADUs and Junior ADUs under a Coastal Exclusion (Categorical Exclusion Order No. E-06-1). However, under Categorical Exclusion Order No. E-06-1¹, ADUs are not listed as a category of development that is excluded from CDP requirements. Therefore, **Suggested Modification Two (2)** also deletes language that would allow ADUs and Junior ADUs to be approved pursuant to a Coastal Exclusion. All ADUs, except for Junior ADUs not considered development (e.g., created from an existing bedroom and is entirely within an existing residence with no change in the building envelopment), would require a Coastal Development Permit.

In conclusion, the City has carefully crafted ADU provisions that reflect the City's unique coastal zone attributes and, at the same time, relax standards for ADUs overall to help incentivize and facilitate their construction. The result is a set of provisions that should adequately protect coastal resources as required by the LUP, while at the same time facilitating an increase in ADUs and by extension, an increase in affordable housing stock in the City's coastal zone. Thus, the proposed Implementation Plan/Coastal Zoning Ordinance amendment, as suggested to be modified, conforms with and is adequate to carry out the policies of the certified Land Use Plan.

C. California Environmental Quality Act

Section 21080.9 of the California Public Resources Code—within the California Environmental Quality Act (CEQA)—exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission; however, the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP action.

Nevertheless, the Commission is required, in approving an LCP submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13540(f) and 13555(b).

¹ Pursuant to Section 13225 of Title 14 of the California Code of Regulations, an amendment to a Categorical Exclusion Order to add ADUs as a type of development that is excluded from CDP requirements would require a separate request by the local government.

As discussed above, the City's IP/CZO amendment as originally submitted does not conform with, and is not adequate to carry out, the policies of the Land Use Plan (LUP). The Commission has, therefore, suggested modifications to the proposed IP/CZO to include all feasible measures to ensure that potentially significant environmental impacts of new development are minimized to the maximum extent feasible consistent with the requirements of the Coastal Act and CEQA. For the reasons discussed in this report, the LCP amendment, as suggested to be modified, conforms with and is adequate to carry out the coastal resources protection policies of the certified LUP. These modifications represent the Commission's analysis and thoughtful consideration of all significant environmental issues raised in public comments received, including with regard to potential direct and cumulative impacts of the proposed IP/CZO amendment, as well as potential alternatives to the proposed amendment. As discussed in the preceding sections, the Commission's suggested modifications represent the most environmentally protective alternative to bring the proposed IP/CZO amendment into conformity with the LUP consistent with the requirements of the Coastal Act. Therefore, the Commission finds that the proposed LCP amendment, as suggested to be modified, is consistent with CEQA.

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ORDINANCE NO. ____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING THE SANTA BARBARA
MUNICIPAL CODE BY ADDING CHAPTER 28.86 TO
REGULATE ACCESSORY DWELLING UNITS IN THE
COASTAL ZONE AND INCLUDE ADDITIONAL
AMENDMENTS TO CHAPTER 28 TO BE CONSISTENT
WITH THIS INTENT

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS
FOLLOWS:

SECTION 1. Title 28 of the Santa Barbara Municipal Code is amended by adding Chapter
28.86 Accessory Dwelling Units, which reads as follows:

28.86.010 Purpose.

The purpose of this chapter is to:

- A. Expand opportunities in the City to create additional housing to suit the spectrum of individual lifestyles and space needs, allow more efficient use of existing housing stock and public infrastructure, and provide a range of housing opportunities.
- B. Allow accessory dwelling units or junior accessory dwelling units as an accessory use to a primary residential unit, consistent with California Government Code Section 65852.2 or 65852.22 and the California Coastal Act, as applicable.
- C. Promote accessory dwelling units or junior accessory dwelling units with high-quality designs that are compatible with the surrounding neighborhood, historic resources, and historic districts; preserve the City's coastal resources; promote long-term sustainability; and contribute to a desirable living environment.

28.86.020 Definitions.

As used in this chapter, the following words and phrases shall have the following meanings:

- A. **Accessory Dwelling Unit.** An attached or a detached residential unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residential unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and be located on the same parcel that the primary

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residential unit is or will be situated. The following categories of accessory dwelling units are subject to specific development standards:

1. ***Special Accessory Dwelling Unit.*** These are specific types of smaller accessory dwelling units and junior accessory dwelling units with certain size, height, and setback standards described in Section 28.86.090, Development Standards for Special Accessory Dwelling Units. Special accessory dwelling units allow for more than one accessory dwelling unit on a lot.
2. ***Standard Accessory Dwelling Unit.*** These are typically larger accessory dwelling units with size, height, and setback standards generally described in Section 28.86.055, Development Standards for Standard Accessory Dwelling Units. Standard accessory dwelling units do not allow for more than one accessory dwelling unit on a lot.

An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
 2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- B. Carshare Vehicle.** A motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization which provides hourly or daily car sharing service to its members.
- C. Efficiency Kitchen.** A kitchen that includes at a minimum:
1. Appliances for cooking food and refrigeration, either built-in or countertop.
 2. A sink for food preparation greater than 12 inches by 12 inches, excluding the sink located in the bathroom.
 3. A food preparation counter.
- D. Existing Floor Area.** A legally permitted building constructed on the site with a final inspection or certificate of occupancy as of the date of application submittal, that conforms to current zoning standards or is legal nonconforming as to current zoning standards.
- E. Junior Accessory Dwelling Unit.** A unit that is no more than 500 square feet in size and contained entirely within the existing floor area of an existing or proposed single residential unit. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing or proposed single residential unit and includes an efficiency kitchen.
- F. Passageway.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

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G. Primary Residential Unit. The existing or proposed residential unit on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted. The primary residential unit shall comprise one unit in either a single residential unit, two-residential unit, multiple residential unit, or mixed use development (as those terms are defined in Section 28.04.020 of this title).

H. Principal Place of Residence. The residence where a property owner actually lives for the greater part of time, or the place where the property owner remains when not called elsewhere for some special or temporary purpose and to which the property owner returns frequently and periodically, as from work or vacation. There may be only one “principal place of residence,” and where more than one residence is maintained or owned, the burden shall be on the property owner to show that the primary residential unit, or accessory dwelling unit, or junior accessory dwelling unit is the property owner’s principal place of residence as evidenced by qualifying for the homeowner’s tax exemption, voter registration, vehicle registration, or similar methods that demonstrate owner-occupancy. If multiple persons own the property as tenants in common or some other form of common ownership, a person or persons representing at least 50% of the ownership interest in the property shall reside on the property and maintain the property as a principal place of residence. Any person or persons who qualify for the homeowner’s tax exemption under the California State Board of Equalization rules, may qualify as an owner occupant.

28.86.030 Where Permitted.

- A. **ACCESSORY DWELLING UNIT.** An accessory dwelling unit may be permitted in any zone that allows residential use, located on a lot developed or proposed to be developed with one or more residential units, except as prohibited below.
- B. **JUNIOR ACCESSORY DWELLING UNIT.** A junior accessory dwelling unit may be permitted in any zone that allows residential use, and shall be located on a lot developed with an existing or proposed single residential unit.
- C. **PROHIBITED LOCATIONS.**
 - 1. No accessory dwelling unit shall be permitted in a location that would conflict with the coastal resource protection policies of the City’s Coastal Land Use Plan.
 - 2. No accessory dwelling unit shall be permitted on a lot located within the High Fire Hazard Area (Extreme Foothill and Foothill) or as subsequently amended for consistency with state-level Fire Hazard Severity Zone mapping terminology as defined in the City’s Community Wildfire Protection Plan adopted by City Council.
 - a. Exception for Special Accessory Dwelling Units. Accessory dwelling units permitted in accordance with all the configuration, standards, and special procedures outlined in Section 28.86.090, Development Standards for Special Accessory Dwelling Units, may be permitted on any lot, including lots located within any High Fire Hazard Area (Extreme Foothill and

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Foothill) or as subsequently amended for consistency with state-level Fire Hazard Severity Zone mapping terminology as defined in the City's Community Wildfire Protection Plan adopted by City Council, if the lot is zoned to allow for residential use and contains an existing or proposed primary residential unit.

28.86.035 Unit Configuration.

- A. Only one accessory dwelling unit or junior accessory dwelling unit shall be permitted on a lot in addition to the primary residential unit, pursuant to this Chapter. However, multiple accessory dwelling units may be permitted in accordance with all the configuration, standards, and special procedures outlined in Section 28.86.090, Development Standards for Special Accessory Dwelling Units.
- B. An accessory dwelling unit may be permitted in the following configurations:
 - 1. Incorporated entirely within an existing or proposed primary residential unit.
 - 2. Incorporated entirely within an existing accessory building, including garages, located on the same lot as the primary residential unit.
 - 3. Attached to or increasing the size of an existing primary residential unit or accessory building located on the same lot as the primary residential unit.
 - 4. Detached from and located on the same lot as the existing or proposed primary residential unit. An accessory dwelling unit that is attached to another detached accessory building, but not the primary residential unit, or is attached by a breezeway or porch, is considered detached.
- C. A junior accessory dwelling unit must be incorporated entirely within the existing floor area of an existing or proposed single residential unit or attached garage.

28.86.040 Sale, Rental, and Occupancy Terms.

All accessory dwelling units and junior accessory dwelling units shall be subject to the following sale, rental, and occupancy terms:

- A. **NOT TO BE SOLD SEPARATELY.** An accessory dwelling unit or junior accessory unit shall not be sold separately from the primary residential unit.
- B. **RENTAL TERMS.** The accessory dwelling unit or junior accessory dwelling unit may be rented; however, rental terms shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.
- C. **OWNER OCCUPANCY.** The following types of projects are subject to an owner occupancy requirement:

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1. All lots developed with junior accessory dwelling units; except that owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
 2. Any accessory dwelling unit located in a One-Family Residence Zone submitted on or after January 1, 2025, unless otherwise prohibited by state law, or upon repeal of Government Code 65852.2 (a)(6)(B) removing the State-imposed prohibition of an owner occupancy requirement, whichever occurs first.
- D. **OWNER’S UNIT.** If owner occupancy is required in accordance with subsection C, Owner Occupancy, the property owner shall reside in and maintain either the primary residential unit or the accessory dwelling unit/junior accessory dwelling unit as the property owner’s principal place of residence (“owner’s unit”). Owners of lots developed with an accessory dwelling unit/junior accessory dwelling unit shall live on the lot as long as the lot is developed with an accessory dwelling unit/junior accessory dwelling unit. Owners may re-designate the primary residential unit or the accessory dwelling unit/junior accessory dwelling unit as the owner’s unit upon written notice to the Community Development Director and written approval of the re-designation by the Community Development Director, which approval shall not be denied unreasonably. The property owner shall not rent or lease both the primary residential unit and the accessory dwelling unit/junior accessory dwelling unit simultaneously.
- E. **HARDSHIP WAIVER.** If owner occupancy is required in accordance with subsection C, Owner Occupancy, in the event of a hardship, such as the death or disability of the property owner, job transfer, or similar significant personal situation which prevents the property owner from occupying the owner’s unit, a property owner or estate representative may apply for a temporary waiver of the owner-occupation requirement for a specific time period to allow the owner’s unit to be occupied by a non-property owner pending disposition of the property through probate or non-probate transfer to a new owner, or the cessation of the circumstances preventing the property owner from occupying the owner’s unit on the property. The Community Development Director shall review applications for a hardship waiver. Any such waiver shall specify the period of time for which it is granted, provided that no such waiver may be granted for a period longer than three years.
- F. **REMOVAL OF RECORDED OWNER OCCUPANCY REQUIREMENT.** With the exception of owner occupancy covenants required to permit a junior accessory dwelling unit, the Community Development Director will, in a form acceptable to the City Attorney, release an owner occupancy requirement recorded against the property prior to adoption of this ordinance upon the request of the property owner. No other covenants required pursuant to this section, and contained in the agreement recorded against the property, shall be released.

28.86.050 Required Features.

Each accessory dwelling unit and junior accessory dwelling unit shall contain, at a minimum, the following features:

- A. RESIDENTIAL ELEMENTS. Permanent provisions for separate residential occupancy must be provided as follows within the contiguous livable floor space of the accessory dwelling unit or junior accessory dwelling unit and must be independent from the primary residential unit:
 - 1. A kitchen, consisting of a sink, cooking appliances, and refrigeration facilities. A junior accessory dwelling unit may utilize an efficiency kitchen.
 - 2. A bathroom consisting of a toilet, sink, and bathtub or shower. A junior accessory dwelling unit may share sanitation facilities with the existing or proposed single residential unit.
 - 3. A separate living room.
 - 4. A separate sleeping room, except in studio residential units, where a living room is considered a sleeping room.
- B. MINIMUM FLOOR AREA. Notwithstanding the dwelling unit minimum described in Section 28.87.150, Dwelling and Other Occupancies, the minimum floor area for a newly constructed accessory dwelling unit is as follows:
 - 1. Efficiency Unit: 150 square feet.
 - 2. Studio Unit: 220 square feet.
 - 3. All Other Units: 400 square feet.

Such usable floor area shall be exclusive of open porches, garages, basements, cellars and unfinished attics. The minimum floor area for accessory dwelling units that are created by converting existing structures is 150 square feet.
- C. EXTERIOR ACCESS. Exterior access to the unit, that is independent from the primary residential unit and, must be provided. An interior connection consisting of one fire-rated lockable door between the primary residential unit and an accessory dwelling unit or junior accessory dwelling unit may be provided.
- D. FIRE SPRINKLERS. Fire sprinklers are required only if they are required for the primary residential unit.
- E. PERMANENT FOUNDATION. Attached and detached units shall be constructed with an approved permanent foundation.

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- F. PROPERTY ADDRESSES. Addresses identifying all residential units on the lot, with minimum three- and one-half-inch numbers plainly visible from the street or road fronting the property shall be provided.
- G. PUBLIC SEWER. Accessory dwelling units and junior accessory dwelling units shall be connected to a public sewer. If public sewer connection is not available, approval of a new or expanded onsite wastewater treatment system shall be required in accordance with the procedures from the Code of the County of Santa Barbara California prior to issuance of a building permit.
- H. WATER METER. Accessory dwelling units shall comply with the water metering requirements of Title 14, Section 14.08.150 E.
- I. PASSAGEWAY. No passageway is required in conjunction with the construction of an accessory dwelling unit or junior accessory dwelling unit.

28.86.055 Development Standards for Standard Accessory Dwelling Units.

- A. DEVELOPMENT STANDARDS GENERALLY. The development standards listed in this section apply to standard accessory dwelling units and junior accessory dwelling units, except for those units permitted in accordance with all the configuration, standards, and special procedures outlined in Section 28.86.090, Standards for Special Accessory Dwelling Units.
 - 1. The reductions and exceptions to the development standards normally applicable to residential development allowed in this section are for the express purpose of promoting the development and maintenance of an accessory dwelling unit on the lot. If for any reason the accessory dwelling unit is not maintained on the lot in conformance with this section, the lot shall be brought into compliance with all of the requirements for the residential development, or with the legal nonconforming condition of the lot prior to the development of the accessory dwelling unit, including, but not limited to, the requirements for open yard, setbacks, and covered parking.
 - 2. Except as otherwise specified in this section, projects developed in accordance with this Chapter shall otherwise comply with the development standards applicable to an attached or detached accessory building for the housing type and base zone in which the lot is located.
 - 3. One primary residential unit shall be designated on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted.
 - 4. Notwithstanding the size limit of an attached accessory dwelling unit based on a percentage of the proposed or existing primary unit, or lot coverage, floor area ratio, open yard, and minimum lot size standards for an attached or detached accessory

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dwelling unit, an 800-square-foot, 16-foot high attached or detached accessory dwelling unit may be constructed in compliance with all other development standards for Standard ADUs.

- B. **MAXIMUM FLOOR AREA.** The maximum floor area for a standard accessory dwelling unit and junior accessory dwelling unit is as follows:
1. **Attached Accessory Dwelling Unit.** An accessory dwelling unit that is attached to, and increasing the size of, the primary residential unit shall not exceed 50% of the living area of the existing primary residential unit.
 2. **Converted Accessory Dwelling Unit.** An accessory dwelling unit that is incorporated entirely within an existing primary residential unit, or within an existing accessory building, is not limited in size.
 3. **Detached Accessory Dwelling Unit.** An accessory dwelling unit that is detached from the primary residential unit and may or may not be attached to another detached accessory building, including detached garages, shall not exceed the following maximum floor area based on lot size and number of bedrooms:
 - a. Lots up to 14,999 square feet:
 - i. One-bedroom or studio units: 850 square feet.
 - ii. Two or more-bedroom units: 1,000 square feet.
 - b. Lots 15,000 square feet or larger: 1,200 square feet.
 4. **Junior Accessory Dwelling Unit.** The maximum floor area of a junior accessory dwelling unit shall not exceed 500 square feet.
- C. **RELATIONSHIP TO OTHER FLOOR AREA LIMITATIONS.** The floor area of an accessory dwelling unit or junior accessory dwelling unit is included in any other floor area limitation in this Title that is applicable to an attached or detached accessory building for the housing type and in the base zone in which the lot is located.
1. **Exception.** The floor area of a detached accessory dwelling unit shall be excluded from the aggregate maximum floor area allowed for other detached accessory buildings, such as work or storage sheds, pursuant to Section 28.87.160 of this title.
- D. **BUILDING SEPARATION.** The minimum separation between the primary residential unit and a detached accessory dwelling unit shall be five feet.
- E. **OPEN YARD.** No open yard areas are required for accessory dwelling units or junior accessory dwelling units. The minimum area, dimensions, and location of the required open yard pursuant to Sections 28.15.060.C and 28.18.060.C of this title for the existing or proposed primary residential unit may be reduced to the area identified below in order to

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construct a standard accessory dwelling unit, or to construct an accessory dwelling unit proposed over a new or substantially redeveloped maximum 500 square foot garage or other conforming accessory structure, in the one-family and two-family residence zones, provided all other open yard requirements are met:

1. Minimum Area.
 - a. Lots less than 6,000 square feet: 500 square feet.
 - b. Lots 6,000 up to 7,999 square feet: 800 square feet.
 - c. .Lots 8,000 square feet up to 9,999 square feet: 1,000 square feet.
 - d. Lots 10,000 square feet or greater: 1,250 square feet.
2. Minimum Dimensions. 15 feet long and 15 feet wide.
3. Location in Driveways and Turnarounds. Notwithstanding Section 28.15.060 C.c. ii. Setback and Open Yard Requirements of this title, the required open yard may be located in driveways and turnarounds, but not required parking areas, in order to allow the construction of a new accessory dwelling unit.

G. SETBACKS. The following setbacks shall apply to new and converted standard accessory dwelling units approved pursuant to this section:

1. New Construction. Newly constructed accessory dwelling units shall comply with the following setback standards:
 - a. Front Setback: Meet the minimum front setback for residential structures in the zone, unless further limited by Section 28.86.060 H., Front Yard Location, below.
 - b. Interior Setback: Four feet.
2. Converted. No setback is required to convert the existing, legally permitted, floor area of a main or accessory building to an accessory dwelling unit. Improvements to existing nonconforming buildings, including conforming additions, are allowed pursuant to Section 28.87.030 D., Nonconforming Buildings of this title and the policies of the City's Coastal Land Use Plan.
3. Demolished and Converted. No setback is required when an existing main or accessory building is demolished or substantially redeveloped and converted to an accessory dwelling unit, provided that the new building is reconstructed in the same location and with the same dimensions and floor area as the existing building.
 - a. Exception for Small Conforming Additions. One small 150-square-foot conforming first floor addition may be permitted on a substantially redeveloped and converted nonconforming accessory building.

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4. New Construction Combined with Replacement of a Nonconforming Garage. The construction of an accessory dwelling unit may be combined with the demolition and replacement of a nonconforming detached garage if all of the following requirements are met:
 - a. The new garage is reconstructed in the same location and with the same dimensions as the existing garage; or
 - b. The new garage is enlarged only as necessary to provide the same number of parking spaces and to meet the dimension requirements of the City of Santa Barbara Access & Parking Design Standards, but located no closer to the property line as the existing garage; and
 - c. The accessory dwelling unit is constructed above the reconstructed garage; and
 - d. The accessory dwelling unit and any additions to the garage shall conform with current setbacks; and
 - e. The new structure shall comply with all applicable height and building story limitations, and all other development standards are met.
5. Encroachments. Encroachments allowed pursuant to Section 28.87.062, Setback, Open Yard, Common Outdoor Living Space, and Distance Between Main Buildings Encroachments, may be permitted for accessory dwelling units or junior accessory dwelling units. However, no setback encroachment shall be located closer than three feet from any property line, except roof eaves, which may be located as close as two feet from any property line.

28.86.060 Architectural Review.

All accessory dwelling units or junior accessory dwelling units shall be subject to the following architectural design criteria as applicable to either new construction or exterior alterations, which shall be reviewed ministerially by the Community Development Director. For purposes of this section, portions of a building or site considered to be the accessory dwelling unit shall include all of the contiguous interior livable floor area of the accessory dwelling unit and any exterior alterations directly attached to, and integral to, the livable floor area of the accessory dwelling unit.

- A. PROHIBITION OF SHINY ROOFING AND SIDING. New roofing and siding materials that are shiny, mirror-like, or of a glossy metallic finish are prohibited.
- B. ROOF TILE. Where a new clay tile roof is proposed, the use of two-piece terra cotta (Mission “C-tile”) roof is required and “S-tile” is prohibited, unless necessary to match the S-tile roof materials of the existing primary residential unit.

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- C. SKYLIGHTS. New skylights shall have flat glass panels. “Bubble” or dome type skylights are not allowed.
- D. GLASS GUARDRAILS. New glass guardrails are not allowed, unless necessary to match the glass guardrails of the existing primary residential unit.
- E. GARAGE CONVERSION. If a garage is converted to an accessory dwelling unit, the garage door opening shall be replaced with exterior wall coverings, or residential windows or doors, to match the existing exterior garage wall covering and detailing.
- F. GRADING. No more than 250 cubic yards of grading (i.e., cut or fill under the main accessory dwelling unit building footprint and outside the main building footprint to accommodate the accessory dwelling unit) is proposed in the Hillside Design District or on lots in other parts of the City with a slope of 15% or greater.
- G. HEIGHT. An accessory dwelling unit shall not exceed the following, whichever is greater:
1. Height of the primary residential unit;
 2. Number of stories of the primary residential unit; or
 3. 17 feet.
- This height limitation is not applicable to an accessory dwelling unit constructed above a garage; however, in no event shall the resulting building exceed the maximum height or number of stories allowed for a detached or attached accessory building in the zone.
- H. FRONT YARD LOCATION. The construction of a new detached accessory dwelling unit located in the front yard shall be subject to all of the following:
1. The new accessory dwelling unit must be located a minimum of 20 feet back from all front lot lines, or meet the minimum front setback for the zone in which the lot is located, whichever is greater.
 2. Unless constructed over a garage, the new unit shall be:
 - a. No more than one-story and less than 17 feet in height; and
 - b. Screened from the street by topography, location, or landscape, in a manner designed to blend into the surrounding architecture or landscape, so as to minimize visibility of the accessory dwelling unit to the casual observer as viewed from the street.
- I. DESIGN STYLE. New detached or attached accessory dwelling units shall be compatible with the design of the primary residential unit regarding style, fenestration, materials, colors, and details if the accessory dwelling unit meets any of the following:

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1. Attached to, or if any portion of the accessory dwelling unit is located within 20 feet of, the primary residential unit;
 2. Located in the Hillside Design District and 20% or greater average slope;
 3. Two or more stories tall, or 17 feet or taller in building height;
 4. Located in the front yard.
 5. Located on a site on which there is a historical resource as follows:
 - a. Listed on the National Register of Historic Places or the California Register of Historic Resources;
 - b. Designated as a City of Santa Barbara Landmark or Structure of Merit; or
 - c. Located in a designated historic district.
- J. **PRIVACY STANDARDS.** The construction of an accessory dwelling unit where any portion of the proposed construction is either: two or more stories tall or 17 feet or taller in building height, shall comply with the following:
1. Upper story unenclosed landings, decks, and balconies greater than 20 square feet, that face or overlook the adjoining property, shall be located a minimum of 15 feet from the interior lot lines.
 2. Upper story unenclosed landings, decks and balconies, that do not face or overlook the adjoining property due to orientation or topography, may be located at the minimum interior setback line if an architectural screening element such as enclosing walls, trellises, awnings or perimeter planters with a five-foot minimum height is incorporated into the unenclosed landing, deck or balcony.
 3. Upper story windows that face or overlook the adjoining property, located within 15 feet of the interior lot lines, shall be installed a minimum of 42 inches above finish floor.
- K. **EXCEPTIONS.** Discretionary applications for design review may be requested in the following circumstances:
1. An applicant may propose an accessory dwelling unit that does not meet these ministerial design criteria subject to approval by the Single Family Design Board, Architectural Board of Review, or Historic Landmarks Commission, as appropriate.
 2. Discretionary design review may be required for any exterior alterations to the project site or main buildings that are not an integral part of the accessory dwelling unit, but are proposed in conjunction with the accessory dwelling unit, if required pursuant to Chapter 22.22, 22.68, or 22.69 of this code.

28.86.070 Protection for Historic Resources.

No accessory dwelling unit or junior accessory dwelling unit shall be permitted if the proposal would cause a substantial adverse change in the significance of a historical resource that is listed on the National Register of Historic Places or the California Register of Historical Resources, designated as a City of Santa Barbara Landmark or Structure of Merit, or located in a designated historic district. The Community Development Director shall make this determination by reviewing the proposal for compliance with appropriate Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

28.86.080 Parking Standards

Consistent with the requirements of the City's Coastal Land Use Plan Policies, sufficient off-street parking must be provided for any new development and substantial redevelopment so as to avoid significant adverse impacts to public access to the shoreline and coastal recreation areas. Automobile parking, therefore, must be provided consistent with the Zoning Ordinance for lots developed with accessory dwelling units or junior accessory dwelling units located in the coastal zone, as follows:

- A. PRIMARY RESIDENTIAL UNIT. Automobile parking for the primary residential unit shall be provided in compliance with Chapter 28.90, except as provided below.
 - 1. Special Procedures for Conversion or Demolition of Existing Covered Parking to an Accessory Dwelling Unit. When an existing garage, carport, or other covered parking structure is converted to an accessory dwelling unit or junior accessory dwelling unit or demolished in conjunction with the construction of an accessory dwelling unit, the required covered parking spaces that are displaced by the conversion or demolition shall be replaced on the same lot as the primary residential unit in order to satisfy the automobile parking requirement of the existing residential unit. The replacement spaces may be covered, uncovered, in a mechanical lift, or in a tandem configuration. The replacement spaces shall meet all of the following:
 - a. Covered parking shall meet the development standards applicable to a residential unit within the zone in which the lot is located.
 - b. All parking spaces must meet the minimum dimensions and development standards consistent with the City of Santa Barbara Access & Parking Design Standards and Section 28.90.045.
 - c. In order to maintain visibility for adjacent driveways and intersections, uncovered parking spaces shall not obstruct the sightlines required for the

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safe operation of motor vehicles, as determined by the Public Works Director.

- d. Required uncovered parking spaces may be allowed in a front or interior setback, provided the uncovered parking space is contained within the area of an existing paved driveway and no increase to paved areas occurs in the setbacks.
 - e. No more than two automobiles shall be placed one behind the other. Tandem parking shall not create any traffic safety issues.
 - f. Both automobile parking spaces parked in tandem shall be assigned to the same residential unit.
 - g. Tandem parking in multi-unit and commercial zones is subject to approval by the Public Works Director.
 - h. Vertical or stackable tandem parking, provided by means of mechanical lifts, is subject to approval by the Public Works Director. Mechanical lifts shall be fully enclosed within a structure and shall require a recorded maintenance agreement.
2. Nonconforming Conditions. If the accessory dwelling unit or junior accessory dwelling unit is developed in accordance with all the requirements of this Chapter, and is eligible for ministerial approval, the provision in Section 29.90.001.B, Existing Parking Space, that requires nonconforming parking to be brought up to current standards if an enlargement of more than 50% of the existing net floor area is proposed, shall not apply if the new floor area consists of a new accessory dwelling unit.
- B. JUNIOR ACCESSORY DWELLING UNITS. No automobile parking is required for junior accessory dwelling units, since they are not anticipated to increase parking demand generated by the development.
- C. NO PARKING REQUIRED FOR CERTAIN ACCESSORY DWELLING UNITS. The following types of accessory dwelling units are not anticipated to increase parking demand generated by the development and therefore automobile parking is not required for the accessory dwelling unit if it meets all of the following criteria:
- 1. Outside Key Public Access Areas. The accessory dwelling unit is not located in a key public access parking area (West Beach, Lower State, and East Beach Component Areas) as delineated in Figure 3.1-2 of the Coastal Land Use Plan; and

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2. On a Lot Developed with a Single Residential Unit. The accessory dwelling unit is located on a lot developed, or proposed to be developed with, only one single residential unit on the lot; and
3. Measures to Reduce Demand. The accessory dwelling unit meets at least one of the following measures that will sufficiently reduce the demand for off-street parking:
 - a. The accessory dwelling unit is located within a walking distance of one-half mile of a public transit stop, such as a bus stop or train station; or
 - b. The accessory dwelling unit is located within an architecturally and historically significant historic district. For purposes of this provision, El Pueblo Viejo Landmark District constitutes an architecturally and historically significant historic district and any district hereafter created deemed to be architecturally and historically significant; or
 - c. The accessory dwelling unit is contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building; or
 - d. When on-street parking permits are required but not offered to the occupants of the accessory dwelling unit; or
 - e. When there is a carshare vehicle located within a walking distance of 500 feet of the accessory dwelling unit.
- D. ALL OTHER UNITS. All other accessory dwelling units shall provide a minimum of one uncovered automobile parking space meeting all of the same parking standards required for the primary residential unit as described in Subsection A, above.
- E. OPTIONAL PARKING SPACES. If new parking spaces are proposed, but are not required, for either the primary residential unit or the accessory dwelling unit, those optional parking spaces shall comply with the development standards applicable to a residential unit within the zone in which the lot is located. Uncovered parking spaces may be located three feet from any interior lot line, provided a minimum of three feet in width of planting area is provided for the length of the paved parking area along the interior lot line.

28.86.085 Fire Hazard Area Standards

All accessory dwelling units or junior accessory dwelling units located in any Fire Hazard Area as defined in the City's Community Wildfire Protection Plan or as may be subsequently retitled in the future as the "High" or "Very High Fire Hazard Severity Zone" as defined in the Community Wildfire Protection Plan adopted by City Council shall comply with the following standards as applicable to new construction or parking:

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- A. NO TANDEM PARKING. No parking space shall be developed in a tandem configuration.
- B. HIGH FIRE CONSTRUCTION. The accessory dwelling unit shall be designed to meet high fire construction standards adopted or enforced by the City, as determined by the Chief Building Official or the Fire Code Official.
- C. NO VARIANCE OR MODIFICATIONS. No variance or modification to any Fire Code requirements or high fire construction standards shall be permitted.
- D. DEFENSIBLE SPACE. The site must meet defensible space requirements, pursuant to Chapter 8.04 of this code and the policies of the Coastal Land Use Plan, prior to occupancy and those requirements must be maintained.

28.86.090 Development Standards for Special Accessory Dwelling Units.

- A. DEVELOPMENT STANDARDS GENERALLY. The development standards listed in this section apply to specific types of small accessory dwelling units and junior accessory dwelling units with certain size, height, and setback standards that, if followed, allow for an accessory dwelling unit to be permitted on lots in a Fire Hazard Area, or more than one accessory dwelling unit on a lot, and allows additional reductions and exceptions to development standards for open yard and maximum floor area. Applications utilizing the special standards described in this Section may not utilize the less restrictive configuration, size, and height standards allowed under another section to achieve a larger unit or more than one unit.
 - 1. Any reductions and exceptions in this section are for the express purpose of promoting the development and maintenance of a special accessory dwelling unit or junior accessory dwelling unit on the lot. If for any reason the accessory dwelling unit or junior accessory dwelling unit is no longer maintained on the lot, the lot shall be brought into compliance with all of the requirements for the remaining residential development, or with the legal nonconforming condition of the lot prior to the development of the accessory dwelling unit or junior accessory dwelling unit.
 - 2. Except as otherwise specified in this section, projects developed in accordance with this Chapter shall otherwise comply with the development standards applicable to the housing type and base zone in which the lot is located.
- B. CONFIGURATION – SINGLE RESIDENTIAL UNIT LOTS. A lot developed with only one existing or proposed single residential unit, may permit one of the following types of special accessory dwelling units:
 - 1. Converted Portion of Main Building. Only one accessory dwelling unit or junior accessory dwelling unit contained entirely within the existing, legally permitted,

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fully enclosed livable floor area of the existing or proposed primary residential unit;
or

2. **Converted Accessory Building.** Only one accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed floor area of a garage or other accessory building on the same lot as the primary residential unit, plus one 150-square-foot conforming first floor addition, if the expansion is limited to accommodating ingress and egress; or
3. **One Unit – New Construction.** One newly constructed accessory dwelling unit, detached from any other main or accessory building; or
4. **Two Units – Combination.** One junior accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed livable floor area of the existing or proposed primary residential unit, plus one newly constructed, accessory dwelling unit, detached from any other main or accessory building.

C. **CONFIGURATION – TWO-RESIDENTIAL AND MULTIPLE RESIDENTIAL UNIT LOTS.** A lot developed with two residential units or multiple residential units may permit one of the following types of special accessory dwelling units:

1. **Converted Non-Livable Space.** At least one accessory dwelling unit, and up to 25 percent of the existing number of residential units on a lot, may be converted on a lot if contained entirely within portions of existing, legally permitted, fully enclosed floor area of a residential structure that is not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages; or
2. **Two Units – New Construction.** No more than two newly constructed accessory dwelling units, detached from any other main or accessory building.

D. **MAXIMUM FLOOR AREA**

1. **Detached Accessory Dwelling Unit.** The maximum floor area of any detached, new construction, special accessory dwelling unit, approved pursuant to this Section, is 800 square feet.
2. **Converted Accessory Dwelling Unit.** An accessory dwelling unit that is incorporated entirely within portions of existing floor area, approved pursuant to this Section, is not limited in size.
3. **Junior Accessory Dwelling Unit.** The maximum floor area of a junior accessory dwelling unit shall not exceed 500 square feet.

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- E. MAXIMUM HEIGHT – DETACHED ACCESSORY DWELLING UNIT. The maximum building height of a detached, new construction, special accessory dwelling unit approved pursuant to this Section is 16 feet.
- F. EXEMPT FROM OTHER SIZE LIMITATIONS. A special accessory dwelling unit or junior accessory dwelling unit approved pursuant to this Section is exempt from any other size limitation, including but not limited to, the aggregate maximum floor area allowed for detached accessory buildings pursuant to Section 28.87.160 of this title, or the Maximum Net Floor Area (Floor to Lot Area Ratio) for one-family residence zones per Section 28.15.083 of this title, or the provision in Section 29.90.001.B, Existing Parking Space, that requires nonconforming parking to be brought up to current standards if an enlargement of more than 50% of the existing net floor area is proposed.
- G. EXEMPT FROM OPEN YARD. No open yard is required for a special accessory dwelling unit or junior accessory dwelling unit approved pursuant to this Section. Open yard for any existing residential units on a lot may be reduced or eliminated entirely in order to permit a special accessory dwelling unit meeting all the standards and criteria in this Section.

28.86.100 Permits and Processing.

All accessory dwelling units and junior accessory dwelling units shall comply with applicable state and local building codes and shall require approval of ~~either a Coastal Exemption, Coastal Exclusion, or Coastal Development Permit;~~ and a building permit if required. The City shall ministerially approve or disapprove a complete building permit application for an accessory dwelling unit or junior accessory dwelling unit in compliance with time periods established by State law, following any applicable discretionary coastal permit approvals.

- A. COMBINED PERMITS. An accessory dwelling unit or junior accessory dwelling unit permit shall not be combined with a permit for other proposed construction on the site unrelated to the accessory dwelling unit or junior accessory dwelling unit. If a permit application for an accessory dwelling unit or junior accessory dwelling unit is submitted at the same time as a permit application for a new single-unit dwelling, review of the permit for the accessory dwelling unit or junior accessory dwelling unit application shall be delayed until the permit for the single-unit dwelling has been approved.
- B. MODIFICATIONS. An accessory dwelling unit or junior accessory dwelling unit that is not in compliance with the development standards of this Chapter may be granted a modification if all the required findings can be met, pursuant to the procedures outlined in Section 28.92.110, Modifications of this title.
- C. POSTED SIGN. Within five calendar days after submitting an initial permit application to the City, the property owner shall install a public notice in the form of a posted sign on the property in a manner deemed acceptable by the Community Development Director. The

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sign shall remain posted until a building permit is issued, or the application expires or is withdrawn. At the time of application submittal, the applicant shall sign an affidavit stating that he or she will post the required sign per this subsection. The validity of the permit shall not be affected by the failure of any property owner, resident, or neighborhood or community organization to receive this notice.

- D. **RECORDED AGREEMENT.** Before obtaining a building permit for an accessory dwelling unit or junior accessory dwelling unit, the property owner shall execute an agreement, containing a reference to the deed under which the property was acquired by the present owner which outlines the requirements regarding the sale, rental, and owner occupancy of lots developed with accessory dwelling units and junior accessory dwelling units as specified in Section 28.86.040 of this chapter.
- E. **RESIDENTIAL DENSITY.** An accessory dwelling unit or junior accessory dwelling unit is a residential use that is consistent with the existing Coastal Land Use Plan designation and zoning for lots within the allowable residential zones. Any accessory dwelling unit or junior accessory dwelling unit permitted pursuant to this section does not exceed the allowable density for the lot upon which the accessory dwelling unit or junior accessory dwelling unit is located.

SECTION 2. Section 28.04.020 of Chapter 28.04 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.04.020 Terms Defined.

Accessory Building. A subordinate building or portion of the main building, the use of which is incidental to that of the main building on the same lot. Where an accessory building is attached to and made a part of the main building, not less than eight feet in length of one of the walls or roof of such accessory building, or not less than 100% of any wall of such accessory building less than eight feet in length, shall be an integral part of the main building and such accessory building shall comply in all respects with the requirements of this title applicable to a main building. An accessory building, unless attached to and made a part of the main building, as above provided for, shall be not closer than five feet to the main building.

Accessory Use. A use customarily incidental and accessory to the principal use of a lot or of a main building or structure located upon the same lot as the accessory use.

Addition. An extension of or increase in the floor area of a building or structure.

Agent. Any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities who represent or act for or on behalf of an applicant in selling or offering to sell any dwelling unit.

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Agriculture. The tilling of the soil, the raising of crops, horticulture and the harvesting, sorting, cleaning, packing and shipping of agricultural products produced on the premises preparatory to sale or shipment in their natural form including all activities or uses customarily incidental thereto, but not including a slaughter house, fertilizer works, commercial dairying, pasturage agriculture, commercial viticulture, commercial animal and poultry husbandry, retail sales, the commercial packing or processing of products not grown on the premises or operations for the reduction of animal matter or any other use which is similarly objectionable because of odor, smoke, dust, fumes, vibration or danger to life or property.

Alley. A public or private way 25 feet or less in width that is primarily used for vehicular access to the back or side of properties. Alleys typically do not meet standard requirements for City streets, which include curbs, gutters, sidewalks, or similar improvements. Typically, alleys are separated from adjacent parcels by a lot line. An alley may have an official name and may be shown on the official street map of the City of Santa Barbara.

Alteration. An exterior change or modification. For the purposes of this title, an alteration shall include, but not be limited to, exterior changes to or modification of a structure, including the architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, a structural addition, cutting or removal of trees and other natural features, disturbance of archaeological or paleontological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

Antenna. Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves, including devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and arranged from a generally horizontal boom. It may be mounted upon and rotatable through a vertical mast interconnecting the boom and a support for the antenna.

Antenna, Cellular Telephone, and Two-Way and One-Way Paging Systems. Any radio or microwave repeating structure, and associated equipment and structures including microcells, used for transmitting or receiving radio signals for cellular telephones and pagers.

Antenna, Height Above Grade. The vertical distance from the ground to the point to be measured through the axis of the antenna, antenna support, or antenna tower.

Antenna, Radio or Television. Any antenna, and associated equipment and structures, used for transmission of commercial television and broadcast radio.

Antenna Support. Any devices for supporting an antenna which is other than a tower.

Antenna Tower. Any substantial wood or metal structure used to support one or more antennas and which is affixed to the ground or an existing structure. A tower may be self-supporting or supported by an existing structure or by guy wires.

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Antennas, Emergency Service. Any antenna, and associated equipment and structures, used principally for communications related to government provided emergency services, including, but not limited to, police, fire, and paramedic services.

As-Graded. The extent of surface conditions on completion of grading.

Association. The organization of persons who own a lot, parcel, area, condominium or right of exclusive occupancy in a project.

Automated Teller Machine (ATM). An electronic device from which a person is able to withdraw cash, make a deposit, or undertake other financial transactions.

Automobile Service Station. A retail business establishment primarily supplying gasoline, other types of fuel, oil, minor accessories and services for motor vehicles, excluding painting, body work and steam cleaning.

Automobile Service Station/Mini-Market. A retail business establishment supplying gasoline, other types of fuel, oil and services for motor vehicles which also sells other products, merchandise or services that are not directly related to the operation of motor vehicles where such sale is by means other than vending machines.

Balcony. A cantilevered platform that projects from the wall of a building above the ground and is surrounded by a railing, balustrade, or parapet.

Basement. That portion of a building between floor and ceiling which is partly below and partly above grade (as defined in this chapter), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. A basement shall be counted as a story.

Bed and Breakfast Inn. The definitions of “Bed and Breakfast Inn” and “Hotel” are synonymous. See “Hotel.”

Bedroom. Any habitable room in a dwelling other than a bathroom, a kitchen or a living room (except in studios, where a living room is considered a habitable room).

Birth Center. A structure that contains facilities to assist in human births, but is not licensed as a hospital.

Boarding House. A building, group of buildings or a portion of a building which is designed for or occupied as sleeping quarters for five or more paying guests and where meal service is included in the price of the lodging. A boarding house is not considered a single residential unit.

Building. Any structure having a roof supported by columns or walls for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

Building Height. The maximum vertical height of a building or structure at all points measured from natural or finished grade, whichever is lower. Architectural elements that do not add floor area to a building, such as chimneys, vents, antennae, and towers, are not considered a part of the height of a building, but all portions of the roof are included.

Building, Main. A building in which the principal use of the lot is conducted.

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Bungalow Court. Three or more detached single or duplex dwellings located upon a single lot under one ownership, together with all open spaces as required by this title.

Car Wash. Any business whose activity involves washing, steam cleaning, or detailing motor vehicles.

Carport. A building with a solid weatherproof roof that is permanently open on at least two sides and is designed to shelter one or more vehicles. A carport may be freestanding or attached to another structure. A trellis or other similar structure is not considered a carport.

Cellar. That portion of a building between floor and ceiling which is wholly or partly below grade (as defined in this chapter) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. A cellar shall not be counted as a story if the vertical distance from grade to ceiling is four feet or less on all sides.

Child Care Center. Any State-licensed child care facility other than a family day care home in which less than 24-hour per day non-medical care and supervision is provided in a group setting for children under 18 years of age.

Club. Any organization, group or association supported by the members thereof, the purpose of which is to render a service customarily rendered for members and their guests, but shall not include any organization, group or association, the chief activity of which is to render a service customarily carried on as a business.

Commercial. Managed on a business basis for profit derived from the promise or delivery of compensation, money, rent, or other bargained-for consideration in exchange for: (1) goods; (2) services; (3) rights or interests in property; or (4) any other valuable consideration.

Common Area. Common area is an entire project excepting all units therein granted or reserved.

Community Apartment. As defined in Section 11004 of the Business and Professions Code.

Community Care Facility. A State-licensed facility, place or building which is maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, as further defined in Chapter 3 of Division 2 of the California Health and Safety Code; but not including a group home.

Compaction. The act of increasing the density of a fill by mechanical means.

Condominium. As defined in Sections 783 and 1350 of the Civil Code.

Condominium, Community Apartment. The development of land and attached structures as a condominium or community apartment project, regardless of the present or prior use of such land and structures, and regardless of whether substantial improvements have been made to such structures.

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Condominium or Community Apartment Project. A plan by a developer to sell residential condominium or community apartment units in a building through conversion to condominium or community apartment status.

Condominium Unit. The elements of a condominium which are not owned in common with the owners of other condominiums in the project.

Congregate Dining Facility. A room or rooms which contain suitable space for group dining to feed all the residents of the facility in one or two sittings, accessible to and for the primary use of the residents of a State licensed residential facility for the elderly or similar residential facility. Such a facility shall provide full meal service for the residents which shall include at least two meals per day for seven days per week.

Court. An area open to the sky that is enclosed on at least three sides by walls, sometimes referred to as a courtyard.

Deck. An outdoor platform wholly or partially supported from the ground below, which may be surrounded by a railing, balustrade, or parapet. A deck can be freestanding or attached to a building.

Deck, Roof. A deck constructed above any top plate of a structure and which is designed to function as useable outdoor area.

Distance Between Buildings. The shortest distance measured from the exterior wall or supporting post(s) of a building to the nearest exterior wall or supporting post(s) of another building.

Drive-Through Facility. Drive-through facility means a motor vehicle drive-through facility which is a commercial building or structure or portion thereof which is designed or used to provide goods or services to the occupants of motor vehicles. It includes, but is not limited to, banks and other financial institutions, fast food establishments, and film deposit/pick-up establishments, but shall not include drive-in movies, gasoline stations, or car-wash operations.

Driveway. A minor private way that provides vehicular access from a street or alley to an on-site parking facility. Driveways may provide vehicular access for up to four lots or to multiple buildings on the same lot. Driveways are usually differentiated from private streets by shorter lengths, narrower widths, and the lack of curbs, gutters, sidewalks, street lights, and similar improvements. Driveways are usually differentiated from alleys in that they are located on the lots to which they provide vehicular access, while alleys are normally separated from adjacent real property by a lot line. Except as otherwise specified in this title, setbacks do not apply to driveways.

Dwelling Unit. As used in this title, the terms dwelling unit and residential unit are synonymous.

Earth Material. Any rock, natural soil or fill or any combination thereof.

Educational Institution. An institution of learning giving general academic instruction equivalent to the standards prescribed by the State Board of Education; or, a non-profit

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institution or center of advanced study and research in the field of learning equivalent to or higher than the level of standards prescribed by the State Board of Education. An educational institution may include administrative offices, classrooms, technical and other support services directly related to the operations of the institution.

Emergency Shelter. Housing for homeless persons with minimal supportive services that is limited to a length of occupancy of not more than six months. Minimal supportive services shall mean administrative offices, intake and waiting areas, kitchen and dining facilities, and laundry facilities as long as the facilities are directly related to the operation of the emergency shelter or for the exclusive use of the residents of the emergency shelter. Homeless shelters providing more than minimal supportive services or supportive services to persons other than the residents of the shelter shall require a conditional use permit pursuant to Section 28.94.030.W of this title.

Erosion. The wearing away of the ground surface as a result of the movement of wind, water or ice.

Excavation. The mechanical removal of earth material.

Existing Grade. The grade prior to grading.

Family. A single residential unit or a person or group of persons living together as a domestic unit in a single residential unit.

Family Day Care Home. A State-licensed home which regularly provides care, protection, and supervision of children under 18 years of age in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, as further defined and permitted pursuant to the California Health and Safety Code and other applicable State Regulations. The term "Family Day Care Home" includes the terms "Large Family Day Care Home" and "Small Family Day Care Home" as such terms are defined in Sections 1597.465 and 1597.44 of the California Health and Safety Code.

Fast Food Restaurant. Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes foods, frozen desserts, or beverages that are usually served in edible containers or in paper, plastic, or other disposable containers.

Fill. A deposit of earth material placed by artificial means.

Finished Grade. The final grade of the site that conforms to the approved plan.

Floor Area, Net. The net floor area of a building shall be calculated in accordance with the following general rule and any applicable special rules:

1. GENERAL RULE. Net floor area shall be defined as the area in square feet of all floors confined within the exterior walls of a building, but not including the area of the following: exterior walls, vent shafts, courts, and any areas with a ceiling height of less than five feet above the finished floor.

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2. SPECIAL RULES.

- a. The area occupied by stairs or an elevator shaft within the exterior walls of a building shall be counted only on one floor of the building.
- b. Freestanding accessory buildings that do not require a building permit for construction or installation are excluded from the net floor area calculation.

Frontage of Block. That dimension along one side of a street between two intersecting streets, or between an intersecting street and the end of a street where such frontage is not between two intersecting streets.

Garage, Private. A building or portion of a building in which motor vehicles used by the occupants or tenants of the main building or buildings on the premises are stored or kept.

Garden Apartment Development. A multiple-family residence development of four or more dwelling units of high quality designed to provide greater amenities than are normally provided in R-3 apartment developments, the plans and specifications, site development plans, landscaping plans and general appearance of which meet the approval of the Board of Land Use Controls.

Gazebo. A freestanding, open-sided, roofed structure.

General Plan. The comprehensive General Plan of the City of Santa Barbara together with all Specific Plans adopted by the City Council.

Grade. The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building. In case walls are parallel to and within five feet of a public sidewalk, alley or public way, the grade shall be the elevation of the sidewalk, alley or public way. The term exterior wall shall include columns or other supporting members, whether free-standing or connected to a wall.

Grading. Any excavating or filling or combination thereof.

Group Home. The residence of a group of persons with mental or other handicaps, or otherwise disabled, which is organized as a single, relatively stable, bonafide housekeeping unit. Residents of a group home are a household for purposes of this code, and a group home is one residential unit.

The term “group home” does not include any center for the medical treatment of non-handicapped persons, halfway house, club, fraternity or sorority house, boarding house, dormitory, or the commercial use of property as a bed and breakfast, hostel, hotel, inn, lodging, motel, resort, timeshare project or other temporary lodging where the term of occupancy, possession, or tenancy is fewer than 30 days.

Guest Room. Any habitable room, except a kitchen, designed or used for occupancy by one or more persons and not in a dwelling unit.

Hazardous Waste. A waste, or combination of wastes, which because of the quantity, concentration or physical and chemical characteristics may either (a) cause or significantly

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contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed. Hazardous waste also includes those materials described in Title 22, Division 4.5, Chapter 11, California Code of Regulations (CCR).

Hazardous Waste Management Facility, Off-Site.

1. An “off-site hazardous waste management facility” means a facility that accepts hazardous wastes from more than one generator, and may also be referred to as a commercial or specified hazardous waste facility.
2. An off-site hazardous waste management facility shall include the following:
 - a. Hazardous Waste Transfer Station. “Hazardous waste transfer station” means a facility where hazardous waste from more than one source is collected and consolidated for shipment to a treatment, recycling and/or disposal facility or facilities. Transfer stations which handle only latex paint, used oil, antifreeze, spent lead acid batteries and/or small household batteries in accordance with provisions of California Health and Safety Code Section 25201(c) and meet all conditions for exemption outlined in California Health and Safety Code Section 25201(c), and are known as a household hazardous waste collection facility, are specifically excluded from this definition.
 - b. Hazardous Waste Storage Facility. “Hazardous waste storage facility” means a hazardous waste facility at which hazardous waste is contained for a period greater than 96 hours at an off-site facility with specified exceptions provided in the California Health and Safety Code, Section 25123.3. On-site facilities which store hazardous wastes for periods of greater than 90 days shall be considered to be an Off-site Hazardous Waste Storage Facility.
 - c. Hazardous Waste Treatment Facility. “Hazardous waste treatment facility” means a facility where the toxicity, chemical form and/or volume of a hazardous waste is altered to render the waste less toxic, less chemically active, or of a reduced volume.
 - d. Hazardous Waste Recycling Facility. “Hazardous waste recycling facility” means a facility engaged in the process of reclaiming, using or reusing hazardous wastes.
 - e. Hazardous Waste Residuals Repository. “Hazardous waste residuals repository” means a disposal facility for the long-term storage of the byproducts of treated hazardous waste for which there is no further means of practical treatment to render them less toxic or less chemically reactive.

Hazardous Waste Management Facility, On-Site. A facility that stores, treats, recycles and/or disposes of hazardous waste generated only within the facility’s boundaries.

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Hazardous Waste Management Plan. A plan prepared, adopted and amended from time to time, pursuant to Section 25135 of the California Health and Safety Code by Santa Barbara County to direct the management of hazardous wastes within the boundaries of the County. It is also known as the Hazardous Waste Element of the Santa Barbara County Comprehensive Plan.

Home Occupation. Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof or adversely affect the use or uses permitted in the zone in which the dwelling is located, and in connection with which there shall be no exterior display, no display windows, no stock in trade or commodity stored or sold upon the premises, no persons employed, and no mechanical, electrical or other specialized equipment used except such as is necessary for ordinary housekeeping purposes. Clinics, hospitals, barber shops, beauty parlors, tea rooms, tourist courts, rest homes, insurance and real estate offices, dancing schools, retail stores, commercial manufacturing, animal hospitals, kennels, among others, and any business which requires a City permit or license, except licenses issued for revenue purposes only, shall not be deemed home occupations.

Hospice. A State-licensed facility which provides 24-hour nursing and supportive care and other services in a home-like setting to persons who have a medical diagnosis of terminal illness.

Hotel. A building, group of buildings or a portion of a building which is designed for or occupied as the temporary abiding place of individuals for less than 30 consecutive days including, but not limited to establishments held out to the public as auto courts, bed and breakfast inns, hostels, inns, motels, motor lodges, time share projects, tourist courts, and other similar uses.

Household. A person, or a group of persons living together as a single, relatively permanent, bonafide housekeeping unit in a residential unit. Any reference in this code to “family” means “household.” The term “household” does not include any center for the medical treatment of non-handicapped persons, halfway house, club, fraternity or sorority house, boarding house, dormitory, or the commercial use of property as a bed and breakfast, hostel, hotel, inn, lodging, motel, resort, timeshare project or other temporary lodging where the term of occupancy, possession, or tenancy is fewer than 30 consecutive calendar days.

Household Hazardous Waste Collection Facility. A facility run by, or under contract to, a public agency which only accepts certain types of hazardous materials and then only for transport to an authorized recycling facility or to a permitted hazardous waste collection facility. The types of wastes that can be accepted are latex paint, used oil, antifreeze, spent lead-acid batteries and small household batteries in accordance with all provisions of California Health and Safety Code Section 25201(c). The materials cannot be stored for more than 180 days. Such facilities shall be accessible to individuals, households or small businesses.

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Junk Yard. The term junk yard includes automobile wrecking yards and includes any area of more than 200 square feet for the storage, keeping or abandonment of junk including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof.

Kitchen. Any room used or intended or designed to be used for cooking and/or preparation of food.

Lot. A parcel of land shown with a separate and distinct number on a plot or map recorded or filed with the Recorder of the County or a parcel of land held under separate ownership on the effective date of this title.

Lot, Corner. A lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.

Lot, Interior. A lot other than a corner lot.

Lot Line, Front. The line or lines dividing a lot from a public or private street. The line or lines that divide a lot from an alley or a driveway shall not be considered front lot lines. On lots that abut multiple streets, all lines that divide the lot from a street shall be considered front lot lines.

Lot Line, Interior. Any lot lines other than front lot lines.

Lot, Through. A lot having frontage on two parallel or approximately parallel streets.

Mezzanine. Mezzanine or mezzanine floor is an intermediate floor placed in any story or room. When the total area of any such mezzanine floor exceeds 33-1/3% of the total floor area in that room, it shall be considered as constituting an additional story. The clear height above or below a mezzanine floor construction shall be not less than seven feet.

Microcell. A small cellular transceiver facility installed at or below ground level and comprised of a utility cabinet, one or more small antennas mounted on a steel pipe, an existing public utility pole or existing structure, and transmitters with an effective radiated power not exceeding five watts per channel and not to exceed a total of 200 watts per facility.

Mixed Use Development. A development in which both nonresidential and residential uses are permitted on the same lot.

Mobilehome. A structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the California Vehicle Code. Mobilehome includes a manufactured home, as defined in Section 18007 of the California Health and Safety Code, and a mobilehome as defined in Section 18008 of the California Health and Safety Code, but does not include a recreational vehicle as defined in this chapter and Section 18010 of the California Health and Safety Code, or a commercial coach as defined in Section 18001.8 of the California Health and Safety Code.

Mobilehome Park. An area of land where two or more mobilehome spaces are rented, or held out for rent, to accommodate mobilehomes for more than 30 days.

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Mobilehome Park Space. That portion of a mobilehome park set aside and designated for the occupancy of one mobilehome, including any contiguous area designed or used for automobile parking, carport, storage, awning, cabana or other use which is clearly incidental and accessory to the primary use of the space.

Modular Cooking Unit. A self-contained cooking and food preparation area shall be permitted when located in a state-licensed residential care facility for the elderly, community care facility, or hospice after a performance standard permit or conditional use permit is obtained pursuant to either Chapter 28.93 or Chapter 28.94 of this code. The modular cooking unit shall contain no more than a two-burner stove, oven or microwave oven, single compartment sink, refrigerator, utensil drawer(s), and cabinet(s) in one detachable module. The modular cooking unit shall not be larger than 18 square feet. Dishwashers and garbage disposals shall not be allowed. The modular cooking unit shall not be located in a room separated from other living areas, but could be located in a small recessed opening off other living areas.

Motel. The definitions of “Motel” and “Hotel” are synonymous. See “Hotel.”

Multiple Residential Unit. A building, or portion thereof, configured and/or occupied as three or more residential units and including apartment houses, and may include one or more Accessory Dwelling Units, but not including hotels.

Nonconforming Building. A building, structure or portion thereof which does not conform to the regulations of this title and which lawfully existed at the time the regulations with which it does not conform became effective.

Nonconforming Use. A use of a building or land which does not conform to the regulations of this title and which lawfully existed at the time the regulations with which it does not conform became effective.

Non-Transient Tenant. A person who has resided in a residential hotel for a period of more than 30 days as of the time a development application is submitted for that residential hotel.

Owner. Any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be converted to commence, maintain, and complete proceedings to convert the same under this title.

Parcel. A general term including all plots of land shown with separate identification on the latest equalized county assessment roll. Parcels may or may not be separate lots, depending upon whether or not such parcels are created as required by the Subdivision Ordinance.

Patio. A hardscaped (e.g., concrete, tile, brick, stone, etc.) space, constructed on the ground, usually adjoining a building and intended for indoor-outdoor living and recreation. A patio may be surrounded by walls or roofed, but not both.

Planned Residence Development. One or more contiguous parcels of land in a single ownership or planning control which shall be planned and developed as a single unit, under provisions of this title, in a manner which shall be in harmony with the basic characteristics of the land use zone district in which it is located.

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Porch. A raised platform, usually roofed and sometimes partly enclosed with low walls, that extends along an outside wall of a building, usually at an entrance to a dwelling. A porch may also be referred to as a veranda.

Public Facility. A facility open to the public and owned or operated by a governmental entity.

Public Utilities. The general classification for public water, gas, sewer, electrical, cable television and telephone lines and facilities; does not include natural or improved drainage facilities.

Public Works Director. The Public Works Director or any of his or her deputies or assistants.

Quasi-Public Facility. A facility that is open to the public and has a public purpose but is not owned or operated by a governmental entity. A community center, a public museum, and an art gallery are examples of a quasi-public facility.

Recreational Vehicle.

1. RECREATIONAL VEHICLE. A motor home, slide-in camper, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy.
2. CAMPING TRAILER. A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite and designed for human habitation for recreational or emergency occupancy.
3. MOTOR HOME. A vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis, chassis cab or van, which becomes an integral part of the completed vehicle, designed for human habitation for recreational or emergency occupancy.
4. SLIDE-IN CAMPER. A portable unit, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck, and designed for human habitation for recreational or emergency occupancy and shall include a truck camper.
5. TRAVEL TRAILER. A portable unit, mounted on wheels, of such a size and weight as not to require special highway movement permits when drawn by a motor vehicle and for human habitation for recreational or emergency occupancy.

Recreational Vehicle Park. Recreational vehicle park includes a permanent recreational vehicle park and overnight recreational vehicle park as defined in this chapter.

Recreational Vehicle Park (Overnight). Any area of land where two or more recreational vehicle spaces are rented, or held out for rent, to owners or users of recreational vehicles used for travel or recreational purposes for less than 30 days.

Recreational Vehicle Park (Permanent). An area of land where two or more recreational vehicle spaces are rented, or held out for rent, to accommodate recreational vehicles for residential purposes for 30 or more days.

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Recreational Vehicle Space. That portion of a recreational vehicle park set aside and designated for the occupancy of one recreational vehicle, including any contiguous area designed or used for automobile parking, carport, storage, awning, cabana or other use which is clearly incidental and accessory to the primary use of the space.

Residential Care Facility for the Elderly. A housing arrangement where the residents are at least 60 years of age and where varying levels of care, supervision, or health-related services are provided to the residents based on their varying needs. Persons under 60 years of age with compatible needs may be allowed to be admitted or retained in such a facility, not to exceed 25% of the residents, as further defined in Chapter 3.2 of Division 2 of the California Health and Safety Code.

Residential Hotel. A hotel or boarding house or similar residential facility where, on the date of the adoption of this chapter, the average duration of stay for the residents thereof exceeds 30 days.

Residential Unit.

1. A building or portion thereof designed or occupied for residential purposes, containing not more than one kitchen per residential unit, but not including hotels or boarding houses.
2. A residential unit may be declared by the Community Development Director when a building or portion thereof is configured or occupied for residential purposes, whether permanent or temporary, and contains elements evidencing separate residential occupancy. Elements to be considered may include, but are not limited to, the proximal arrangement and various combinations of:
 - a. Sink or bar sink;
 - b. Garbage disposal;
 - c. Dishwasher;
 - d. Toilet;
 - e. Bathing facility;
 - f. Interior locking doors;
 - g. Exterior entrance;
 - h. Exterior staircase;
 - i. Separate yard, patio, deck or balcony;
 - j. Separate phone line, cable line, or utility line;
 - k. Separate garage or parking area (covered or uncovered) or carport;
 - l. Countertops or cupboards;
 - m. Sleeping loft; or
 - n. Separate address/mail box designation.

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Issuance of a building permit or other approvals does not, of itself, establish that a building or portion thereof is not a residential unit.

3. Notwithstanding this section, a building or portion thereof configured or occupied for residential purposes, whether permanent or temporary, containing a modular cooking unit shall not be deemed a residential unit providing:

- a. A performance standard permit or conditional use permit has been issued pursuant to either Chapter 28.93 or Chapter 28.94 of this code; and
- b. The facility has current, valid state licenses to operate a residential care facility for the elderly, community care facility or hospice; and
- c. There is a staffed congregate kitchen and dining facility on-site providing regular meals to all residents.

Rough Grade. The stage at which the grade approximately conforms to the approved plan.

School, Elementary or High. An institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California. High schools include junior and senior, parochial and private.

Self-Service Laundry. Any establishment for laundering where there is no pick-up or delivery service and no steam or hand laundry of any type; provided, however, that all washing machines and accessory extractors and dryers shall be installed on a single floor and there shall be no intermingling of customers' laundry.

Service Station. Service station includes both automobile service stations and automobile service station/mini-markets.

Setback, Front. An area between the front lot line and a line parallel to the front lot line bounded by the interior lot lines of the lot that are roughly perpendicular to the front lot line, the depth of such area being the distance required by this zoning ordinance. The front setback is to be provided and maintained as an open space on a lot or parcel of land, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

Setback, Interior. An area between an interior lot line and a line parallel to the interior lot line bounded by the two lot lines adjacent to the interior lot line from which the setback is measured, the depth of such area being the distance required by this zoning title. The interior setback is to be provided and maintained as an open space on a lot or parcel of land, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

Single Residential Unit. A residential building configured as not more than one primary residential unit, and up to one Accessory Dwelling Unit or one Junior Accessory Dwelling Unit located on a single lot.

Skilled Nursing Facility. A State-licensed health facility or a distinct part of a hospital which provides continuous skilled nursing care and supportive care to patients whose primary need

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is for the availability of skilled nursing care on an extended basis. It provides 24-hour inpatient care and, as a minimum, includes physician, nursing, dietary, pharmaceutical services and an activity program. Intermediate care programs which provide skilled nursing and supportive care for patients on a less than continuous basis shall be considered skilled nursing facilities for the purposes of this chapter. “Skilled Nursing Facility” and “Intermediate Care Facilities” are further defined in Chapter 2, Division 2 of the California Health and Safety Code.

Stock Cooperative. As defined in Section 11003.2 of the Business and Professions Code.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between such floor and the ceiling next above it. The number of stories in a building shall be construed to be the maximum number of stories through which any one of an unlimited number of possible vertical lines can pass, without passing through a wall, excluding certain mezzanines as provided in the definition for “Mezzanine.”

Street. A public or private way constructed for the primary purpose of vehicular travel. An alley or a driveway is not a street. The term “street” describes the entire legal right-of-way or easement (public or private), including, but not limited to, the traffic lanes, bike lanes, curbs, gutters, sidewalk whether paved or unpaved, parkways, and any other grounds found within the legal street right-of-way. The name given to the right-of-way (avenue, court, road, etc.) is not determinative of whether the right-of-way is a street.

Street Frontage. The length of the front lot line along an adjacent street. For the purpose of computing the street frontage of an irregularly shaped lot which is narrower at the front than at the rear, said measurement shall be along a straight line approximately parallel to the street and at a distance from the front property line equal to the front setback.

Street, Private. A street that is privately owned. Private streets do not appear on the official dedicated street map of the City of Santa Barbara. Private streets generally provide access to multiple lots or units and are usually named, unlike driveways. Private streets may be constructed to public street standards. Private streets are generally differentiated from driveways by larger widths, longer lengths, and may include public or private utilities. A private street may also be referred to as private road, lane, or drive.

Street, Public. Any street shown on the official dedicated street map of the City of Santa Barbara, as such map may be amended from time to time.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists.

Structure. Anything constructed or erected and the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground.

Time Share Project; Time Share Estate; Time Share Use.

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1. A “time-share project” is one in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided.
2. A “time-share estate” is a right of occupancy in a time-share project which is coupled with an estate in the real property.
3. A “time-share use” is a license or contractual or membership right of use in a time-share project which is not coupled with an estate in the real property.

Tourist Court. The definitions of “Tourist Court” and “Hotel” are synonymous. See “Hotel.”

Trellis. A structure or frame supporting open latticework, sometimes referred to as a pergola or arbor. A trellis is not considered an accessory building.

Two-Residential Unit. A building configured and/or occupied as not more than two residential units.

Vertical. Perpendicular to the plane of the horizon.

Yard.

1. A yard is an open space, on a lot or parcel of land, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.
2. It is the intent of this title to require yard area in all residential zones, which shall be adequate to provide light and air, separation of buildings, privacy of occupancy, reduction of fire hazards, control of building density, enjoyment of occupants, and preservation of residential amenities.
3. For the purpose of this title, open parking of automotive vehicles, trailers and boats shall be considered as an obstruction.

Yard, Front. A yard extending across the full width of the lot between the front lot line and the nearest wall of any main building on the lot. This yard shall be measured by extending perpendicular lines from each point of the front lot line to the nearest wall of any main building on the lot. Where there is no wall of any main building on the lot which intercepts said perpendicular lines, said yard will terminate at a point determined by extending a line parallel to the front lot line from the corner of the front elevation of the main building to the nearest lot line. The front elevation of a building is any elevation that faces a street. If the corner of the front elevation is rounded (i.e., a tower), the corner of the elevation shall be established by drawing the smallest square or rectangle that will enclose the round element and extend the line from the corner of the superimposed square or rectangle that is closest to the front lot line.

Yard, Open. A required yard, the purpose of which is to provide usable outdoor living space and/or visual open space.

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Yard, Primary Front. A front yard, on a lot with multiple front yards, designated by the property owner and approved by the Community Development Director or the Director's designee as the primary front yard. All other front yards on the lot shall be secondary front yards.

Yard, Remaining Front. The area of the front yard outside the required front setback.

Yard, Secondary Front. Any front yard on a lot with multiple front yards that is not designated as the primary front yard.

SECTION 3. Section 28.15.030 and Section 28.15.083 of Chapter 28.15 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.15.030 Uses Permitted.

- A. A single residential unit occupying a single lot, or a group home.
- B. Accessory buildings or uses as follows:
 - 1. An accessory dwelling unit or junior accessory dwelling unit subject to the provisions in Chapter 28.86 of this title
 - 2. A private garage, carport or parking spaces.
 - 3. Work or storage sheds for any non-commercial use or equipment.
 - 4. The keeping of horses and necessary outbuildings in conjunction with the residential use of a lot and subject to the following conditions:
 - a. The keeping of horses shall be permitted only on lots having an area of 20,000 square feet or more, but in no event for commercial purposes, and provided that the number of animals on any one lot shall be limited to one for every 10,000 square feet of lot area, but not more than five per lot.
 - b. The keeping of such animals shall conform to all other provisions of law governing same, and no such animals nor any pen, stable, barn or corral shall be kept or maintained within 35 feet of any dwelling or other building used for human habitation, or within 75 feet of the front lot line of the lot upon which it is located, or within 75 feet of any public park, school, hospital or similar institution.
 - c. The keeping of any other animal is only permitted pursuant to the provisions of Title 6 of the Santa Barbara Municipal Code.
- C. A home occupation.
- D. A State-licensed small family day care home.
- E. A State-licensed large family day care home, subject to the provisions in Chapter 28.93 of this title.

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F. State authorized, licensed or certified use to the extent it is required by State Law to be an allowed use in residential zones.

G. A mobilehome which has been certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.), as amended from time to time, on an approved permanent foundation.

H. Agriculture, as defined in Chapter 28.04 of this title, subject to administrative guidelines necessary to monitor and carry out these standards which may be adopted and amended from time to time by resolution of the City Council and subject to the following performance standards:

1. Accessory Buildings. Accessory buildings for agricultural purposes shall not exceed 500 square feet in aggregate and shall be located a minimum of 100 feet from any property line. Accessory buildings used for agricultural purposes may be placed on a parcel without a main building. Accessory buildings shall not be placed on ridgelines or in such a manner that the peak of the roof exceeds the ridgeline elevation by more than six feet. All accessory buildings shall be placed outside of the 100-year floodplain of any creeks or drainages on the property. Building siding and roof colors shall be in earth or vegetation tones to minimize visibility unless otherwise approved by the Architectural Board of Review or the Historic Landmarks Commission. If an applicant proposes an agricultural accessory building in excess of 500 square feet in area, the applicant may apply for a modification under Chapter 28.92 of this title.
2. Storage Requirements. All flammables, pesticides and fertilizers shall be stored in accordance with the regulations of the California Fire Code and Santa Barbara County Department of Health Services or successor agency. At a minimum, any area where such materials are stored shall have a continuous concrete floor and lip which is tall enough to contain 110% of the volume of all the materials stored in the area. No pesticides, chemical fertilizers or other hazardous materials shall be stored outside of buildings.
3. Large Vehicles. No vehicles in excess of five tons shall be kept, stored or parked on the property, except that such vehicles may be on the property as necessary for completion of grading performed in accordance with a grading permit issued by the City of Santa Barbara.
4. Sanitation. Sanitary facilities shall be provided for agricultural workers as required by the Santa Barbara County Division of Environmental Health and the California Occupational Safety and Health Administration.
5. Water Meters. All agricultural operations involving an area of one-half acre or greater shall be placed on "Irrigation" water meters, as defined by authorization of Title 14 of this code.
6. Irrigation Systems. All new or retrofitted agricultural irrigation systems for agricultural uses other than those carried out in greenhouses, shall be designed in accordance with the standards of the Soil Conservation Service for water conserving irrigation.

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I. Improvements and additions of 500 square feet or less to existing Public Works Facilities including, but not limited to, sewer lift stations, pump stations, water wells, pressure reducing stations, generator enclosures, minor improvements to existing water storage reservoirs and other miscellaneous structures incidental to or improving the existing use. Standard construction conditions may be imposed on the building permit as deemed appropriate by the Community Development Director.

28.15.083 Maximum Net Floor Area (Floor to Lot Area Ratio)

A. APPLICATION. The provisions of this section shall only apply to lots within these zones that have less than 15,000 square feet of net lot area and which are, or are proposed to be, developed with a main or accessory building that is either: (1) two or more stories tall, or (2) has a building height of 17 feet or more.

B. DEFINITIONS. For purposes of this section, the following definitions shall apply:

1. Net Floor Area of a Building. The net floor area of a building shall be calculated in accordance with the following general rule and any applicable special rules:

a. General Rule. Net floor area is the area in square feet of all floors confined within the exterior walls of a building, but not including the area of the following: exterior walls, vent shafts, courts, and any areas with a ceiling height of less than five feet above the finished floor.

b. Special Rules.

(i) Stairs and Elevators. The area occupied by stairs or an elevator shaft within the exterior walls of a building shall be counted only on one floor of the building.

(ii) Small Accessory Buildings. Freestanding accessory buildings that do not require a building permit for construction or installation are excluded from the net floor area calculation.

(iii) Basements and Cellars. The net floor area calculation for a basement or cellar shall be reduced by 50% if the vertical distance from grade to ceiling is four feet or less for at least one-half of the length of the perimeter of the basement or cellar. The floor area of a basement or cellar shall be excluded from the calculation of net floor area if the vertical distance from grade to the ceiling is four feet or less for the entire length of the perimeter of the basement or cellar. For purposes of the exclusion of floor area, one section of the basement or cellar perimeter length, not exceeding five feet in length, may have a distance from grade to ceiling greater than four feet in order to allow for an exterior door, and the basement or cellar may still qualify for the exclusion if the door is located outside the required front setback.

(iv) Accessory Dwelling Units. Net floor area within a portion of a building that is designed and permitted as an accessory dwelling unit or junior accessory

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dwelling unit pursuant to Chapter 28.86 of this title shall be included in the net floor area calculation.

(v) Carports. The area within the exterior walls or supporting columns of a carport shall be included in the calculation of net floor area.

2. Net Floor Area on a Lot. The net floor area on a lot shall be the sum of the net floor area of all existing and proposed buildings on the lot.

3. Net Lot Area. The total horizontal area within the lot lines of a lot subtracting the horizontal area within any public rights-of-way on the lot.

C. MAXIMUM NET FLOOR AREA (Floor to Lot Area Ratio). For purposes of this section, the maximum net floor area of a lot shall be calculated according to the following formulae:

NET LOT AREA (SQ. FT.)	MAXIMUM NET FLOOR AREA (SQ. FT.)
Less than 4,000	2,200
4,000 to 9,999	$1,200 + (.25 \text{ multiplied by the net lot area})$
10,000 to 14,999	$2,500 + (.125 \text{ multiplied by the net lot area})$

D. PRECLUDED DEVELOPMENT. No application for a building permit may be approved for any project that will: (1) result in an increase of the net floor area on the lot, (2) change the location of any floor area on the second or higher story of any building on the lot, or (3) increase the height of any portion of a building on the lot to a building height of 17 feet or higher if either of the following is true regarding the project:

1. The net floor area on the lot will exceed the maximum net floor area for the lot as calculated pursuant to this section, or

2. The net floor area on the lot will exceed 85% of the maximum net floor area for the lot as calculated pursuant to this section and any of the following conditions apply to the lot:

a. The average slope of the lot or the building site (as calculated pursuant to Section 28.15.080 of this code) is 30% or greater, or

b. The building height of any new or existing building or structure on the lot is in excess of 25 feet, or

c. The lot is located in the Hillside Design District established in Section 22.68.080 of this title and the application proposes 500 or more cubic yards of grading outside the footprint of the main building (soil located within five feet of an exterior wall of a main building that is excavated and recompacted shall not be included in the calculation of the volume of grading outside the building footprint).

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SECTION 4. Section 28.18.060, Section 28.18.070 and Section 28.18.075 of Chapter 28.18 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.18.060 Setback, Open Yard, and Private Outdoor Living Space Requirements.

The following setback, open yard, and private outdoor living space requirements shall be observed on all lots within the R-2 zone:

A. Front Setback. A front setback of not less than the indicated distance shall be provided between the front lot line and all buildings, structures, and parking on the lot as follows:

1. Ground floor of any building or structure: 15 feet
2. Upper story portion of a multiple story building or structure: 20 feet
3. Garage or carport with an opening that does not face an adjacent street or uncovered parking that does not back out onto the street: 15 feet
4. Garage or carport with an opening that faces an adjacent street or uncovered parking that backs out onto the street: 20 feet

B. Interior Setback. An interior setback of not less than the indicated distance shall be provided between the interior lot line and all buildings, structures, and parking on the lot as follows:

1. Buildings and structures other than covered parking: 6 feet
2. Covered or uncovered parking: 3 feet

C. Open Yard and Private Outdoor Living Space. An open yard shall be provided on all lots within this zone. The required open yard shall observe the following general rules regarding dimension, location, and configuration, except as such general rules may be altered by any applicable additional rules or exceptions specified within this subsection C:

1. General Rules. In this zone, open yards shall conform to the following dimension, location, and configuration requirements:
 - a. Minimum Size. Total area of at least 1,250 square feet of lot area.
 - b. Minimum Dimensions. The open yard may be provided in one area or in multiple areas; however, each area of open yard shall be at least 20 feet long and 20 feet wide measured in perpendicular directions.
 - c. Common Area or Assigned. The open yard may be provided as a common open yard or as private open yard assigned to individual units.
 - d. Location and Configuration. The open yard may consist of any combination of ground level areas such as patios, ground floor decks, pathways, landscaped areas, natural areas, flat areas, or hillsides, so long as the overall size and dimensions of the open yard area meet the requirements specified in these general rules and the open yard is not located in any of the following locations:

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- i. Any portion of the front setback; however, up to 850 square feet of the open yard may be provided in the remaining front yard,
 - ii. Any areas designated for use by motor vehicles, including, but not limited to, driveways and parking areas, or
 - iii. On decks, patios, terraces, or similar improvements where the maximum height of the improvement above existing or finished grade, whichever is lower, is greater than 36 inches.
2. Additional Open Yard and Private Outdoor Living Space Requirements for Lots Developed with Four or More Dwelling Units.
 - a. Common Open Yard. On lots developed with four or more dwelling units, a common open yard shall be provided that meets the size, dimensional, and location requirements specified in the general rules.
 - b. Private Outdoor Living Space. In addition to the required common open yard, lots developed with four or more dwelling units shall provide private outdoor living space for each dwelling unit of not less than the size specified below based on the number of bedrooms in the dwelling unit:
 - i. Studio Unit: 100 square feet
 - ii. 1 Bedroom Unit: 120 square feet
 - iii. 2 Bedroom Unit: 140 square feet
 - iv. 3+ Bedroom Unit: 160 square feet.

The minimum dimensions of the private outdoor living space shall be at least 10 feet long and 10 feet wide measured in perpendicular directions. In addition, private outdoor living space provided pursuant to this paragraph shall observe the requirements specified in paragraphs c, e, f, g, and h of Section 28.21.081.A.1 of this code.
3. Exception to Location Requirement for Lots with Multiple Front Yards. On lots with multiple front yards, the following exception to the location requirement specified in the general rules or any applicable additional requirements is available: an open yard may include area in a secondary front yard as long as the open yard observes a 10 foot setback from the front lot line.

28.18.070 Distance Between Buildings on the Same Lot.

No main building shall be closer than 15 feet to any other main building on the same lot, except that a one story building shall be no closer than 10 feet to another one story building.

28.18.075 Lot Area and Frontage Requirements

- A. NEWLY-CREATED LOTS. Every lot hereafter created in an R-2 Zone shall contain at least 7,000 square feet and 60 feet of frontage on a public street.

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B. LOTS BETWEEN 6,000 AND 6,999 SQUARE FEET. Existing lots between 6,000 and 6,999 square feet of net lot area, inclusive, may be used as if it had 7,000 square feet of lot area.

C. LOTS WITH LESS THAN 6,000 SQUARE FEET. Existing lots of less than 6,000 square feet of net lot area may be used as a building site for a one-family dwelling, provided that all other regulations of the zone prescribed by this title are observed.

D. MINIMUM AREA PER DWELLING UNIT FOR STANDARD LOTS. For lots of 7,000 square feet or more, there shall be provided a lot area of 3,500 square feet or more for each dwelling unit hereafter erected.

E. R-2 LOT SLOPE DENSITY. The minimum lot areas specified in this section shall be increased by the following factors where the average slope of the parcels falls within the percent of average slope ranges given:

Factor	Percent of Average Slope
1.5 times minimum lot area	10% to 20%
2.0 times minimum lot area	20% to 30%
3.0 times minimum lot area	over 30%

“Average slope” of a parcel of land or any portion thereof shall be computed by applying the formula ($S = .00229 \text{ IL} \div A$) to the natural slope of the land, before grading is commenced, as determined from a topographic map conforming to National Mapping Standards and having a scale of not less than 1 inch equals 200 feet and a contour interval of not less than five feet. The letters in this formula shall have the following significance:

S = The average slope of the land in percent.

I = The contour interval in feet.

L = The combined length of all contours in feet, excluding the length of contours in drainage channels and in natural water courses below the 25 year flood level.

A = The net area of parcel or portion thereof, in acres, after deducting all areas in drainage channels below the 25 year flood level, for which the slope is to be determined.

F. HABITABLE DWELLING SPACE - DEFINED. For the purpose of this section, the term “Habitable Dwelling Space” shall be calculated to include all building square footage as measured from the inside of the walls of the building, excluding the square footage of the garage.

SECTION 5. Section 28.44.070, Section 28.44.110 and Section 28.44.120 of Chapter 28.44 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.44.070 Exclusions and Exemptions.

The following categories of development, through subsection C, are categorically excluded from the coastal development permit requirements of this chapter pursuant to Categorical Exclusion Order E-86-03 as amended by Categorical Exclusion Order E-06-1 and certified by the California Coastal Commission:

A. **TIME-SHARE CONVERSION EXCLUSION.** Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.

B. **VESTED RIGHTS EXCLUSION.** Any development which, on the effective date of this subsection, has a valid approval from the Coastal Commission shall be considered to have a vested right until such time as said approval expires or lapses; provided, however, that no substantial change may be made in any such development without prior Coastal Commission and City approval having been obtained by the developer.

C. **SINGLE FAMILY RESIDENCE EXCLUSIONS.**

1. Construction of one single family residence on an existing vacant parcel in the area designated as Non-Appealable on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara.

2. Demolition and reconstruction of an existing single family residence in the area designated as Non-Appealable on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara. Notwithstanding the exclusion specified in this paragraph, if an application for demolition and reconstruction of an existing single family residence is submitted for a lot that either: (1) contains a City Landmark or Structure of Merit, (2) contains or is within 100 feet of archeological or paleontological resources, or (3) contains or is within 100 feet of an environmentally sensitive habitat area, stream, wetland, marsh, or estuary, regardless of whether such resources are mapped or unmapped, then the application shall require a coastal development permit.

The following categories of development, through the end of this section, are exempt from the coastal development permit requirements of this chapter pursuant to Section 30610 of the Public Resource Code and Sections 13250—13253 of Title 14 of the California Administrative Code.

D. **SINGLE FAMILY RESIDENCE EXEMPTION.** Improvements to existing single-family residences ~~including an attached accessory dwelling unit or a junior accessory dwelling unit~~; provided, however, that those improvements which involve a risk of adverse environmental effect shall require a coastal development permit, as provided for in Section

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13250 ~~or Section 13553~~ of Title 14 of the California Administrative Code, as amended from time to time. ~~Attached accessory dwelling units and accessory dwellings units located in an existing accessory structure or in a proposed or existing primary residence that meet the requirements of Section 28.86 are exempt from obtaining a Coastal Development Permit.~~ A junior accessory dwelling unit that is created from at least one existing bedroom and is entirely within an existing single-family residence and does not change the building envelope is not considered development and does not require a Coastal Development Permit ~~and is not subject to the LCP.~~

E. OTHER CONSTRUCTION EXEMPTION. Improvements to any structure other than a single family residence or a public works facility; provided, however, that those improvements which involve a risk of adverse environmental effect; or adversely affect public access; or result in a change in use contrary to any policy of the Coastal Act; shall require a coastal development permit, as provided in Section 13253 of Title 14 of the California Administrative Code, as amended from time to time.

F. MAINTENANCE OF NAVIGATION CHANNEL EXEMPTION. Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.

G. REPAIR OR MAINTENANCE EXEMPTION. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of the object of such repair or maintenance activity; provided, however, that extraordinary methods of repair and maintenance that involve a risk of substantial adverse environmental impact shall require a coastal development permit, as provided in Section 13252 of Title 14 of the California Administrative Code, as amended from time to time.

H. UTILITY CONNECTIONS EXEMPTION. The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to the California Coastal Act of 1976 and this chapter; provided that the Community Development Director may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

I. REPLACEMENT OF EXISTING STRUCTURES DESTROYED BY NATURAL DISASTER EXEMPTION. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10%, and shall be sited in the same location on the affected property as the destroyed structure. As used in this subsection I, the term:

1. "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

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2. “Bulk” means total interior cubic volume as measured from the exterior surface of the structure.
3. “Structure” includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

J. TEMPORARY EVENT EXEMPTION.

1. Definitions. For the purposes of this subsection J, the following words and phrases shall be construed as set forth below:

- a. Exclusive Use. A use that precludes public uses in the area of the temporary event for recreation, beach access or access to coastal waters other than for or through the temporary event itself.
- b. Limited Duration. A period of time that does not exceed a two-week period on a continual basis, or does not exceed a consecutive four-month period on an intermittent basis.
- c. Non-Permanent Structure(s). Include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, booths, platforms, movie/film sets, which do not involve grading or landform alteration for installation.
- d. Temporary Event. An activity or use that constitutes development as defined in Section 30106 of the California Coastal Act; and is an activity or function of limited duration; and involves the placement of non-permanent structures; and/or involves exclusive use of a sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use.
- e. Coastal Resources. Include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.
- f. Sandy Beach Area. Includes publicly-owned and privately-owned sandy areas fronting on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.

2. General Rule. Except as provided in paragraph 4 below, every temporary event is excluded from the coastal development permit requirements under this chapter, unless the temporary event meets all of the following criteria:

- a. The event is to be held between Memorial Day weekend and Labor Day, inclusive; and
- b. The event occupies all or a portion of a sandy beach area; and
- c. The event involves a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

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3. Other Exclusions. The Community Development Director may also exclude a temporary event that satisfies all of the criteria specified in paragraph 2 above, if:
 - a. The fee is for preferred seating only and 75% of the provided seating capacity is available free of charge for general public use; or
 - b. The event is held on a sandy beach area in a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources; or
 - c. The event is less than one day in duration; or
 - d. The event has previously received a coastal development permit and will be held in the same location, at a similar season, and for a similar duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.
4. Special Circumstances. The Community Development Director, or the Planning Commission or City Council through direction to the Community Development Director, may determine that a temporary event shall require a coastal development permit, even if the criteria specified in paragraph 2 above are not met, if the Community Development Director determines that unique or changing circumstances exist relative to the particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include, but shall not be limited to, the following:
 - a. The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;
 - b. The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in paragraph 1 of this subsection;
 - c. The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters; or
 - d. The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.

28.44.110 Authority to Review.

Where a coastal development permit is required pursuant to Section 28.44.060, the authority to review an application for a coastal development permit is designated as follows:

- A. APPEALABLE DEVELOPMENT.

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1. Planning Commission. The Planning Commission shall review all applications for coastal development permits for proposed development in the appealable area unless authority is granted to the Staff Hearing Officer pursuant to paragraph 2 below.
2. Staff Hearing Officer. The Staff Hearing Officer shall review applications for coastal development permits for development proposed in the appealable area when:
 - a. The proposed development requires another discretionary action by the Staff Hearing Officer under any other provision of this code; or
 - b. The proposed development involves single family residential development unless the proposed development:
 - i. is located less than 50 feet from the edge of any coastal bluff or the inland extent of any beach; or
 - ii. is located seaward of the seacliff retreat line as defined in the City of Santa Barbara Coastal Plan; or
 - iii. involves an improvement that increases the internal floor area of any structure by more than 500 square feet; or
 - iv. involves a second story improvement; or
 - v. requires a discretionary action by the Planning Commission under another provision of this code.

B. NON-APPEALABLE DEVELOPMENT.

1. Planning Commission. The Planning Commission shall review applications for coastal development permits for development proposed in the non-appealable area when the proposed development requires another discretionary action by the Planning Commission under any other provision of this code.
2. Staff Hearing Officer. The Staff Hearing Officer shall review applications for coastal development permits for development proposed in the non-appealable area when the proposed development does not require another discretionary action by the Planning Commission under another provision of this code.

C. ACCESSORY DWELLING UNITS. When a proposed development only involves the addition of a detached accessory dwelling unit to an existing single family residence, or any proposed accessory dwelling unit on a lot developed with two-residential unit, multiple residential unit, or mixed use development, the application shall be reviewed by the Staff Hearing Officer without a public hearing in accordance with Government Code section 65852.2. The Staff Hearing Officer shall not issue a decision on the application until at least 10 calendar days after notice having been given pursuant to Section 28.44.130. The Staff Hearing Officer may receive written comments regarding the application and consider such written comments during the review of the application, but the Staff Hearing Officer shall not conduct a public hearing on the application. The decision of the Staff Hearing Officer concerning an application for a coastal development permit pursuant to this subsection C shall

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constitute the final action of the City. In the appealable area, decisions of the Staff Hearing Officer made pursuant to this subsection C may be appealed to the Coastal Commission in accordance with Section 28.44.200. Actions on applications to construct accessory dwelling units shall be consistent with the provisions of the applicable zone and the policies and development standards of the City of Santa Barbara's certified Local Coastal Program and Chapter 3 of the California Coastal Act. Review of a coastal development permit application for an accessory dwelling unit as an addition to an existing single family residence or any proposed accessory dwelling unit on a lot developed with two-residential unit, multiple residential unit, or mixed use development, shall comply with all procedures and development standards of this chapter, aside from the requirements to conduct a public hearing and City appeals as described in Section 28.44.120, 28.44.140, and 28.44.160.

28.44.120 Public Hearing.

At least one public hearing shall be held on each application requiring a coastal development permit, with the exception of applications that only include the addition of an accessory dwelling unit to an existing single family residence or any proposed accessory dwelling unit on a lot developed with two-residential unit, multiple residential unit, or mixed use development pursuant to Section 28.44.110.C. The Planning Commission or the Staff Hearing Officer, as designated in Section 28.44.110, shall hold the public hearing regarding the coastal development permit concurrently with any other required public hearing or hearings before the reviewing body for any other applications regarding the proposed development.

SECTION 6. Section 28.94.030 of Chapter 28.94 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.94.030 Uses Permitted in Specific Zones.

The following uses may be permitted in the zones herein indicated upon the granting of a Conditional Use Permit, except that where another section of this title specifically allows such use in a zone in conflict with this section, the provision of such other section shall apply and a Conditional Use Permit shall not be required.

- A. Church in the A-1, A-2, E-1, E-2, E-3, R-1, R-2, R-3, R-4, C-1, C-P, C-L, C-O, R-O, C-X, H-C, HRC-1, HRC-2, OM-1 and OC zones.
- B. Convent and monastery in the A-1, A-2, E-1, E-2, E-3, R-1, R-2, C-X, H-C, HRC-1, HRC-2, OC, M-1, and OM-1 zones.
- C. Educational institution in the A-1, A-2, E-1, E-2, E-3, R-1, R-2, R-3, R-4, C-1, C-P, C-L, C-O, R-O, C-X, H C, HRC-1, HRC-2, OC, M-1, and OM-1 zones.
- D. Golf course or driving range (but excluding miniature golf) in any zone.

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E. Outdoor tennis club and lawn bowling club in the A, E and R Zones. Normal clubhouse facilities such as pro shop, coffee shop, administrative offices, lounge, etc. may be allowed in connection with a private club only, provided that such uses shall be clearly shown to be incidental and accessory to the outdoor recreational use of the premises, and that the clubhouse facilities shall be available only to the club members and their guests.

1. It is hereby declared that in addition to being special uses as set forth in Sections 28.94.001 and 28.94.005, the uses permitted under this subsection are of such a nature that it is impractical to establish in advance of development the minimum requirements for parking, site area, setbacks, hours or manner of operation, lighting, landscaping, or other standards usually applied to classes or types of use, and that distinct and different performance and development standards must be applied to each individual facility proposed to be established under these provisions.

2. This declaration is based on the fact that the type of club permitted by these provisions will usually be within the City area, unique in terms of the facilities provided, activities conducted, method and intensity of operation, relationship to topography and impact on surrounding urban development and potential, and that meaningful minimum standards can only be established in relation to the particular features of each individual development.

3. In lieu of prescribing herein minimum performance and development standards, the Planning Commission shall, as a part of any Conditional Use Permit issued to permit the establishment of outdoor tennis or lawn bowling clubs under this subsection, make the following findings and impose conditions necessary to secure and perpetuate the bases for such findings:

- a. That the total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.
- b. That the prescribed hours and days of operation of the various facilities of the club are such that the character of the area is not altered or disturbed.
- c. That the design and operation of outdoor lighting equipment will not be a nuisance to the use of property in the area.
- d. That adequate access and off-street parking is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.
- e. That the appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area.

F. Planned unit development in A, E and R-1 Zones in accordance with the provisions of Chapter 28.36 of this title.

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- G. Planned residence development in the A, E and R-1 Zones, subject to provisions of Chapter 28.33 of this title.
- H. Child care centers in the A, E, R-1, R-2, R-3, R-4, R-O, C-O and C-X zones, subject to the following conditions, standards and limitations:
1. Location of Play Areas. Outdoor play areas shall be located in a manner that is compatible with the character of the surrounding area, that minimizes significant detrimental noise impacts to adjacent properties, and that complies with the minimum standards of State Law.
 2. Passenger Loading. Facilities shall be provided for loading and unloading passengers, and shall be subject to the review and approval of the Planning Commission taking into consideration the recommendation of the Transportation Engineer.
- I. Driveways and parking areas for nonresidential uses in residential zones.
- J. Boarding house in the R-2, R-3 and R-4 Zones.
- K. Club and lodge in the R-3, R-4 and R-O Zones.
- L. Garden apartments in the R-2 Zone, subject to the provisions of Chapter 28.30 of this title.
- M. Hospitals, skilled nursing facilities and other similar buildings and facilities for the treatment of human ailments where facilities are provided for the keeping of patients overnight or longer, in the R-4, C-O, C-P, C-1, C-2 and C-M Zones.
- N. Restaurant in the R-4 Zone, provided there is a minimum of 100 established hotel-motel guest rooms within 500 feet from the boundary of the proposed restaurant site. The 100 established hotel-motel guest rooms within 500 feet may be used to support any number of restaurants within the affected area.
- O. Establishment or enterprises which involve large assemblages of people on more than four occasions per year, including, but not limited to, any open air theater, Certified Farmers Market, street market, trade fair, trade exchange, recreational or sport center, in the C Zones.
- P. Automobile wrecking in the C-M and M-1 Zones.
- Q. Car wash, auto polishing, auto steam cleaning establishment in the C-1, C-P and C-2 Zones, provided that such installation shall be subject to the noise restrictions established in Chapter 28.60 of this title.
- R. State-licensed residential care facilities for the elderly, community care facilities and hospices serving more than 12 individuals in the A, E, R, and C Zones.
1. Standards.
 - a. If a new residential care facility for the elderly, community care facility or hospice which is subject to a Conditional Use Permit includes a staffed congregate kitchen and dining facility providing regular meals to residents, living units may include modular cooking units without being counted as residential units.

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- b. If an existing residential care facility for the elderly, community care facility or hospice as of the effective date of this chapter, which is subject to a Conditional Use Permit includes a staffed congregate kitchen and dining facility providing regular meals to residents, living units may be converted to include modular cooking units without being counted as residential units under the provisions of a new Conditional Use Permit.
- c. If a new or existing residential care facility for the elderly, community care facility or hospice as of the effective date of this chapter, which is subject to a Conditional Use Permit does not include a congregate dining facility, but does include kitchens in its living units, living units shall be counted as residential units.
- d. Recreational facilities and skilled nursing facilities intended primarily for the residents may be allowed in connection with residential care facilities for the elderly, community care facilities or hospices provided that such uses are incidental and accessory thereto. The use of the facilities by persons other than residents and staff may be limited.

2. Findings.

- a. For new State licensed residential care facilities for the elderly, community care facility or hospice, in addition to the findings required under Section 28.94.020, the Planning Commission or City Council on appeal must find upon a showing of adequate information that:
 - i. The facility will generate a demand for resources such as water, traffic, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, and such resources are available in amounts adequate to service the proposed facility.
 - ii. The intensity of use in terms of the number of people, hours of operation, hours of major activities, and other operational aspects of the proposed facility is compatible with any neighboring residential use.
 - iii. The proposed facility shall be able to be converted to a density which conforms to the residential unit density of the underlying zone. Sufficient land area has been shown to be available to meet the parking demand of a future use.
- b. For existing State-licensed residential care facilities for the elderly, community care facility or hospice as of the effective date of this chapter requesting an alteration or modification, in addition to the findings required under Section 28.94.020, the Planning Commission or City Council on appeal must find upon a showing of adequate information that:
 - i. The proposal has been reviewed and approved by the City Fire Marshall and the City Building Official.

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ii. The facility will generate a demand for resources such as water, traffic and parking capacity, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, or if existing resource use exceeds the underlying zone, then resource use shall be equivalent to no more than that of the existing use.

iii. The intensity of use in terms of the number of people, hours of operation, hours of major activities and other operational aspects of the proposed facility is compatible with any neighboring residential use.

S. Facilities and equipment, not to include offices, used by public utilities or quasi-public utilities, e.g., cable television, to provide services to the general public in any zone, except for Radio and Television Antennas, Cellular Telephone Antennas and Emergency Service Antennas and any facilities or equipment expressly permitted in the zone or authorized pursuant to Chapter 28.93 of this code.

T. Medical equipment and supply stores of more than 3,000 square feet of net floor area in the C-O Zone, subject to the following special provisions:

The Planning Commission shall find that the use is supportive and directly related to the providing of medical and related services. The Commission may permit a portion of the space to be used for non-medically related sales and/or a percentage of dollar volume of business for non-medically related sales, provided that said amount of non-medically related use is set forth in the Conditional Use Permit.

U. Banks of more than 1,000 square feet of net floor area in the C-O Zone, subject to the following:

The intent is to allow branch banks as a convenience to the medical community and neighborhood, so that there will be less traffic into the commercial areas for deposits, and as a cash source for patients in the area. It is not the intent to establish a banking community in the area. As a result, the limitations set forth below shall apply.

Prior to issuance, the Planning Commission shall find the following:

1. No similar facility is located on adjacent property or on a parcel within 300 feet of the subject property.
2. There shall not be more than 1,000 square feet of space accessible to customers for services.
3. There shall be no drive-up window, but a walk-up window may be permitted.
4. The signing of the operation is in a manner as to identify but not advertise, and to blend in with the neighborhood.
5. Services are limited to deposits, check cashing, cashier and travelers checks, acceptance of loan applications, and night deposits. The following services are excluded: loan applications processing and safety deposit boxes.
6. The permitted number of employees is consistent with the above.

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V. Automobile service station, automobile service station/mini-market or conversion to an automobile service station/mini-market shall be subject to the following conditions, standards and limitations:

1. Conditions. Specific conditions may be imposed to carry out the purposes of this code.
2. Lot Area. The minimum area of the parcel or lot shall not be less than 8,000 square feet.
3. Street Frontage. Each lot shall have a minimum frontage of not less than 100 feet on one abutting street.
4. Architecture. The architecture of the service station structures and landscaping shall be reviewed and approved by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark. The architectural theme shall be integrated into the design of all improvements of the site including canopies and fencing.
5. Driveways.
 - a. New Service Stations. For service stations constructed after the effective date of this subsection, driveway entrances to the service station shall not be within 20 feet of the curb return (beginning of curve) on corner lots.
 - b. Existing Service Stations. For driveway entrances of service stations that have been constructed prior to the effective date of this subsection, relocation of driveway entrances may be required to minimize interference with the movement and safety of vehicular and pedestrian traffic.
6. Internal Circulation. Where access from an internal circulation system of a shopping center or public parking area is available, direct street access to a service station may be prohibited or restricted.
7. Parking. Parking shall conform to the minimum parking requirements as outlined in Section 28.90.100 or a minimum of five parking spaces shall be provided or one parking space for each 250 square feet of gross floor area used for mini-market use and one space for each employee shall be provided; whichever is greater.
8. Lighting. Any perimeter flood lighting shall be hooded or shielded so that no direct beams fall upon adjacent residential property. Indirect soft lights and low garden lights shall be used wherever possible, and shall be required as necessary to assure compatibility with adjacent and surrounding properties.
9. Landscaping. All landscaped areas shall be as follows:
 - a. A planter shall be provided along all street-side property lines except for driveway openings.

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- b. On corner lots, a minimum of 150 square feet of planter area shall be provided on the property adjacent to the corner intersection.
 - c. At least 10% of the area not covered by buildings on the parcel shall be landscaped.
- 10. Restrooms. The entrance to all restrooms shall be screened from abutting properties by a decorative screen.
- 11. Fencing. A decorative fence six feet in height from finished grade shall be provided on all property lines that do not abut a street, alley or parking area, with the exception that a fence may not be required for a service station that is an integral part of a commercial, industrial or office center or where combined landscaping will be achieved with such adjacent properties.
- 12. Operations and Storage.
 - a. Repair of vehicles is only permitted within an enclosed building.
 - b. All servicing of vehicles other than minor servicing shall be conducted within an enclosed building.
 - c. All materials, products and merchandise shall be stored and displayed only within an enclosed building.
 - d. No used or discarded automotive parts or equipment or visible junk or wrecked vehicles shall be located or stored outside the service station building.
 - e. Trash shall be stored in areas screened from public view by a fence with a minimum height of six feet. Trash shall not be stored or piled above the height of the fence.
- 13. Fire Department Approval. Prior to the issuance of any building permit for a service station or any portion thereof, the Fire Department shall review the plans and approve said plans if they comply with applicable Fire Department ordinances and regulations.
- W. Public or quasi-public facility, including homeless shelters providing services and programs beyond the definition of minimal supportive services specified in Chapter 28.04 (subject to a separation of at least 300 feet from another emergency shelter or homeless shelter), in any zone, except those expressly permitted in the zone or authorized pursuant to Chapter 28.93 of this code, and Radio and Television Antennas, Cellular Telephone Antennas and Emergency Service Antennas.
- X. Any use other than those permitted by Section 28.73.030.A of the OM-1 Zone and permitted in the M-1 Zone and subject to those findings required in Section 28.73.030.B and Section 28.94.020.
- Y. General office uses in the HRC-2 Zone as permitted by Section 28.22.030.B.3, and subject to the findings required in Section 28.22.030.B.3 and Section 28.94.020.
- Z. Reserved

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AA. Any interim use deemed appropriate by the Planning Commission in those areas identified by resolution of the City Council as impacted by governmental action. Such interim uses shall be limited in duration as specified by the Planning Commission, provided all such uses are discontinued within two years of the completion of the governmental action. Any authorization granted by the conditional use permit shall terminate at that time.

The conditional use permit granted pursuant to this subsection shall not be effective until the property owner has duly executed and recorded an instrument binding itself, its successors in interest and any person holding thereunder, which contains (1) notice of the conditional use permit; (2) notice of any conditions established thereunder; (3) an agreement to comply with the terms and conditions of the conditional use permit; (4) a waiver of any claim that a temporary use or any improvements on real property creates any vested right to continue a nonconforming use after completion of the governmental action; and (5) any other conditions as deemed necessary to comply with the purposes and intent of this subsection. This instrument shall be subject to the review and approval of the City Attorney and the Community Development Director.

BB. Bed and Breakfast Inns in Designated Historic Structures.

1. R-O Zone

- a. Bed and Breakfast Inns in Structures of Merit or Landmarks in the R-O zone, in accordance with the provisions of Chapter 22.22 of this title.
- b. Bed and Breakfast Inns in a structure located on a lot in the R-O zone, on which a Structure of Merit or Landmark used as a Bed and Breakfast Inn is also located.

2. R-3 Zone

- a. Bed and Breakfast Inns in Structures of Merit or Landmarks in the R-3 zone, in accordance with the provisions of Chapter 22.22 of this title, subject to the following conditions.
 - i. The owner or manager of the Bed and Breakfast Inn shall maintain his or her primary residence on the property that contains the Bed and Breakfast Inn.
 - ii. No meals shall be served to persons other than guests and residents of the Bed and Breakfast Inn.
 - iii. No conference or meeting rooms/facilities shall be provided.
 - iv. No outdoor swimming pool shall be provided; however, outdoor spas, hot tubs or similar facilities may be provided.
 - v. Other conditions imposed by the Planning Commission in order to ensure compatibility with the surrounding neighborhood.
- b. Bed and Breakfast Inns in a structure located on a lot in the R-3 zone, on which a Structure of Merit or Landmark used as a Bed and Breakfast Inn is also located, subject to the conditions listed in paragraph (a) above.

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3. Review by the Historic Landmarks Commission. Plans for new structures or alterations to existing structures under paragraphs 1 and 2 above shall be submitted to the Historic Landmarks Commission for review and action in accordance with the provisions of Chapter 22.22 of this title.

CC. Offsite Hazardous Waste Management Facilities in the C-M, M-1, and OM-1 zones, subject to the provisions in Chapter 28.75, HWMF Overlay Zone.

DD. Television, Radio and Cellular Telephone Antennas in all zones, subject to the following provisions:

1. Exemptions. The following are exempt from the requirement of a Conditional Use Permit, and shall be considered a permitted use in all zones:

a. Repairs and maintenance of existing facilities, whether emergency or routine, or replacement of transmitters, antennas, or other components of existing permitted facilities, provided there is little or no change in the visual appearance or any increase in radio frequency emission levels.

b. Satellite Dish Antennas designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite.

c. One or more cellular telephone antennas or paging antennas, provided that the Community Development Director finds as follows:

i. Height: The height of the antenna and supporting structure does not exceed Municipal Code height limits set forth in Sec. 28.87.260, except where said antenna is being installed on an existing structure, in which event the height limit is measured from the highest point of the building and cannot exceed 15 feet above the building height.

ii. Separation: There is at least 100 feet between the base of the antenna support structure and the nearest dwelling unit.

iii. Access Control: The applicant establishes that the general public will be excluded from an area at least 50 feet in all directions from the antenna if antenna is not at least 10 feet off the ground. If the antenna is at least 10 feet above grade, this distance may be reduced to 30 feet.

iv. No Resource Impacts: The project will have no significant impact on any biological or archeological resources and will not generate additional traffic. The applicant may be required to provide information to the Community Development Director regarding these matters.

v. No Visual Impacts: The project has been reviewed by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located in the El Pueblo Viejo Landmark District or another landmark district or if the property contains a designated City Landmark. The Board and Commission may take action regarding the location of the antenna(s) on the

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site, color and size of the proposed antennas so as to minimize any adverse visual impacts.

d. A microcell, provided it has been reviewed by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located in the El Pueblo Viejo Landmark District or another landmark district or if the property or a structure thereon is a designated City Landmark. The Board and Commission may take action regarding the location of the antenna(s) on the site, color and size of the proposed antennas so as to minimize any adverse visual impacts.

2. Conditional Use Permit by Planning Commission. A Radio or Television Antenna shall be permitted only upon issuance of a conditional use permit by the Planning Commission, and only if each of the following findings has been made:

a. Shared Use of Support Structure. The applicant had made a good faith effort to demonstrate that no existing or planned support structure, including an antenna tower, is available to accommodate the proposed antenna.

b. Site Size. The site is of a size and shape sufficient to provide an adequate setback from the base of the antenna support structure to any property line abutting a residential use.

c. Visual Impact. The project has been reviewed by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located in the El Pueblo Viejo Landmark District or another landmark district or if the property contains a designated City Landmark. The Board and Commission may take action on the location of the antenna(s) on the site, color and size so as to minimize any adverse visual impacts by requiring that the antenna and its supporting structure be designed and placed so as to be as visually unobtrusive as feasible, taking into consideration technical engineering and other pertinent factors. The Planning Commission may grant a waiver from height limitations if it finds that no feasible alternative location or design would not require such a waiver.

d. Non-ionizing Electromagnetic Radiation (NIE) Emissions. Any new transmitters and/or antennas, when combined with existing sources of NIE emissions on or adjacent to the site and when operating as designed and licensed, shall not expose the general public to ambient radiation emissions which exceed American National Standards Institute (ANSI) C95.1-1992 standard (if the Federal Communications Commission (FCC) rulemaking committee adopts a revised standard, said standard shall apply).

EE. Outdoor performance areas involving structures such as bandshells or amphitheaters in the PR Zone.

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SECTION 7. Severability and Interpretation.

A. Severability. If any provision of this Ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

B. Interpretation. This Ordinance shall be construed to confer upon the City the maximum power and authority allowed by state and federal law. In the event state or federal law is found to conflict with and preempt any provision of this Ordinance, or in the event state or federal law changes to conflict with and preempt any provision of this Ordinance, the remaining and non-conflicting provisions of this Ordinance shall be interpreted and construed to give maximum effect to the remaining and non-conflicting provisions so as to effectuate to the greatest extent possible the purposes and restrictions expressed herein.

SECTION 8. CEQA

Under California Public Resources Code Section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 and 65852.22 of the Government Code, which is the State Accessory Dwelling Unit law.

SECTION 9. Effective Date and Effect on Projects in the Permit Process

Applications for Accessory Dwelling Units in the Coastal Zone received on or after January 1, 2017 will be processed in accordance with Government Code 65852.2 until such time that the California Coastal Commission certifies the proposed Title 28 ordinance amendments. At the time of certification and subsequent effective date of the ordinance, all applications may continue to be processed in accordance with Government Code 65852.2 provided that a building permit is issued within 60 days of the effective date of the proposed Title 28 ordinance amendments, or may elect to be processed in accordance with the proposed Title 28 ordinance amendments. All applications for Accessory Dwelling Units submitted on or after the effective date of Title 28 amendments, and any Accessory Dwelling Units applications which have not yet received a building permit by the deadline described above, shall be subject to the proposed Title 28 amendments.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 15, 2022

TO: Mayor and Councilmembers

FROM: Engineering and Downtown Parking Divisions, Public Works Department

SUBJECT: Adoption Of Resolution To Accept Ownership Of A Public Paseo Between 1200 Block State Street And Granada Garage

RECOMMENDATION:

That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Accepting Dedication of Lot 3 of Final Map 20,835.

DISCUSSION:

The Granada Plaza Site Improvements Project (Project) was successfully completed last year by the Santa Barbara Center for the Performing Arts and its supporters. The Project included improvement to the paseo between the 1200 block of State Street and the paseo and garage loading area known as Plaza De Las Granadas. Please see Attachment 1 for photographs of the completed construction. As part of the Project, the developer was required to record a Final Map to merge and re-subdivide various parcels in the area. As part of that Final Map, the developer offered to dedicate fee ownership of the public paseo parts of the Project to the City of Santa Barbara as shown in Attachment 2.

Public Works Engineering and Downtown Parking staff have inspected the completed public paseo improvements and recommend acceptance of ownership and maintenance of the new pavers, string lights, etc.

BUDGET/FINANCIAL INFORMATION:

The budget impact associated with accepting this public paseo into Downtown Parking's ownership and maintenance responsibility is nominal in nature. Costs will include adding to janitorial services and pavement cleaning contracts for the next Fiscal Year. Items such as the overhead string lighting will become part of Downtown Parking's ongoing facility inspections.

SUSTAINABILITY IMPACT:

The Project is fully compliant with the City's Storm Water Management Program, and the improvements to the paseo provides a pedestrian friendly connection from Granada Garage to State Street.

ENVIRONMENTAL REVIEW:

Environmental Review for this Project was completed as part of the Planning Commission's approval of the tentative subdivision map. The Project was determined to be exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15305 (Minor Alterations in Land Use Limitations) and 15303 (New Construction of Small Structures).

ATTACHMENT: 1. Photographs of Completed Construction
 2. Site Map of Public Paseo

PREPARED BY: Adam Hendel, Principal Engineer/lm
 Jessica W. Grant, Interim Public Works Downtown Manager

SUBMITTED BY: Clifford M. Maurer, P.E., Public Works Director

APPROVED BY: City Administrator's Office



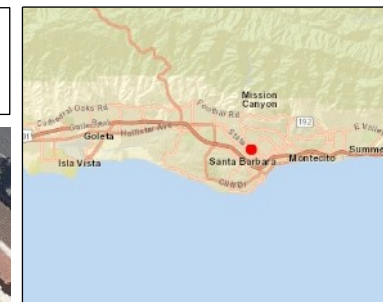
Public Paseo Looking Toward State Street
Art Wall Owned By The Granada Theatre
Pavers City Owned Upon Council Acceptance



Public Paseo Looking From State Street To Granada Garage – String Lights Are City Owned Upon Council Acceptance



1220 State Street Paseo De Las Granadas Final Map – Impacted Parcels



Legend

2020 Aerial Imagery

Red: Band_1

Green: Band_2

Blue: Band_3

World Street Map

1: 1,000



166.667 0 83.333 166.667 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

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Reported on 01/25/2022 03:46 PM

MAP DISCLAIMER

This service has been provided to allow a visual display of City information. Every effort has been made to ensure the accuracy of the map and data. The City of Santa Barbara assumes no responsibility arising from the use of this information. THE MAPS AND ASSOCIATED DATA ARE PROVIDED WITHOUT A WARRANTY OF ANY KIND. This map was created using the City of Santa Barbara Mapping Analysis and Printing System application.

Notes

RECORDING REQUESTED BY)
AND WHEN RECORDED MAIL TO:)
)
City of Santa Barbara)
Public Works Department/Engineering Division)
Real Property Services Section)
P.O. Box 1990)
Santa Barbara, CA 93102-1990)
)
)

Space above line for Recorder's Use

No Recording Fee per Government Code §27383
No Recording Fee per Government Code §27388.1

APN: 039-650-001 and 039-650-005

Resolution No. _____

A Resolution of the Council of the City of Santa Barbara
Accepting Dedication of Lot 3 of Final Map 20,835

The Council of the City of Santa Barbara resolves as follows:

1. The conditions of development approval having been satisfied, the City of Santa Barbara hereby accepts fee title to Lot 3 of Final Map 20,835, recorded in Book 209, Page 29-33 of Maps, County of Santa Barbara, for public paseo purposes.
2. The City Administrator is authorized and directed to cause this resolution to be recorded in the Official Records of the County of Santa Barbara.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 15, 2022

TO: Mayor and Councilmembers

FROM: Rebecca Bjork, Interim City Administrator/City Clerk
Ariel Calonne, City Attorney

SUBJECT: Adoption Of Resolution Updating City Council Rules Of Procedure

RECOMMENDATION:

That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Adopting Rules of Procedure Governing the Conduct of City Council Meetings and Rescinding Resolution No. 18-088.

DISCUSSION:

The Rules of Procedure propose specific amendments intended to improve Council's deliberative processes. The substantive changes, shown in redline, are:

- Add the Central Library as an agenda posting location (3.1.1)
- Delete references to the (redevelopment) Successor Agency (3.1.5);
- Reorder the Council's agenda to move the Consent Calendar ahead of Public Comment (3.1.5);
- Modify Public Participation and Public Comment from 3 minutes to 2 minutes per person (4.11.1 & 4.12.2).

PREPARED BY: Ariel Calonne, City Attorney

SUBMITTED BY: Ariel Calonne, City Attorney

APPROVED BY: City Administrator's Office

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY
OF SANTA BARBARA ADOPTING RULES OF
PROCEDURE GOVERNING THE CONDUCT OF
CITY COUNCIL MEETINGS AND RESCINDING
RESOLUTION NO. 18-088

WHEREAS, Santa Barbara Municipal Code Section 2.04.020 and City Charter Section 509 authorize the City Council to adopt by resolution, rules of procedure governing the conduct of City Council meetings; and

WHEREAS, the City Council wishes to adopt such rules of procedure.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

1. The Santa Barbara City Council Rules of Procedures attached to this Resolution as Exhibit "A" are hereby adopted.
2. Resolution No. 18-088 is hereby rescinded.

CITY OF SANTA BARBARA

CITY COUNCIL PROCEDURES



November 13, 2018 February 15,
2022

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SANTA BARBARA CITY COUNCIL PROCEDURES

1. INTRODUCTION

1.1. **Usage.** These City Council Procedures (“Procedures”) are intended to guide the preparation for and conduct of City Council meetings.

1.2. **Procedures are Directory Only.** These Procedures are directory, not mandatory. No action of the City Council shall be held invalid due to any failure to observe the provisions of these procedures, nor shall any person have a claim or cause of action against the City or any of its officers or employees as a result of any such failure.

2. MEETING PREPARATION

2.1. **Staff Placing Matters on the Agenda.** The City Administrator/City Clerk shall be responsible for establishing the City Council agenda, in consultation with the Mayor and Mayor Pro Tem. Each item of business to be considered at a regular City Council meeting must appear on the agenda for that meeting, except as provided in these procedures or under state law. The agenda shall include a brief general description of each item of business to be transacted or discussed. The description should reasonably inform the public as to the nature of the item and any potential action. For example, a land use item should include the street address of the property involved and a description of the approvals being sought, as well as the proposed form of environmental review. The draft Council Agenda Report and associated documents pertaining to an item on the agenda of the City Council and which is to be distributed with the agenda shall be delivered to the City Clerk no later than 12:00 p.m. on the Tuesday two weeks preceding the regular City Council meeting. Draft reports shall not be publicly disclosable until distributed to a majority of the City Council.

2.2. **Mayor and Council Agenda Requests.** Any two Councilmembers may direct that an item be placed on a City Council agenda by submitting a written request to the City Administrator/City Clerk. The written request must, at a minimum, contain all of the following:

2.2.1. A substantive outline or summary of the information that will be presented to the City Council;

2.2.2. A concise statement of the specific action the City Council will be asked to take on the item; and

2.2.3. A statement of the reasons why the requesting Councilmembers believe it is appropriate and within the jurisdiction of the City Council to consider this subject matter and to take the requested action.

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2.3. **Public Agenda Requests.**

2.3.1. A member of the public may request that an item be placed on the City Council's agenda only by providing the City Administrator/City Clerk with a written request for such consideration. The written request must, at a minimum, contain all of the following:

2.3.1.1. A substantive outline or summary of the information that will be presented to the City Council;

2.3.1.2. A concise statement of the specific action the City Council will be asked to take on the item; and

2.3.1.3. A statement of the reasons why the requesting party believes it is appropriate and within the jurisdiction of the City Council to consider this subject matter and to take the requested action.

2.3.2. Upon receipt of such an agenda item request, the City Administrator/City Clerk shall forward a complete copy of the request to all Councilmembers, City Attorney, and to any other City staff the City Administrator/City Clerk deems appropriate. Thereafter, such an agenda item request shall be placed on a City Council agenda only upon a written request from at least two Councilmembers to the City Administrator/City Clerk.

2.3.3. A member of the public who makes an oral request during a City Council meeting that an item be placed on a future agenda shall be advised that, for such a request to be processed further, the request must be made in writing in accordance with the requirements of these procedures.

2.4. **Consent Calendar.** The Consent Calendar shall be comprised of items which, in the City Administrator/City Clerk's judgment, will not require discussion. A Consent Calendar item shall be open for discussion by the City Council upon request of a Councilmember, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion of the City Council. Items on the Consent Calendar will not be read unless the Deputy City Clerk is so directed by the Mayor; and the approval of a motion of the City Council to accept the Consent Calendar shall be deemed to have been preceded by a reading of each individual item by the Deputy City Clerk.

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3. AGENDAS

3.1. Agenda Posting.

3.1.1. Physical Posting Locations. The agenda for each regular City Council and Standing Committee meeting shall be available and posted at the City Clerk's Office, City Hall Public Notice Board, Central Library and City's website on the Thursday preceding the meeting. The City Clerk's Office shall report to the City Council the date and place of posting the agenda for that meeting, and the report shall be reflected in the agenda and minutes of the meeting. The Council Agenda Packet also will be available at the Central Library on the Thursday preceding the meeting. Agenda revisions may be posted as late as 72 hours before the meeting.

3.1.2. Internet Agenda Posting. All agendas for City Council meetings and Standing Committee meetings shall be posted to the City's website no later than 72 hours before the meeting. In the event that the website goes down or otherwise is inaccessible for all or part of the 72 hours preceding the meeting due to technical difficulties or other factors not within the City's control, the meeting may proceed.

3.1.3. Significant Issues Before Council. The City Administrator/City Clerk shall develop and maintain an advance listing of significant issues that are likely to come before the Council.

3.1.4. Agenda Packet Distribution. The Council agenda packet consisting of the agenda and Council Agenda Reports will be distributed to each Councilmember and those City officers and employees designated by the City Administrator/City Clerk generally by 3:00 p.m. on Thursday preceding the regular City Council meeting. By that hour, copies of the agenda and Council Agenda Reports shall be available to the press and public in the City Clerk's Office and on the City's website. Any person may have a copy of an agenda mailed by the City Clerk's Office by providing a self-addressed, postage pre-paid envelope of sufficient size to accommodate the agenda. The City Administrator is authorized to direct early distribution of Council Agenda Reports that are large or of considerable public interest in order to achieve wider public distribution and more time for study by the City Council.

3.1.5. Order of Business. City Council business at a regular meeting shall be conducted in the following order except as otherwise directed by the City Council or the City Administrator/City Clerk, who is authorized to exercise flexibility in establishing the order of agenda items to be considered at each City Council meeting:

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AFTERNOON SESSION – 2:00 P.M.

12:30 p.m. Finance Committee Meeting

12:30 p.m. Ordinance Committee Meeting

~~2:00 p.m. Regular Successor Agency Meeting~~

2:00 p.m. Regular City Council Meeting:

- Pledge of Allegiance
- Roll Call
- Ceremonial Items
- Changes to the Agenda
- Consent Calendar
- Public Comment
- ~~Consent Calendar~~
- Report from the Finance Committee
- Report from the Ordinance Committee
- ~~Successor Agency Reports~~
- City Council Administrative and Attorney Reports
- Mayor and Council Reports
- Requests from the Public
- Board and Commission Reports
- Public Hearings
- Council and Staff Communications
- Councilmember Committee Assignment Reports
- Public Comment (If Necessary)
- Closed Sessions
- Work Sessions

EVENING SESSION – 6:00 P.M.

- Roll Call
- Public Comment
- Public Hearings
- Mayor and Council Reports
- Requests from the Public
- City Council Administrative and Attorney Reports
- Board and Commission Reports
- Work Sessions
- Public Comment (If Necessary)
- Adjournment

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3.2. **Adding Matters to an Agenda.** Except as provided in this paragraph or as otherwise provided by law, no action shall be taken at a regular City Council meeting on any item which does not appear on the posted agenda. An item may be added to the agenda after the agenda has been published and posted upon a determination by a two-thirds vote of the City Council (or a unanimous vote if less than two-thirds of the City Council is present); the vote shall be on a motion stating and finding that there is a need to take immediate action and the need for action came to the attention of the City after the agenda was published and posted. Any such motion shall be accompanied by distribution of a written statement, to be included in the record, stating the facts upon which it can be determined that the need to take action arose after the agenda was published and posted. If it is infeasible to present such a written statement of reasons, the City Clerk's Office shall include in the minutes of the meeting a statement of the reasons for the City Council's determination. In addition, action may be taken on an item not on the posted agenda under the circumstances stated in Government Code Sections 54954.2(b)(1) [emergency] and 54954.2(b)(3) [continued regular meetings].

3.3. Written Materials and Public Records.

3.3.1. Agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of the City Council by any person in connection with a matter subject to discussion or consideration at an open meeting of the City Council are disclosable public records under the California Public Records Act.

3.3.2. If a writing that is a public record as provided above, and that relates to an agenda item for an open session of a regular meeting of the City Council, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection at the time the writing is distributed to all, or a majority of all, of the members of the Council. Any writing described above shall be available for public inspection in the City Clerk's Office. The City shall list the address of this office or location on the agendas for all meetings of the City Council. The City Clerk may also post the writing on the City's website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

3.3.3. The Mayor and each member of the City Council shall use their best efforts to forward to the City Administrator/City Clerk and City Clerk Services Manager any email received at an official City email address in connection with a matter subject to discussion or consideration at an open meeting when it is apparent from the address or cc lines that the email has been distributed to a majority of the City Council. Any writing described above shall be available for public inspection in the City Clerk's Office.

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3.4. Submission of Materials by the Public for Council Consideration.

3.4.1. In order to assure adequate time for consideration of voluminous and complex material, members of the public who wish to submit written or other materials for consideration by the City Council in connection with an agenda item should provide 11 copies of the material to the City Clerk's Office no later than Tuesday at 5:00 p.m. the week before the agenda item is to be heard by the City Council. The City Clerk shall distribute this material to the City Council with the week's agenda packet on Thursday.

3.4.2. The City Council shall be under no legal obligation to review any written or other materials that are submitted the day of the Council meeting. The City Council may, but need not, review and consider late-submitted materials if it chooses to do so.

4. MEETING PROCEDURES

4.1. Presiding Officer.

4.1.1. Mayor. The Mayor shall be the presiding officer at all meetings of the City Council and shall be included as a member of the City Council for all purposes unless otherwise expressly provided. He or she shall be counted in determining a quorum and shall be entitled to vote on all matters, but shall possess no veto power. The Mayor may make and second motions and shall have a voice and vote in all its proceedings. He or she shall be the official head of the City for all ceremonial purposes. The Mayor shall preserve strict order and decorum at all meetings of the Council, announce the Council's decisions on all subjects, decide all questions of order in accordance with these procedural rules, and announce the Council's vote on all actions or direct the City Administrator/City Clerk to do so. If there is an appeal to a decision of the presiding officer, the Council as a whole shall decide the question by majority vote. Any Councilmember, with the exception of the presiding officer, may move to appeal a decision of the presiding officer. If the appeal motion is seconded by another Councilmember, the Council shall vote on the appeal. If the appeal motion is not seconded, the presiding officer's decision shall stand. The presiding officer's name shall be called last on any question in voting. The Mayor shall have the primary but not the exclusive responsibility for interpreting the policies, programs and needs of the City government to the people, and as occasion requires, he or she may inform the people of any change in policy or program. The Mayor shall perform such other duties consistent with his or her office as may be prescribed by the Charter or as may be imposed by the City Council.

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4.1.2. **Mayor Pro Tempore.** The Mayor Pro Tempore shall perform the duties of the Mayor during the absence or disability of the Mayor.

4.1.3. **Succession to Mayor and Mayor Pro Tempore.** During the absence or disability of the Mayor and the Mayor Pro Tempore, the duties of the Mayor shall be performed by the Councilmember who serves as Chair of the Ordinance Committee. During the absence or disability of the Mayor, Mayor Pro Tempore, and Chair of the Ordinance Committee, the duties of the Mayor shall be performed by the Councilmember serving as Chair of the Finance Committee.

4.2. **Recording Votes.** The vote of each Councilmember shall be recorded for each item of business on the agenda. The City Council shall publicly report any action taken and the vote or abstention on that action of each Councilmember present for the action.

4.3. **Disqualification for Conflict of Interest.** Pursuant to the regulations of the Fair Political Practices Commission, the Mayor, each Councilmember and any staff with a disqualifying conflict of interest shall, following the announcement of the agenda item to be discussed or voted upon but before either the discussion or vote commences, do all of the following: (1) The public official shall publicly identify: (A) Each type of economic interest held by the public official which is involved in the decision and gives rise to the conflict of interest (i.e. investment, business position, interest in real property, personal financial effect, or the receipt or promise of income or gifts), and (B) The following details identifying the economic interest(s): (i) if an investment, the name of the business entity in which each investment is held; (ii) if a business position, a general description of the business activity in which the business entity is engaged as well as the name of the business entity; (iii) if real property, the address or another indication of the location of the property, unless the property is the public official's principal or personal residence, in which case, identification that the property is a residence; (iv) if income or gifts, then identification of the source; and (v) if personal financial effect, then identification of the expense, liability, asset or income affected. (2) Form of Identification: If the governmental decision is to be made during an open session of a public meeting, the public identification shall be made orally and shall be made part of the official public record.

4.4. **Changing Votes.** The Mayor or any Councilmember may change their vote only by announcing their request immediately after the vote in question and before the next agenda matter is announced for discussion.

4.5. **General Rule of Debate.** Each motion is to be clearly framed and stated. Each amendment to a motion shall be by separate motion. The following procedure shall be followed (except when the City Council is considering an appeal from the decision of a City board or commission):

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4.5.1. The item shall be presented by its proponent (Councilmember, staff, Commission member, public, etc.).

4.5.2. City Council questions to proponent.

4.5.3. City staff report and City Council questions to City staff.

4.5.4. Public input from persons who wish to speak.

4.5.5. City Council debate.

4.5.6. Decision.

4.6. **Rosenberg's Rules of Order.** The procedures of the City Council shall be governed by Rosenberg's Rules of Order, *Simple Rules of Parliamentary Procedure for the 21st Century* Rosenberg's Rules, as revised. The City Attorney shall serve as Parliamentarian.

4.6.1. Mayor and City Council Authority over Procedural Rules. The Mayor shall establish any procedural rule not specified in these procedures, subject to appeal by vote of a majority of those City Councilmembers present and voting.

4.7. **Types of Meetings.**

4.7.1. Regular Meetings. Regular meetings of the City Council shall be held in the Council Chambers in City Hall on each Tuesday of each week at 2:00 p.m., except when cancelled by the City Council.

4.7.2. Special Meetings. A special meeting may be called at any time by the Mayor, or by a majority of the members of the City Council, by delivering written notice to each member of the City Council and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the City's website. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the City Administrator/City Clerk a written waiver of notice. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public. Notwithstanding any other law, the City

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Council shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive, as defined in Government Code Section 3511.1(d).

4.7.3. Adjourned Meetings. The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the City Administrator/City Clerk may declare the meeting adjourned to a stated time and place and he or she shall cause a written notice of the adjournment to be given in the same manner as provided for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

4.7.4. Site Visits. The City Council may conduct adjourned or special meeting to conduct site visits on agenda items.

4.7.4.1. The purpose of a site visit is to permit the City Council to view and inspect the physical aspects of real property and development projects that may be the subject of an agenda item.

4.7.4.2. The Mayor or City staff will state at the beginning of the site visit that the site visit is not an opportunity for anyone to make a statement regarding the agenda item. The only presentation will be an explanation of the agenda item by City staff. The City Council may ask questions of staff. Staff may refer specific questions about the physical aspects of the project to project applicants or appellants. All other public comment, argument or references to policy must be reserved for the noticed hearing on the agenda item.

4.7.4.3. Written materials shall not be distributed during the site visit.

4.7.5. Closed Sessions. The following policy and procedure shall govern the holding of closed sessions by the City Council:

4.7.5.1. Each closed session of the City Council shall be held in accordance with provisions of applicable law and these procedures.

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4.7.5.2. The subject to be discussed at each closed session shall be disclosed to Councilmembers in accordance with the provisions of the Ralph M. Brown Act.

4.7.5.3. The closed session shall not be held if the Mayor determines that the closed session is inappropriate, unless that determination is overruled by a majority vote of the City Council.

4.7.5.4. The Mayor shall preside at meetings of the City Council in closed session and shall terminate a closed session if the discussion departs from the announced subject.

4.7.5.5. A Councilmember may call for a vote to terminate a closed session at any time during the meeting.

4.7.5.6. Statements made and documents distributed or discussed in closed session are privileged from disclosure. No disclosure of any statement made in closed session or document protected from disclosure will be made by any Councilmember or by City staff, except as disclosure is authorized or required by applicable law.

4.7.5.7. If it is alleged that a Councilmember or City staff has violated these procedures:

4.7.5.7.1. The Mayor, a Councilmember, or the City Administrator/City Clerk may request a formal hearing be set at which the City Council shall hear the allegations, take sworn testimony, and review such information and evidence as may be presented.

4.7.5.7.2. The hearing shall be conducted by the Mayor, or, in the Mayor's absence, by the Mayor Pro Tempore; except that if the Mayor or the Mayor Pro Tempore shall be the individual charged, he or she shall not conduct the hearing. If both are charged, the duties of the Mayor shall be performed by the Councilmember who serves as Chair of the Ordinance Committee; and if the Chair of the Ordinance Committee is unable to conduct the hearing, the duties of the Mayor shall be performed by the Councilmember who serves as Chair of the Finance Committee. The City Attorney shall serve as the hearing officer and shall advise City Council on all procedural matters and may direct questions to any witness.

4.7.5.7.3. At the conclusion of the hearing, the City Council, by majority vote, shall make a finding as to whether or not any individual has violated the rules against disclosure of closed session information.

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4.7.5.7.4. If the City Council finds that a violation has occurred, the City Council shall direct the City Attorney to prepare the appropriate document for transmittal to the District Attorney or Grand Jury of Santa Barbara County requesting the bringing of an accusation for willful misconduct in office under Section 3060 of the Government Code of the State of California or as otherwise provided by law. In addition, the City Council may direct the City Attorney to undertake an appropriate civil action against the person accused, including, but not limited to, an action for breach of fiduciary duty.

4.7.6. Emergency Meetings. The City Council may conduct emergency meetings when authorized by The Ralph M. Brown Act under Government Code Section 54956.5. An emergency shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the City Council.

4.7.7. Work Sessions. A work session is ordinarily for the purpose of i) briefing Councilmembers on a subject; and ii) an informal discussion between City Council, City staff, City boards/commissions, or other agency representative(s). The City Council shall make no decisions at a work session, other than to give direction to staff for follow-up work. If there is no evening session, a work session may be set for an estimated time in the morning, such as 11:00 a.m. All Councilmembers will be polled for availability before a morning session is scheduled.

4.7.8. Teleconferenced Meetings. The City Council may conduct teleconferenced meetings pursuant to the Ralph M. Brown Act under Government Code Section 54953(b). If the City Council elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the City Council shall participate from locations within the City. The agenda shall provide an opportunity for members of the public to address the legislative body directly at each teleconference location.

4.7.9. Budget Hearings. Pursuant to City Charter Section 1203, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

4.7.10. Public Hearings Required by Law. A public hearing on a specific agenda item shall be set for a specified time, and each written or published notice regarding that hearing shall announce its date and time. A person who

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wishes to address the City Council at a public hearing should first complete a "Request to Speak" form and deliver it to the City Administrator/City Clerk prior to the time that the item on the agenda is read by the Deputy City Clerk. The Mayor may allot the available time to those persons who have filed a Request to Speak, and the determination of the Mayor may be overruled by a majority vote of the City Council.

4.7.11. Appeals.

4.7.11.1. Presentations, comments and deliberations by the parties and City Council shall be limited as follows:

4.7.11.1.1. Presentation by City staff shall not exceed 20 minutes in length.

4.7.11.1.2. Presentation by appellant including petitioners and applicants who are appellants shall not exceed 20 minutes in length, including any time reserved for rebuttal or summation.

4.7.11.1.3. Presentation by an applicant who is not an appellant shall not exceed 20 minutes in length, including any time reserved for rebuttal or summation.

4.7.11.1.4. Presentation by City staff in response to issues raised by City Council, appellant and applicant shall not exceed 10 minutes in length.

4.7.11.1.5. Comments from any other persons shall not exceed 3 minutes in length.

4.7.11.1.6. The order and time limits may be modified by action of the Mayor or majority vote of the City Council.

4.7.11.2. The total amount of time allocated for a presentation shall include time used to respond to or to comment upon issues or facts raised by a subsequent speaker "rebuttal"). An applicant, an appellant, or City staff may request leave of the Mayor to reserve all or a portion of their time for rebuttal. The total amount of time allocated for a presentation shall not include responses to questions posed by City Council during City Council deliberations.

4.7.11.3. These procedures set the maximum time allocated to each person or persons. Whenever feasible, presentations, comments and deliberations shall be shorter than the allocated time.

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4.7.11.4. Any person or persons whose presentation exceeds these time limits shall be ruled out of order and shall lose the floor, unless the time limit is extended by a majority vote of the City Council.

4.8. Forms of Council Action.

4.8.1. Ordinances and Resolutions. With the sole exception of emergency ordinances which take effect upon adoption, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five (5) days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of introduction or adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmen present, except that emergency ordinances shall be read in full. In the event that any ordinance is altered after its introduction, the same shall not finally be adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence. No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting. Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least four (4) members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for payment of money. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk. Any ordinance declared by the City Council to be necessary as an emergency measure for the immediate preservation of the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five (5) affirmative votes.

4.8.2. Proclamations and Letters of Recognition. Guidelines to be used for Proclamations and Letters of Recognition are the following: The request must pertain to a Santa Barbara event. The request must be submitted in writing at least three weeks in advance of the Council meeting. Only one proclamation or letter of recognition can be presented per Council meeting, with the exception of the first Tuesday of the month due to employees receiving service awards. The person making the request must be present at the Council meeting to receive the proclamation or letter of recognition. The Mayor will determine if the proposed request meets the intent of this policy and retains the right to decide if it will be issued. The Mayor retains the right to modify, edit, or otherwise amend the proposed proclamation or letter of recognition.

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4.8.3. Minute Orders. The Council may by minute order direct staff or take any other action authorized by law.

4.9. **Voting.**

4.9.1. Quorum. A majority of the Council, including the Mayor, shall constitute a quorum for the purposes of transacting City business.

4.9.2. Tie Votes. A tie vote results in rejection of the motion or action in question.

4.9.3. Votes Required on Specific Matters.

4.9.3.1. General Plan and Zoning Amendments. No amendments to the City's General Plan and Zoning Ordinance shall be effective unless approved by five (5) affirmative votes of the City Council.

4.9.3.2. Franchises. Franchise shall be awarded by ordinance requiring the affirmative votes of at least four (4) members of the City Council. No franchise shall be amended except upon five (5) affirmative votes of the City Council.

4.9.3.3. Budget. The budget and any budget amendment or supplement shall require the affirmative votes of at least a majority of the total members of the Council.

4.10. **Minutes.** Upon the adoption of any order for the payment of money, or any ordinance, resolution, or upon the demand of any member, the City Administrator/City Clerk shall call the roll and shall cause the ayes and nays taken on such questions to be entered in the minutes of the meeting.

4.11. **Public Participation.** Any person wishing to address the City Council should first complete and deliver to the City Administrator/City Clerk a "Request to Speak" form. While the person's name and address is requested on the form, it need not be provided in order for a person to speak. A speaker shall not be heard during the "Public Comment" portion of the meeting on a matter scheduled before the City Council that same day.

4.11.1. Time and Pooling Time. No individual speaker may speak for more than 3 2 minutes. Persons who speak during public participation on an individual agenda item may pool their time with others when to do so will allow a group of speakers to consolidate and shorten their remarks. Persons who wish to pool their time shall so indicate on their Request to Speak. Each person who is donating time shall be present in the Council chambers to deliver the Request to Speak form and when the pooled-time speaker is heard. Time will be pooled up

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to a maximum of 5 minutes for any single speaker, regardless how many persons donate their time. A person may not donate only a portion of their time.

4.12. Public Comment.

4.12.1. At the beginning of the 2:00 p.m. session of each regular City Council meeting, the City Council shall allow any member of the public to address them on any matter of interest that is within the subject matter jurisdiction of the City. Should City Council business continue into the evening session at 6:00 p.m., the City Council shall allow any member of the public who did not address them during the 2:00 p.m. session to do so. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is not within the jurisdiction of the City.

4.12.2. Time Limits. The total amount of time for public comment shall be 30 minutes, and no individual speaker may speak for more than 3 2 minutes. Speakers who have submitted a "Request to Speak" form prior to the time that the item on the agenda is initially read by the Deputy City Clerk, but who cannot be heard during the initial public comment session due to the total amount of time exceeding 30 minutes, will be heard at the end of the meeting.

4.12.3. Pooling Time. Persons who speak during the public comment portion of the agenda may not pool their time with others.

4.12.4. Council and Staff Responses. No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public comment testimony rights. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

4.13. Decorum and Rules of Conduct.

4.13.1. Duty to Preserve Decorum. While the Council is in session, all persons shall preserve order and decorum. Any person disrupting the Council meeting shall be barred by the Mayor from further attendance at said meeting. Any member of the public who fails to comply with the rules of decorum and conduct after being warned by the Mayor, thereby requiring the Mayor to interrupt the

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meeting once again to restore order, shall be considered to be disrupting the Council meeting.

4.13.2. **Disruption Prohibited.** No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council dais without consent. Individuals shall not be allowed to bring furniture into Council Chambers, or other items that might obstruct free passage within or ingress to or egress from Council Chambers, or to place any such obstructions in Council Chambers aisles or passage ways.

4.13.3. **Electronic Devices.** All electronic devices, such as phones, tablets or computers, shall be used in a silent mode so as not to disrupt the meeting with beeping, rings or other noises.

4.13.4. **Signs.** No sign shall be brought into the Council Chambers or displayed unless it can be held by one person without blocking the view of the dais by other persons seated in the Council Chambers. Signs shall not be affixed to poles or sticks. No sign or other material shall be affixed to the walls of the Council Chambers.

4.13.5. **Sergeant-at-Arms.** The Chief of Police (or representative) shall act as ex-officio sergeant-at-arms of the Council. The Police Chief shall carry out all orders and instructions of the presiding officer for the purpose of maintaining order and decorum inside and outside of the Council Chambers. Persons who disrupt a Council meeting while in session are subject to arrest and prosecution. Upon instructions of the Mayor it shall be the duty of the sergeant-at-arms or any police officer present to eject from the Council Chambers any person in the audience who disrupts the proceedings of the Council meeting.

4.14. Quasi-Judicial Hearings.

4.14.1. **Overview.** It is the policy of the Council to avoid and discourage substantive oral communications or individualized written communications about quasi-judicial matters, except during a noticed public hearing. Written communications distributed to a majority of the Council shall be disclosed to the City Administrator/City Clerk and made public as required by the Ralph M. Brown Act. The following procedural guidelines are intended to implement this policy, but shall not be construed to create any remedy or right of action.

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4.14.2. Generally. These procedures are intended to assure that the due process rights of all persons are protected during quasi-judicial City hearings. Quasi-judicial hearings require a higher level of procedural due process because of the potential impact on life, liberty or property. In the land use context, quasi-judicial hearings typically involve a single parcel of land and apply facts and evidence in the context of existing law.

4.14.3. Applicability. Quasi-judicial hearing procedures will apply to the following City Council hearing matters:

4.14.3.1. Appeals from quasi-judicial matters, including but not limited to:

4.14.3.1.1. Actions of the Single Family Design Board

4.14.3.1.2. Actions of the Historic Landmarks Commission

4.14.3.1.3. Actions of the Architectural Board of Review

4.14.3.1.4. Actions of the Planning Commission

4.14.3.1.5. Permits issued by the Police or other departments that implicate liberty, property or life interests

4.14.3.1.6. Revocation of any permit in which the permittee has a vested property interest

4.14.4. Identification of Quasi-Judicial Matters on the Agenda. The City Administrator/City Clerk, in conjunction with the City Attorney, will identify agenda items involving quasi-judicial decisions on the Council agenda. This identification is intended to inform the Council, interested parties, and the public that this policy will apply to the item, but failure to identify an item shall not be cause for a continuance.

4.14.5. Policy to Avoid Ex Parte Contacts. Ex parte contacts are substantive oral or individual written communications concerning quasi-judicial matters that occur outside of noticed public hearings. City Councilmembers should avoid and discourage ex parte contacts if at all possible.

4.14.6. Disclosure of Ex Parte Contacts. If an ex parte contact does occur (which it might because the public has a hard time understanding that on quasi-judicial matters the Council's decision making is confined to the hearing), the Councilmember must disclose the contact and the substance of the information communicated on the record at the start of the public hearing. This disclosure allows people who may have a different point of view or contrary evidence to make

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their points during the hearing in response to the information you may have obtained through the ex parte contact. The disclosure might go something like this: "I was approached by the appellant last week and they told me that neighborhood traffic is much greater than the City's baseline assumptions."

4.14.7. Ex Parte Contacts After the Hearing. Ex parte contacts after a public hearing is closed and before a final decision is rendered are prohibited because there is no opportunity for rebuttal.

4.14.8. Hearings De Novo. Appeals to the Council shall be conducted *de novo*, meaning that new evidence and arguments may be presented and considered. All matters in the record before any other City board, commission or official shall be part of the record before the Council.

4.14.9. Burden of Proof. The applicant and appellant shall bear the burden of proof on all aspects of the action or relief they seek. The person with the burden of proof must offer evidence to the Council to support his or her position.

4.14.10. Rules of Evidence. Council hearings need not be conducted according to formal rules of evidence. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons rely in the conduct of serious affairs. The presiding officer may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings while ensuring basic fairness and full consideration of the issues involved. Evidentiary objections shall be deemed waived unless made in a timely fashion before the Council.

4.14.11. Written Findings. On any matter for which state law or City ordinance requires the preparation of written findings, the staff report and other materials submitted on the matter will contain findings proposed for adoption by the Council. Any motion directly or impliedly rejecting the proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable period of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the decision which is anticipated.

4.14.12. Councilmembers Who Are Absent During Part of a Hearing. A Councilmember who is absent from any portion of a hearing conducted by the Council may vote on the matter provided that he or she has watched or listened to a video or radio broadcast, or video or audio recording, of the entire portion of the hearing from which he or she was absent and if she or he has examined all of the exhibits presented during the portion of the hearing from which he or she was absent and states for the record before voting that the Councilmember deems himself or herself to be as familiar with the record and with the evidence presented

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at the hearing as he or she would have been had he or she personally attended the entire hearing.

4.14.13. Council Use of Electronic Communication Devices During Meetings. The Council's use of electronic communication devices, such as cell phones, during a quasi-judicial City Council hearing may lead to the public's perception that a Councilmember is not paying attention to the subject matter at hand or that a Councilmember is receiving information relative to the subject matter at hand that other Councilmembers and members of the public are not receiving. Therefore, the Council's use of electronic communication devices (including cell phones), other than for the purpose of accessing agenda materials or conducting individual research, is prohibited during quasi-judicial City Council hearings.

4.14.14. Ex Parte Contacts by Staff Attorneys. Pursuant to Rule 3.5 of the California Rules of Professional Conduct, attorneys who represent the City, and City staff or contractors who happen to be attorneys but who are not engaged to represent the City, may:

4.14.14.1. Contact the City Council ex parte on non-substantive or procedural matters (such as scheduling or other legal requirements) or

4.14.14.2. When acting in a neutral, non-adversarial capacity, communicate oral or written legal advice publicly or confidentially to the City Council as allowed by state or federal law, and as consistent with statutory fair hearing rights and constitutional due process principles.

4.14.15. Ex Parte Contacts by Outside Attorneys. Pursuant to Rule 3.5 of the California Rules of Professional Conduct, attorneys employed by persons doing business with the City may participate in ex parte contacts, should they occur, as provided in this rule. Any non-staff attorney who participates in an ex parte contact shall file written notification of such contact with the City Clerk, on a form prescribed by the City Attorney, no later than 2:00 p.m. the day of the City Council meeting at which the subject matter of the ex parte contact is considered. The City Clerk shall provide a list of ex parte contact notifications to the Council before each meeting.

4.15. **Estimated Agenda Start Times for Large Groups.** The estimated time system is established to: i) minimize the amount of time that large groups would wait for City Council items; ii) recognize that estimating the duration of City Council items is imprecise and that an estimated time" should not create an unrealistic expectation that the time for taking an item is certain; and iii) avoid

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creating gaps in the City Council meeting flow. The estimated time system is established with the following guidelines:

4.15.1. An individual or group may request an estimated time for items with high public interest. High public interest means that a large group is planning to attend the meeting.

4.15.2. The intent of an estimated time would be to accommodate groups, not a specific individual scheduling request.

4.15.3. When an estimated time is established, the City Council item would be scheduled for the estimated time or later, e.g., 2:30 p.m. or later.

4.15.4. If multiple items are scheduled on an agenda for the same estimated time, the items would be taken in the order they appear on the agenda; for example, two items scheduled for 2:30 p.m. or later would be taken in the order they appear on the agenda.

4.15.5. Estimated time requests must be submitted to the City Administrator/City Clerk, who makes the final decision on whether to grant an estimated time request.

4.16. **Council Chambers Capacity.** Council chamber attendance is limited to the posted seating capacity. The City Administrator/City Clerk shall appropriately regulate entrance to the council chamber when the council chamber capacity is likely to be exceeded. Members of the public shall not remain standing in the seating area or aisles of the council chamber. Sitting on the floor is not permitted. The sergeant-at-arms shall enforce these procedures.

5. POWER OF CENSURE

The City Council establishes and reserves the power to censure members of the City Council who violate these procedures. The City Council may adopt supplemental procedures to govern censure proceedings upon the advice and counsel of the City Attorney.

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CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 15, 2022

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Downtown Organization Annual Assessment Report for 2022 And
Intention to Levy

RECOMMENDATION: That Council:

- A. Approve the Downtown and Old Town Business Improvement District Annual Assessment Report for 2022; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy Downtown Business Improvement District and Old Town Business Improvement District Assessment Rates for 2022, at a Public Hearing to be Held on March 15, 2022, at 2:00 p.m.

DISCUSSION:

The Downtown and Old Town Business Improvement Districts were formed over forty years ago to provide marketing and promotional services for downtown businesses. The merchants in both business improvement districts pay for these services through an assessment based on their business license fee, location, and type of business. The assessment revenue is collected each year by the City and then remitted to Downtown Santa Barbara, a 501 (c) 3 organization, that operates both improvement districts after merging with the Old Town Merchants Association in 2005.

The Downtown Business Improvement District serves businesses between Chapala and Anacapa Streets, from Ortega Street north to Micheltorena Street, as authorized under Municipal Code Section 4.39, which regulates Downtown Parking and Business Improvement Area charges. The Old Town Improvement District serves businesses between Chapala and Anacapa Streets, from Gutierrez Street north to Ortega Street, as authorized under Municipal Code 4.43 with regulates the Old Town Parking and Business Improvement Area charges. (Map provided in Attachment)

The City Council, as the governing body of both improvement districts, requires the preparation and adoption of an annual assessment report pursuant to the California Streets and Highway Code, Parking and Business Improvement Area Law of 1989. In accordance with state law, the City Council must approve the assessment report and adopt a resolution of intention to levy an annual assessment for the fiscal year. The report outlines the assessment to be levied and collected from January 1, 2022 to December 31, 2022 to pay for activities planned for the upcoming year with the estimated cost. The report provides the method and basis of the assessment for business owners to estimate the assessment amounts for their business.

For the calendar year of 2022, there are no proposed changes to the boundaries or assessment rates in the Downtown and Old Town Improvement Districts. Council has expressed a desire to revisit the assessment rates in previous years but given the current circumstances surrounding the COVID-19 pandemic and the turnover in types of businesses in the downtown core, staff is not recommending changes to rates at this time.

Generally, the Parking and Business Improvement Area Law of 1989 allows the Downtown Organization, acting as the district's administrator, to provide the following activities through the Business Improvement Districts:

- Promotion of public events, which benefit businesses in the area,
- Furnishing of music in any public place in the area,
- Promotion of tourism within the area, and
- Activities which benefit businesses located and operating in the area.

Marketing and promotional activities of the Downtown and Old Town Improvement Districts include the Promenade Market, holiday décor and promotion of the Downtown area by website, social media, and various marketing campaigns. This longstanding partnership between the City and downtown business community has helped promote the downtown area as a business corridor and cultural arts destination for residents and visitors.

With Council approval of the annual report, notices to levy and collect the assessment will be mailed out to all affected businesses in the districts. The notices will inform businesses of a public hearing, scheduled on March 15, 2022. At the public hearing, the City Council would confirm whether there is a lack of majority protest (opposition received from business owners who pay 50% or more of the total assessments to be levied), and adopt a resolution to assess the rates in accordance with the annual report.

BUDGET/FINANCIAL INFORMATION:

The Downtown and Old Town Business Improvement District revenues are projected to be approximately \$250,000 in business assessments to fund marketing and promotional activities for downtown businesses. On July 20, 2021, the City Council approved an annual agreement with Downtown Santa Barbara to provide \$310,000 for marketing,

promotion, and event planning services. Combined with other revenue sources, Downtown Santa Barbara has an estimated total budget of \$721,597.

ATTACHMENT: 2022 Annual Report for the Downtown Business Improvement District and the Old Town Business Improvement District

PREPARED BY: Brandon Beaudette, Acting Assistant to the City Administrator

SUBMITTED BY: Rebecca Bjork, Interim City Administrator

APPROVED BY: City Administrator's Office



DOWNTOWN
SANTA BARBARA

Exhibit A
Downtown Organization of Santa Barbara, Inc.
2022 Annual Report for the
Downtown Business Improvement District
and the Old Town Business Improvement District

This Annual Report from the Downtown Organization of Santa Barbara, Inc. dba Downtown Santa Barbara was prepared for the Santa Barbara City Council to review for the annual reauthorization of both the Downtown Santa Barbara Business Improvement District (Downtown BID) and the Old Town Business Improvement District (OTBID). This is the fifty-sixth year of operations for the two BIDs, managed under contract by Downtown Santa Barbara, a non-profit membership organization incorporated in 1966 whose purpose is to promote and protect the vitality of downtown Santa Barbara. This report is required by Section 36533 of the California Streets and Highways Code. This report is for both BIDs, commencing January 1, 2022 and ending December 31, 2022.

EXECUTIVE SUMMARY: Downtown Santa Barbara's relationship with the City of Santa Barbara is as vital now as at any point in the organization's long history. We have a contractual relationship with the City through a Promotions contract, a financial relationship through renewal and collection of BID fees, and a personal relationship through which we collaborate on ways to strengthen downtown Santa Barbara. Over the past almost two years, Downtown Santa Barbara's board and staff have been responsive to the needs of businesses who have been faced with the challenges of the pandemic. Our organization's priority areas are the following: economic vitality; business retention, marketing and promotion; advocacy; activations and special events, and maintaining a clean, green, and safe downtown. Staff and committees have been reorganized based on the priority areas to promote and support businesses with the challenges of the pandemic. We have a keen focus on economic recovery and revitalization of our downtown and leveraging community relationships.

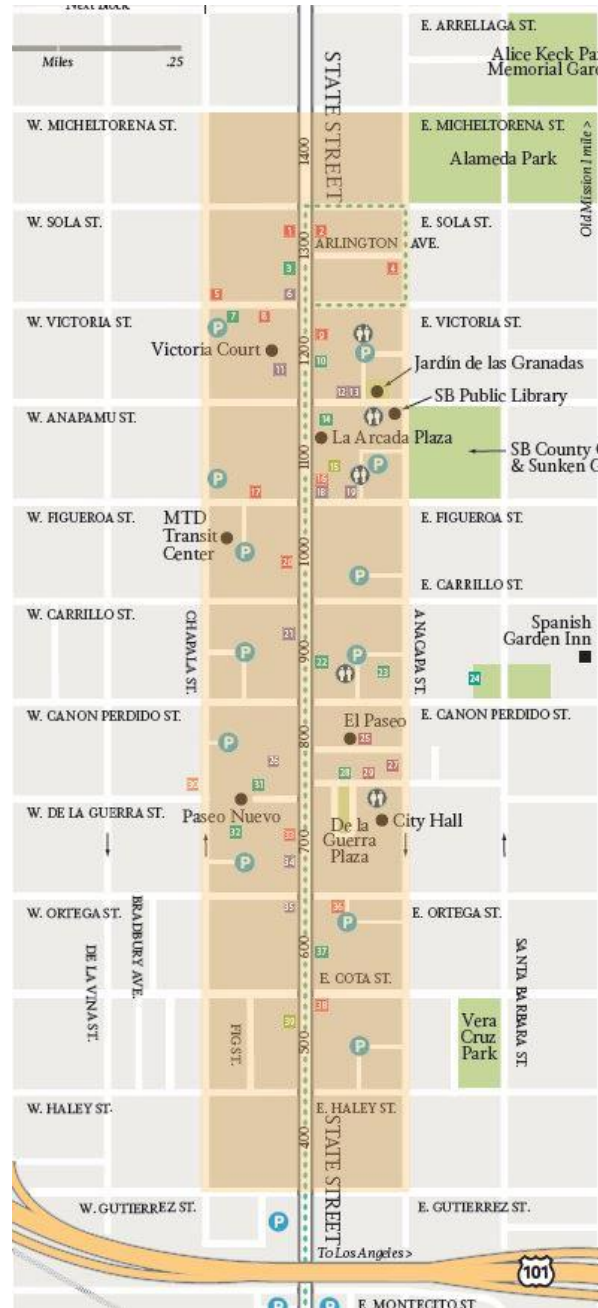
BACKGROUND: These two Downtown BIDs were established separately by ordinance, at different times and for different purposes, and therefore have slightly different formulas for their respective assessments.

MANAGEMENT SERVICES: Once the BIDs were established, the City of Santa Barbara contracted for their management and the provision of services with the Downtown Organization of Santa Barbara, Inc. The Downtown Organization then merged with the Old Town Business Association in 2004. The two BIDs have continued to operate separately in compliance with their respective ordinances. Their combined revenues support the operations and programs managed by the Downtown Santa Barbara organization, under the contract for BID services with the City of Santa Barbara.

DOWNTOWN BID BOUNDARIES: The Improvement Area is defined as follows in the original ordinance establishing the district: *The business improvement area bounded by*

Anacapa, Chapala, Micheltorena, and Cota Streets.

OLD TOWN BID BOUNDARIES: The Improvement Area is defined as follows in the original ordinance establishing the district: *The Business Improvement bounded by Anacapa, Chapala, Gutierrez and Ortega streets and businesses fronting on the area bounded by said streets and businesses fronting the intersections of said streets, except that the area north of the centerline of Ortega Street is not included.*



As required by California law, this combined Annual BID Report for the Downtown BID and the Old Town BID contains the following information:

1. Proposed Changes to the District Boundary:

There are no changes proposed to either the Downtown BID or the Old Town BID boundaries.

2. Planned Improvements and Activities for the 2021-2022:

The following Downtown Santa Barbara projects and programs are planned for 2022.

2020-2025 STRATEGIC PLAN

- 2.1 Strategic Plan – Continuously update the strategic plan and implementation plan to meet the needs of businesses in the face of recovering from the pandemic.
- 2.2 Committee Structure for DSB – Work to increase engagement of business owners and community members in the work of DSB through committee working groups.
- 2.3 Metrics for Success – Develop metrics for success for each priority area and track progress quarterly.
- 2.4 Downtown Master Planning Process - DSB will work with partners and the City to complete plan for downtown Santa Barbara and the re-envisioning of State Street.
- 2.5 Focus on Storytelling – Focus on telling the story of our changing downtown - new businesses opening, old favorites thriving, food offerings for every palate, entertainment for young and old, buildings wearing the vibrant color of SB, and events inviting locals and tourists alike to experience anew our downtown.

MARKETING, COMMUNICATIONS, AND ADVERTISING

- 2.6 Website and Communications – Develop and execute marketing plan for Downtown Santa Barbara. Continue to conduct an annual survey of business owners to determine priorities and needs, to help Downtown Santa Barbara set priorities. Continuous updating of Downtown Santa Barbara website to include business member pages, event calendars, neighborhood shopping guide, business directory, video shopping tours and more. Continue to promote and leverage the downtown website, with additional outreach to downtown businesses to build their own pages, content, and to feature and showcase the new businesses and attractions. Continue to engage customers, the general public, and business members through all social media outlets. New features include:
- 2.7 Downtown Santa Barbara IGTV Business Live Series: In response to the pandemic conditions, we added an Instagram live digital live series, where we interview different business owners live for extra individualized promotion to our 30,000 Instagram followers.
- 2.8 Marketing/Media Campaigns – Provide year-round leadership and management services for advertising partnerships and trades with partner organizations,

media outlets, and community service venues to leverage year-round promotions and retail activities. Strong social media efforts designed to raise awareness of downtown's history, events, and businesses. Created in 2020 and to be continued in 2022 is the Downtown Business Spotlight" an interview series with downtown business owners in diverse industries in partnership with the Santa Barbara Independent marketed and distributed in print, *Santa Barbara Independent* e-newsletters, Downtown SB e-newsletters and social media and recorded for businesses to use as well.

- 2.9 Downtown Map & Guide – Expand visibility for more than 100,000 full color brochures, delivered year-round to hotels, destinations, cruise ship patrons, downtown events, California Visitor Center locations, and other visitor-oriented outlets.
- 2.10 Cruise Ship Volunteer Program and Visitor Outreach – (Continue when conditions allow) staffing for community-based volunteer program providing hospitality services for all cruise ship visits, in partnership with the Santa Barbara Waterfront, Visit Santa Barbara, and Chamber of the Santa Barbara Region. Redevelop host program for outreach through the summer.
- 2.11 Marketing/Advertising for Major Festivals/Events -- (Continue when conditions allow) Provide marketing/social media support for other signature events (i.e. Solstice, Fiesta). Staging and production services on State Street in support of all community parade operations, and direct marketing to all downtown businesses.
- 2.12 Retail Promotions – Continue to expand Small Business Saturday, building on our prior success and planning in 2022. Offer strategic retail-oriented events to drive sales and attendance at key times.

PROGRAMMING AND SPECIAL EVENTS

- 2.13 District and Community Promotion – Develop plan to promote districts within our downtown. Year-round State Street flag display program with over 40 non-profit community partners. Develop new opportunities for entry into the program through reduced cost measures.
- 2.14 1st Thursday, Art and Wine Tour events –Year-round monthly program showcasing culture, vitality of State Street, providing participation opportunities for retailers, galleries, wineries, and restaurants to assist the Art District and bring together cultural partners to develop district marketing program.
- 2.15 Annual Awards Breakfast – Design and produce our yearly annual celebration, program including Annual Downtown Awards: Business Champion of the Year, Volunteer of the Year, Richard Breza Award for Public Service, Harriet Miller Youth Leadership Scholarship, Citizen of the Year, and Entrepreneur of the Year award.

- 2.16 Holiday Tree and Seasonal Programming –Secure sponsorship support to retain Holiday Tree and tree lighting ceremony, expanded marketing and social media engagement in support of holiday shopping, explore feasibility of additional continued improvements to Parade operations and or seasonal programming shall we need to postpone the parade. Expansion of sponsorship program for annual parade with new Grand Marshal sponsor and new Prince & Fairy sponsor. Tuba Christmas partnership will also continue. Continued plan for expanded holiday tree lighting.
- 2.17 Business District Holiday Décor Program – Partner with the city to implement the holiday décor program to include lighting on all palm and street trees; seasonal décor, window display contests among the merchants.
- 2.18 Downtown Networking Meetings – Continue to host downtown networking mixers as conditions allow to engage business owners and community leaders and provide opportunities to increase communication.
- 2.19 State Street Promenade Market– a weekly Thursday market from 3-7:30 PM designed to promote downtown businesses and create vibrancy downtown. This is anticipated to expand over time to include entertainment, feature local restaurants and family-oriented activities and more as Covid-19 conditions improve. Participation is free for businesses in the BID area as an extra promotion for businesses, online and in person.
- 2.20 Activations/Placemaking – Create list of programmatic activation sites in downtown and host pop-up events at key times to increase activity in the downtown.

BUSINESS RETENTION, OUTREACH, INVOLVEMENT, AND ADVOCACY

- 2.21. Outreach Materials and Mailings – Weekly e-newsletter highlighting downtown happenings and downtown businesses.
- 2.22 Online Calendar of Events: Businesses add happenings directly to the calendar. These are featured on our website and populates our e-newsletter and social media calendars.
- 2.23. Membership Portal: Businesses update their listings on the DSB website, and include different photos, descriptions, and contact info at any time. This is an important way to have locals and visitors and locals find downtown businesses. Tutorials and trainings offered.
- 2.24. Free Business 1 x 1 Strategy Calls by appointment are available with Downtown Santa Barbara staff and our partner organization business strategy specialists to support downtown businesses.
- 2.25. Business resources and trainings: DSB offers free webinars on current issues affecting downtown businesses as well as educational resources to grow your business and navigate these unique times in partnership with the Economic Development Collaborative, Women’s Economic Ventures and others.
- 2.26 Community Involvement and Engagement – Active participation in community, civic boards, and civic groups year-round. Provide strong representation and

active involvement on other Boards and civic organizations from both staff and other board members.

- 2.27 Facilitation of Committees: Downtown Santa Barbara hosts a number of committees to support our downtown business community they are accessible to all BID businesses including: Business Support & Retention, Marketing & Promotion, Fundraising & Development, Retail, Restaurant and Bar, Government Relations, Property Owner Roundtables and other Adhoc Committees as needed.
- 2.28. Support of Downtown Events & Initiatives – Continue to work with organizers as conditions allow to promote and support downtown events and activations including: SBIFF, CycleMAYnia, State Street Nationals, Santa Barbara Art Museum Van Gogh exhibit celebration, and the Summer Movie Series at the Santa Barbara Courthouse. Continue sponsorship of Pianos on State program and other arts programming on downtown art pads.
- 2.29 Coordination with South Coast Chamber – Explore more coordinated and collaborative efforts with the recently created South Coast Chamber to produce support business retention, recovery, revitalization and economic development.
- 2.30 Safety Initiatives – Continue engagement and support with partners. Serve on the SB Act steering committee. Continued collaboration with businesses/police/support from Ambassadors program, including education/awareness efforts.

ADMINISTRATION

- 2.31 Administrative Services – Continue to provide administrative services for all programs, services, events, rentals, and marketing services provided to members.
- 2.32 Accounting Services – Continue to staff and administer all accounting, finance responsibilities for accounts payable, receivable, reports, etc.

3. Estimated Costs of BID-Related Improvements and Activities Proposed for 2022

PROJECTED BID ASSESSMENT EXPENSES

Expense Type	BID	Other	Total
Program Expenses	43000	23126	66126
Promotion Expenses	50000	75993	125993
Salaries and Benefits	75000	332478	407478
Professional Services	25000	25000	50000
General and Administrative	57000	15000	72000
	\$250,000	\$471,597	\$721,597

PROJECTED DOWNTOWN ORGANIZATION EARNED NON-ASSESSMENT REVENUES FOR 2022

City Promotions Funding	\$310,000
Associate Membership Dues	\$10,350
Flag Admin Fees	\$20,000
Programs and Sponsorship	\$45,110
Map and Brochure	\$19,080
Board Contributions	\$5,000
Grants	\$61,757
Interest Income	\$200
TOTAL NON ASSESSED INCOME	\$471,497

Downtown Combined BIDs ASSESSMENT **\$250.000**
Total Projected Revenues for 2022 **\$721,597**

NOTE: These financial summaries are limited to the operations and overhead of Downtown Santa Barbara.

4. Method and Basis of Levying the Assessment Shall Continue as Follows:

The benefit assessments will be collected by the City in one installment. There are no proposed changes to the formulas or rates for the two Downtown BIDs as outlined in the original establishment of the BIDs.

Old Town BID assessment formula:

Category	Charge
Businesses located on State Street	Equal to 100% of business license. Minimum of \$100.00
Businesses not located on State Street	Equal to 75% of business license. Minimum of \$100.00
Automobile Sales and Service Businesses	Businesses in Classification "B" of Section 5.04.390 shall pay a maximum charge of \$600.00 per year
Other Businesses: Wholesale, Professional, and Real Estate business as shown in Category 5.04.400	\$100.00

Downtown BID assessment formula:

Category	Charge
Professionals	Equal to 15% of business tax paid. Minimum of \$50.00
All Others	Equal to 100% of business license.

5. Surplus Carryover from 2021:

There is not a surplus of assessment dollar funds being carried over from the FY 2021

budget; assessment dollars are spent first on services and programs to benefit the ratepayers for the BIDs before non-assessment dollars are spent.

6. Sources of Contributions From Other than Levied Assessments:

Downtown Santa Barbara generates other sources of funds and earned revenues through a variety of programs and third-party contracts for services. These include earned revenues from grants and sponsorships, a promotions contract with the city, ticket sales for events, flag administration fees, associate membership dues, advertising sales, and donations.

7. Prior Year Assessed Income Expenditures 2021

The total collected by the city for the Old Town BID in 2021 was \$57,634.77. The total collected for the Downtown BID by the city was \$193,329.04. The total remitted to the Downtown Organization for 2021 was \$250,963.81

The following services were provided as benefits to the ratepayers from January 2021 – December 2021.

Downtown website

- Continually updated with event highlights, new events, shopping directory of businesses, business features via video, photos etc.
- Average 50,000 visitors per quarter.

Earned Media Features

- Over 70 features in regional newspapers, tv stations, magazines etc.

Print Marketing

- Produced Map & Guide. It will be distributed in Spring 2022
- Advertisement buys in various local and regional publications.
- Weekly ads in Voice Magazine and the Santa Barbara Independent
- Winter, Spring, Summer and Fall placement in California 101 Travelers Guide

Social Media

- More than 200 businesses featured per quarter via Instagram followers
Increased Instagram following from 22,000 to 30,000 and Facebook (11,000)

Video Production

- Developed and produced videos for Downtown Santa Barbara
- Virtual Shopping Tours

E-Newsletters - Weekly e-newsletters to community and businesses including business highlights, programs, events, webinars, resources and more
(average of 49% open rate)

State Street Flag Program – Full year of flags with new non-profit participants

Business Outreach & Support – Business outreach, Executive Director held hundreds of meetings with business leaders, property owners, and community leaders, educational webinars, pandemic relief and recovery efforts, business strategy sessions and more.

Community Outreach – provided presentations to community groups about downtown issues and opportunities

Support of downtown initiatives – provided support, marketing, programming, and staff to downtown initiatives

DSB Produced Events

- Annual Awards Ceremony
- 1st Thursday ArtWalk Series, every 1st Thursday of the month
- Small Business Saturday
- Business Networking Mixers
- Holiday Tree Lighting Ceremony and 11 “Magical Holiday Happenings Events”
- State Street Promenade Market, Every Thursday throughout the year
- Business Spotlight Series: Weekly Interview series featuring different business owners in collaboration with the Santa Barbara Independent

Advocacy – Provided public testimony and/or comments and advocated for businesses on issues affecting downtown Santa Barbara such as homelessness, youth bicycling, outdoor dining and the future of State Street.

Convener Monthly Board meetings with city and business leaders, Committee meetings including Economic Development, Marketing & Promotion, Government Relations, Adhoc Committees as needed

Active Participants: Santa Barbara County Business Task Force Team, Government Relations Committee; State Street Advisory Committee, State Street Regional Action Plan on Homelessness, Old Spanish Days Fiesta meetings; International Downtown Association; California Downtown Association; Visit Santa Barbara; Summer Solstice; De la Guerra Plaza and Farmer’s Market conversations and many more.

Professional Memberships:

Member: CDA, International Downtown Association, ICSC

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA DECLARING COUNCIL'S INTENTION TO
LEVY DOWNTOWN BUSINESS IMPROVEMENT DISTRICT
AND OLD TOWN BUSINESS IMPROVEMENT DISTRICT
ASSESSMENT RATES FOR 2022, AT A PUBLIC HEARING
TO BE HELD ON MARCH 15, 2022, AT 2:00 P.M.

WHEREAS, pursuant to Section 36534 of the California Streets and Highways Code, it is the intention of the Council of the City of Santa Barbara, to conduct a public hearing to determine whether to fix and assess a 2022 Downtown Business Improvement District assessment (hereinafter referred to as Downtown BID), as established by Chapter 4.39 of the Santa Barbara Municipal Code, adopted on May 7, 1985;

WHEREAS, pursuant to Section 36534 of the California Streets and Highways Code, it is the intention of the Council of the City of Santa Barbara, to conduct a public hearing to determine whether to fix and assess a 2022 Old Town Business Improvement District assessment (hereinafter referred to as Old Town BID), as established by Chapter 4.43 of the Santa Barbara Municipal Code, adopted on June 3, 1986;

WHEREAS, upon the completion of a public hearing, it shall be the intention of the City Council to levy and collect a benefit assessment within Downtown BID and Old Town BID as described in the Fiscal Year 2022 Annual Report, Exhibit A;

WHEREAS, for Fiscal Year 2022, the improvements and activities to be provided shall consist of marketing and promotional activities for the businesses in the Downtown area.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA:

SECTION 1. It is the intention of the City Council to levy and collect assessments within the Downtown Business Improvement District for the Fiscal Year of 2022 from January 1 to December 31, 2022, within boundaries established upon the enactment of Chapter 4.39 of the Santa Barbara Municipal Code on May 7, 1985. It is also the City Council's intention to confirm the method and basis of assessment as established by the City Council upon the enactment of Santa Barbara Municipal Code Chapter 4.39, and as described in the Report.

SECTION 2. It is the intention of the City Council to levy and collect assessments within the Old Town Business Improvement District for the Fiscal Year of 2022 from January 1 to December 31, 2022, within boundaries established upon the enactment of Chapter 4.43 of the Santa Barbara Municipal Code on June 3, 1986. It is also the City Council's intention to confirm the method and basis of assessment as established by the City

Council upon the enactment of Santa Barbara Municipal Code Chapter 4.43, and as described in the Report.

SECTION 3. The time and place for the public hearing to consider the intention of the City Council shall be scheduled for the 2:00 p.m. session of the Council's regularly scheduled meeting of March 15, 2022, conducted virtually and in person.

SECTION 4. Written and oral protests to the proposed 2022 Downtown BID and Old Town BID Assessments, as described in the Report, may be mailed to the City Clerk or made at the above-described public hearing provided that such protests are in the form and manner required by Sections 36524 and 36525 of the California Streets and Highways Code.

SECTION 5. The City Clerk shall give notice of the above-described public hearing by causing a copy of this resolution of intention to be published in a newspaper or general circulation in the City no less than seven (7) days prior to March 15, 2022 and mailing a copy of this resolution of intention to affected business owners within seven (7) days of the City Council's adoption of the resolution of intention to levy businesses in the area.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 15, 2022

TO: Mayor and Councilmembers

FROM: Transportation Planning and Parking and Engineering Divisions,
Public Works Department

SUBJECT: Adoption Of Resolution For Five-Year Measure A Local Program Of
Projects For Fiscal Years 2023 – 2027 Public Hearing

RECOMMENDATION:

That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Adopting the Five-Year Measure A Local Program of Projects for Fiscal Years 2023 – 2027.

DISCUSSION:

The City must annually adopt a resolution and submit an updated Five-Year Measure A Program of Projects (Attachment) to the Santa Barbara County Association of Governments (SBCAG) in accordance with the Measure A local allocation rules. The proposed Five-Year Measure A Program of Projects will also be incorporated into the proposed Streets Capital Improvement Program budget for Fiscal Years 2023 and 2024. With Council's approval of the recommended resolution, this report will satisfy the Measure A requirement that the local agency hold an annual public hearing on its Program of Projects prior to submittal and adoption by SBCAG.

Background

In November 2008, Santa Barbara County voters approved Measure A Ordinance No. 5 with 79 percent support. Measure A is a sales tax measure estimated to provide approximately \$1 billion of local sales tax revenues for transportation projects in Santa Barbara County over the 30-year life of the measure. Measure A is funded through a continuation of the local 1/2 cent sales tax that was originally authorized by Measure D, which expired on March 31, 2010. Measure A contains a strategic spending plan that includes regional projects, as well as local programs and projects that are funded by monthly population-based allocations to each local agency. The Measure A Ordinance requires the City to annually submit a Five-Year Measure A Local Program of Projects to the administering agency, SBCAG.

Five-Year Measure A Local Program of Projects

SBCAG has estimated that the City will receive the following Measure A revenues for Fiscal Years 2023 – 2027 below. There are less revenues in Fiscal Years 2022/2023 and 2025/2026, because those years represent when there will be drawdowns from a federal loan to fund construction of the U.S. 101 High Occupancy Vehicle Lane Project.

FY 22/23	FY 23/24	FY 24/25	FY 25/26	FY 26/27	Total
\$5,018,584	\$5,130,750	\$5,288,384	\$5,067,117	\$5,260,392	\$25,765,227

Under Measure A, local agencies choose how to spend their share of funds after annually adopting the Five-Year Measure A Local Program of Projects. Measure A contains funds for local street and transportation improvements (capital projects and maintenance/operations), and Alternative Transportation (pedestrian/bicycle improvements, Safe Routes to School, and transit assistance).

The Measure A Ordinance also requires local agencies to spend a minimum of ten percent of the Measure A local street and transportation improvement funds on eligible Alternative Transportation projects. It is calculated cumulatively and must be met by the fifth year of the Measure A Program, and every fifth year thereafter. Fiscal Year 2023 is the first year of the next five-year period. The proposed Five-Year Measure A Local Program of Projects reflects that 16.99 percent of Measure A Alternative Transportation expenditures.

The Measure A Ordinance also requires local agencies to meet an annual Maintenance Of Effort (MOE) of non-Measure A “local discretionary funds” for street and road purposes, adjusted annually by the rate of growth (or decline) of measure revenues. This requirement ensures that the legislature’s intent is fulfilled, which is that local transportation sales taxes supplement, rather than supplant, local transportation investments. The City exceeded the MOE requirement for Fiscal Years 2021 and 2022 and will be able to meet the next five-year requirement through Measure C funding.

ATTACHMENT: Measure A Proposed City of Santa Barbara Program of Projects by Category Fiscal Year 2023 – Fiscal Year 2027

PREPARED BY: Laura Yanez, P.E., Principal Civil Engineer
Jessica W. Grant, Interim Public Works Downtown Manager/sf

SUBMITTED BY: Clifford M. Maurer, Public Works Director

APPROVED BY: City Administrator’s Office



City of Santa Barbara
Five Year Measure A Program of Projects (FYs 22/23 to 26/27)
Measure A Local Street and Transportation Improvements Submittal Form
(Figures in \$1000's)

Local Street & Transportation Improvements		Measure A Revenues								Non-Measure A Revenues				Total Project Cost
Project Descriptions	FY 2020/21 Actual Expenditures	Carry-over from FY 20/21	Carry-over from FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26	FY 26/27	TOTAL Measure A Revenues	Local	State	Federal	TOTAL Non-Measure A Revenues	
Maintainance, Improvement or Construction of Roadways & Bridges														
Pavement Maintenance (Capital)	\$ 33	\$ 266		\$ 1,578	\$ 1,621.85	\$ 1,709.31	\$ 1,416.46	\$ 1,536.72	\$ 7,863	\$ -	\$ 1,796	\$ -	\$ 1,796	\$ 9,659
Roadway Maintenance (Operations)	\$ 621	\$ -		\$ 1,170	\$ 1,193	\$ 1,217	\$ 1,242	\$ 1,266	\$ 6,089	\$ 2,050	\$ -	\$ -	\$ 2,050	\$ 8,139
Engineering Services (Capital)	\$ 137	\$ 13		\$ 405	\$ 413	\$ 421	\$ 430	\$ 438	\$ 2,108	\$ -	\$ -	\$ -	\$ -	\$ 2,108
Engineering Services (Operations)	\$ 340	\$ -		\$ 498	\$ 508	\$ 518	\$ 528	\$ 539	\$ 2,592	\$ -	\$ -	\$ -	\$ -	\$ 2,592
Bridge Preventative Maintenance (Capital)	\$ 22	\$ 96		\$ 75	\$ 77	\$ 78	\$ 80	\$ 81	\$ 390	\$ -	\$ -	\$ -	\$ -	\$ 390
Post Bridge Construction Monitoring/Reporting (Capital)	\$ 54	\$ 33		\$ 100	\$ 102	\$ 104	\$ 106	\$ 108	\$ 520	\$ -	\$ -	\$ -	\$ -	\$ 520
Graffiti Abatement										\$ 277	\$ -	\$ -	\$ 277	\$ 277
													\$ -	\$ -
Safety Improvements														
Traffic Safety/Capacity Improvements (Capital)	\$ 18	\$ 28		\$ 50	\$ 51	\$ 52	\$ 53	\$ 54	\$ 260	\$ -	\$ -	\$ -	\$ -	\$ 260
Citywide Streetlight Repair & Maintenance (Capital)									\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
													\$ -	\$ -
Urban Forestry Street Tree Program														
Transfer to Parks & Recreation for Street Tree Maintenance									\$ -	\$ 902	\$ -	\$ -	\$ 902	\$ 902
													\$ -	\$ -
Storm Damage Repair to Transportation Facilities														
Storm Drain Repair & Maintenance (Operations)	\$ 151	\$ -		\$ 226	\$ 230	\$ 235	\$ 240	\$ 244	\$ 1,175	\$ 272	\$ -	\$ -	\$ 272	\$ 1,447
													\$ -	\$ -
Roadway Drainage Facilities														
Lower Mission Creek Flood Control Project (Capital)	\$ 44	\$ 44		\$ 75	\$ 77	\$ 78	\$ 80	\$ 81	\$ 390	\$ -	\$ -	\$ -	\$ -	\$ 390
													\$ -	\$ -
Traffic Signal Coordination, Intersection Channelization														
Traffic Signal Maintenance (Capital)									\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Traffic Signal Maintenance (Operations)									\$ -	\$ 2,028	\$ -	\$ -	\$ 2,028	\$ 2,028
Traffic Signal Upgrades (Capital)									\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
													\$ -	\$ -
Traffic Management														
Traffic Engineering (Operations)									\$ -	\$ 807	\$ -	\$ -	\$ 807	\$ 807
Transportation Planning (Operations)									\$ -	\$ 906	\$ -	\$ -	\$ 906	\$ 906
Traffic Markings & Signage (Operations)									\$ -	\$ 846	\$ -	\$ -	\$ 846	\$ 846
													\$ -	\$ -
Landscaping Maintenance														
									\$ -				\$ -	\$ -
									\$ -				\$ -	\$ -
									\$ -				\$ -	\$ -
Highway Improvements														
									\$ -				\$ -	\$ -
									\$ -				\$ -	\$ -
									\$ -				\$ -	\$ -
Matching Funds for State and Regional Programs and Projects														
									\$ -				\$ -	\$ -
									\$ -				\$ -	\$ -
									\$ -				\$ -	\$ -
TOTAL	\$1,422	\$480	\$0	\$4,177	\$4,273	\$4,413	\$4,174	\$4,350	\$21,386	\$8,089	\$1,796	\$0	\$9,886	\$31,272

Alternative Transportation Expenditures				Measure A Revenues						Non-Measure A Revenues				Total Project Cost
Project Descriptions	FY 2020/21 Actual Expenditures	Carry-over from FY 20/21	Carry-over from FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26	FY 26/27	TOTAL Measure A Revenues	Local	State	Federal	TOTAL Non-Measure A Revenues	
Maintenance, Repair, Construction & Improvement of Bike & Ped Facilities														
Sidewalk Maintenance (Capital)	\$ 65	\$ 163		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sidewalk Maintenance (Operations)	\$ 173	\$ -		\$ 521	\$ 531	\$ 542	\$ 553	\$ 564	\$ 2,712	\$ 622	\$ -	\$ -	\$ 622	\$ 3,333
Sidewalk Access Ramps (Capital)	\$ 2	\$ 95		\$ 50	\$ 51	\$ 52	\$ 53	\$ 54	\$ 260	\$ -	\$ -	\$ -	\$ -	\$ 260
Bicycle Improvements (Capital)										\$ -	\$ 79	\$ -	\$ 79	\$ 79
													\$ -	\$ -
Safe Routes to School Improvements														
									\$ -				\$ -	\$ -
									\$ -				\$ -	\$ -
									\$ -				\$ -	\$ -
Reduced Transit Fares for Seniors & Disabled														
									\$ -				\$ -	\$ -
									\$ -				\$ -	\$ -
									\$ -				\$ -	\$ -
Bus and Rail Transit Services and Facilities														
Easy Lift	\$ 258	\$ 7		\$ 270	\$ 276	\$ 281	\$ 287	\$ 293	\$ 1,407	\$ -	\$ -	\$ -	\$ -	\$ 1,407
Programs, Education, & Incentives to Reduce Single Occupant Auto Trips or Transportation Demand														
Work Trip (Operations)									\$ -	\$ 311	\$ -	\$ -	\$ 311	\$ 311
TOTAL ALTERNATIVE TRANSPORTATION EXPENDITURES	\$498	\$266	\$0	\$841	\$858	\$875	\$893	\$911	\$4,379	\$933	\$79	\$0	\$1,012	\$5,390
TOTAL EXPENDITURES	\$1,920	\$746	\$0	\$5,018	\$5,131	\$5,288	\$5,067	\$5,260	\$25,765	\$9,022	\$1,875	\$0	\$10,897	\$36,662

Alternative Transportation Summary		
TOTAL MEASURE A ALLOCATION (FY 2022/23 TO 2026/27)		\$25,765
MINIMUM ALTERNATIVE PERCENTAGE PRESCRIBED BY INVESTMENT PLAN TO BE MET BY FY 2026/27 FOR FISCAL YEARS 2022/23 THROUGH 2026/27		10%
TOTAL MEASURE A ALLOCATION TO ALTERNATIVE TRANSPORTATION		\$4,379
PERCENTAGE OF MEASURE A ALLOCATION TO ALTERNATIVE TRANSPORTATION		16.99%

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA
BARBARA ADOPTING THE FIVE-YEAR MEASURE A LOCAL
PROGRAM OF PROJECTS FOR FISCAL YEARS 2023 – 2027

WHEREAS, on November 4, 2008, the voters of Santa Barbara County approved the Santa Barbara County Road Repair, Traffic Relief and Transportation Safety measure, known as Measure A;

WHEREAS, Measure A Ordinance No. 5 provides that Santa Barbara County Local Transportation Authority shall annually approve a program of projects submitted by local jurisdictions identifying those transportation projects eligible to use Measure A funds;

WHEREAS, the City of Santa Barbara was provided with an estimate of annual Measure A local revenues for Fiscal Years 2023 through 2027; and

WHEREAS, on February 15, 2022, the City of Santa Barbara held a public hearing in accordance with the Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The Council of the City of Santa Barbara approves the Five-Year Measure A Program of Projects to be funded in part with Measure A revenues, as shown in the Exhibit to this Resolution.

SECTION 2. The Council of the City of Santa Barbara certifies that it will include in its budget an amount of local discretionary funding for local streets and roads sufficient to comply with the Maintenance of Effort requirements contained in the Ordinance.

SECTION 3. The City of Santa Barbara will not use Measure A revenues to replace private developer funding that has been committed to a transportation project, or would otherwise be required under current City policies.

SECTION 4. The City of Santa Barbara has complied with all other applicable provisions and requirements of the Ordinance.



City of Santa Barbara
Five Year Measure A Program of Projects (FYs 22/23 to 26/27)
Measure A Local Street and Transportation Improvements Submittal Form
(Figures in \$1000's)

Local Street & Transportation Improvements		Measure A Revenues								Non-Measure A Revenues				Total Project Cost
Project Descriptions	FY 2020/21 Actual Expenditures	Carry-over from FY 20/21	Carry-over from FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26	FY 26/27	TOTAL Measure A Revenues	Local	State	Federal	TOTAL Non-Measure A Revenues	
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Landscaping Maintenance														
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									\$ -				\$ -	\$ -
Matching Funds for State and Regional Programs and Projects														
									\$ -				\$ -	\$ -
									\$ -				\$ -	\$ -
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TOTAL	\$1,422	\$480	\$0	\$4,177	\$4,273	\$4,413	\$4,174	\$4,350	\$21,386	\$8,089	\$1,796	\$0	\$9,886	\$31,272

Alternative Transportation Expenditures				Measure A Revenues						Non-Measure A Revenues				Total Project Cost
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Bicycle Improvements (Capital)										\$ -	\$ 79	\$ -	\$ 79	\$ 79
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Safe Routes to School Improvements														
									\$ -				\$ -	\$ -
									\$ -				\$ -	\$ -
									\$ -				\$ -	\$ -
Reduced Transit Fares for Seniors & Disabled														
									\$ -				\$ -	\$ -
									\$ -				\$ -	\$ -
									\$ -				\$ -	\$ -
Bus and Rail Transit Services and Facilities														
Easy Lift	\$ 258	\$ 7		\$ 270	\$ 276	\$ 281	\$ 287	\$ 293	\$ 1,407	\$ -	\$ -	\$ -	\$ -	\$ 1,407
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TOTAL ALTERNATIVE TRANSPORTATION EXPENDITURES	\$498	\$266	\$0	\$841	\$858	\$875	\$893	\$911	\$4,379	\$933	\$79	\$0	\$1,012	\$5,390
TOTAL EXPENDITURES	\$1,920	\$746	\$0	\$5,018	\$5,131	\$5,288	\$5,067	\$5,260	\$25,765	\$9,022	\$1,875	\$0	\$10,897	\$36,662

Alternative Transportation Summary		
TOTAL MEASURE A ALLOCATION (FY 2022/23 TO 2026/27)		\$25,765
MINIMUM ALTERNATIVE PERCENTAGE PRESCRIBED BY INVESTMENT PLAN TO BE MET BY FY 2026/27 FOR FISCAL YEARS 2022/23 THROUGH 2026/27		10%
TOTAL MEASURE A ALLOCATION TO ALTERNATIVE TRANSPORTATION		\$4,379
PERCENTAGE OF MEASURE A ALLOCATION TO ALTERNATIVE TRANSPORTATION		16.99%



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 15, 2022

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Increase The Contract For As-Needed Professional Water Main Replacement Design Services

RECOMMENDATION:

That Council authorize the Public Works Director to execute Amendment No. 2 to City Professional Services Agreement No. 26,272 with Stantec Consulting Services Inc., in the amount of \$302,000, for a total contract amount of \$1,252,000, for additional as-needed professional water main replacement design services.

DISCUSSION:

Background

On June 5, 2018, Council received a presentation and approved an increase in the annual water main replacement goal from one percent to two percent, or approximately six miles of the total water distribution system. On September 18, 2018, Council approved Contract 26,272, with Stantec Consulting Inc. (Stantec), to provide as-needed professional water main replacement design services in support of Council's annual water main replacement goal. On February 4, 2020, Council approved the First Amendment to this contract to include additional design work through 2021.

Current Status

This spring staff will conduct a Request for Qualifications process to re-authorize or add master contracts for as-needed professional water main replacement design services beginning in Fiscal Year 2023. While that effort is underway, staff is requesting approval of a Second Amendment with Stantec to initiate the design of the next water main replacement project. These services are needed to maintain program continuity and momentum to achieve the goal of six miles of water main replacement per year. Stantec was selected in 2018 through a competitive Request for Proposals process and has consistently and successfully performed these services for the previous Fiscal Year projects. This will be the final as-needed task order issued for this contract, and staff plan to return in spring of 2022 with new contracts for ongoing as-needed professional water main replacement design services.

BUDGET/FINANCIAL INFORMATION:

The following summarizes the expenditures recommended in this report:

CONTRACT FUNDING SUMMARY

	Base Contract	Change Order	Total
Initial Contract Amount	\$600,000	\$0	\$600,000
Amendment 1	\$0	\$350,000	\$350,000
Amendment 2	\$0	\$302,000	\$302,000
Total	\$600,000	\$652,000	\$1,252,000

If the recommendation is approved, the total as-needed professional water main design contract expenditure authority will be increased to \$1,252,000.

There are sufficient appropriated funds in the Water Main Replacement Project in the Water Capital Fund to cover the costs associated with this Second Amendment to Stantec's contract.

ENVIRONMENTAL REVIEW:

Amending the current contract does not require California Environmental Quality Act (CEQA) review. Individual water main replacement projects are subject to review under CEQA.

WATER COMMISSION:

The Water Commission reviewed this item at its meeting on January 20, 2022, and recommended this item on to Council in a vote of 5-0 in favor of the recommendation.

PREPARED BY: Philip Maldonado, P.E., Interim Principal Engineer/VF/Im

SUBMITTED BY: Clifford M. Maurer, P.E., Public Works Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 15, 2022

TO: Mayor and Councilmembers

FROM: Wendy Levy, Human Resources Director

SUBJECT: City Administrator Employment Agreement

RECOMMENDATION:

That Council approve and authorize the Mayor to execute an employment agreement with Rebecca Bjork to serve as the permanent City Administrator effective February 15, 2022.

DISCUSSION:

City Council has appointed Rebecca Bjork to serve as the new City Administrator. Ms. Bjork, the Assistant City Administrator, had been serving as the Acting City Administrator since Paul Casey's retirement in September of 2021.

Ms. Bjork will be appointed at her current compensation level as Acting City Administrator, at a salary of \$282,877 per year plus benefits. The proposed employment agreement is attached. Ms. Bjork's compensation will be reviewed annually with her performance evaluation.

Following a modern practice in public employment contracts, the agreement contains a provision that removes the obligation to provide severance benefits if the City Administrator is terminated for "cause." "Cause" is defined as (a) conviction of a felony; b) conviction of an act involving moral turpitude or illegal gain; c) a plea of nolo contendere involving a conviction of a felony or an act involving moral turpitude or illegal gain; d) any act constituting a knowing and intentional violation of the City's Conflict of Interest Code.

BUDGET/FINANCIAL INFORMATION:

In addition to salary outlined in the employment agreement, Ms. Bjork will receive the fringe benefit package that was budgeted for Fiscal Year 2021 in accordance with Group I of the Management Performance and Compensation Plan. Adequate expenditure appropriations exist in the City Administrator department budget in FY2021.

ATTACHMENT: Draft Employment Agreement with Rebecca Bjork

PREPARED BY: Wendy Levy, Human Resources Director

APPROVED BY: Randy Rowse, Mayor

EMPLOYMENT AGREEMENT
Agreement No.

The City of Santa Barbara, a municipal corporation, hereinafter referred to as "Employer" and Rebecca Bjork, an individual, hereinafter referred to as "Employee" enter into this Agreement on February 15, 2022 for Employee's services as City Administrator for the City of Santa Barbara.

WHEREAS, this Agreement is made under Article VI of the Santa Barbara City Charter, as a municipal affair; and

WHEREAS, the City Council of Employer, hereinafter "City Council," determined that Employee has the necessary qualifications and experience for the Office of City Administrator as required by the City Charter; and

WHEREAS, on February 15, 2022, the City Council appointed Employee to the Office of City Administrator, with an effective date of February 15, 2022; and

WHEREAS, Employer and Employee enter into this Agreement to document the terms and conditions of employment.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

SECTION 1. TERM AND STATUS.

A. Employer employs Employee to serve as City Administrator and in that capacity, to also hold the offices of City Clerk and City Treasurer ("ancillary offices"). The duties of the ancillary offices may be delegated to the Director of Finance and the City Clerk Services Manager.

B. Employee's employment status is at-will and at the pleasure of the City Council. Employee understands and agrees that the City Council may terminate her City employment at any time, subject only to the notice, removal and severance provisions of Section 5 of this Agreement and Section 606 of the City Charter. Employee understands and agrees that Employer has made no implied or express oral or written assurances of continued employment with the City. Employee further understands and agrees that she has no property right in City employment and that Employer requires no cause to suspend or terminate her City employment.

SECTION 2. POWERS AND DUTIES.

A. Employee shall perform the duties of City Administrator as set forth in Article VI of the City Charter and as determined and controlled by the City Council. Employee shall report directly and solely to the City Council.

B. In the performance of the duties of City Administrator, Employee

agrees to comply with all federal, state and local laws, ordinances, rules, regulations and City Charter, which are applicable to the Office of the City Administrator. Employee acknowledges that she is subject to the common law and statutory conflict-of-interest provisions, including, but not limited to, the Political Reform Act set forth in California Government Code Section 87100 and following, the Fair Political Practices Commission Regulations set forth in California Code of Regulations, Title 2, Section 18700 and following, and California Government Code Section 1090 and following, as they may be amended. Employee agrees that she will be acquainted with the above-referenced provisions, comply fully with them and not take any action, which results or could appear to result, in a violation of such provisions.

SECTION 3. COMPENSATION.

A. Base Salary.

As compensation for Employee's services, Employer agrees to pay Employee, on a bi-weekly basis, an annual base salary of \$282,877.

B. Changes to Compensation.

Employee's compensation, as provided herein, shall be reviewed annually and may, from time to time, be increased based on Employee's satisfactory performance, as solely determined by the City Council. Such increases will be established by ordinance. Any increases so approved shall inure to Employee without amendment of this Agreement

C. Health and Welfare Benefits.

Employee shall receive the same health and welfare benefits provided to the City's Group 1 Managers ("Executives"), including, but not limited to, long term disability and life insurance, as set forth in the Management Performance and Compensation Plan.

D. Retirement.

Employee shall receive retirement benefits through the Public Employees Retirement System (hereinafter "PERS") Miscellaneous Plan. Employee shall pay a variable contribution toward retirement under the same formula applicable to the City's Group 1 Managers ("Executives").

E. Automobile Allowance.

Employee shall receive an automobile allowance of \$621 per month which

shall be indexed on a percentage basis with changes in the Internal Revenue Service mileage reimbursement rate for business travel, as provided under Resolution 90-012, and increased or decreased, as appropriate, without amendment of this Agreement.

F. Leave.

Employee shall receive the same leave benefits provided to the City's Group 1 Managers ("Executives"), including, but not limited to, holiday leave and catastrophic leave, as set forth in the Management Performance and Compensation Plan.

G. Relocation Expenses.

In view of Charter Section 601, Employer shall reimburse Employee for documented moving expenses incurred as a result of Employee relocating her residence to a location within the boundaries of the City, provided that such reimbursement shall be capped at \$5,000.00 and shall be paid only if such documented moving expenses are incurred within one year of the effective date of this Agreement. The period for Employee to relocate under Charter Section 601 is extended for a period of one year, subject to further extensions by the City Council.

SECTION 4. PERFORMANCE EVALUATION.

Employer shall evaluate the performance of Employee, as City Administrator, on an annual basis. Employee shall be responsible for providing written notice to the City Council of the need to complete the performance evaluation.

Employee understands and agrees that the failure to evaluate Employee annually, shall not affect the rights of the parties in this Agreement, including termination of Employee's employment.

SECTION 5. TERMINATION.

A. Termination by Employee.

Employee may voluntarily resign as City Administrator by delivering a letter of resignation to the City Council not less than 30 days prior to the effective date of termination. Employee is not entitled to any severance pay detailed in Section 5(B)(3) if she resigns or retires.

B. Termination by Employer.

1. Employer may unilaterally terminate Employee's employment, with or without cause, in accordance with Sections 600 and 606 of the City Charter. No cause for termination need exist because Employee recognizes that she serves at the pleasure of the City Council as an at-will employee. Except as otherwise provided by this Agreement or by law, Employee agrees that she is exempt from any pre- or post-termination due process rights (such as *Skelly* rights or a name clearing hearing).

2. Employer shall provide Employee at least 45 days' notice prior to the effective date of termination except if termination is for cause as detailed in Section six (6) below. Employer shall provide Employee with the reasons for termination upon her request.

3. Employee shall receive six (6) months' severance pay consisting of Employee's base salary, the cash value of twelve (12) months of cafeteria plan and automobile allowances at the effective date of termination and a cash payment of accrued leaves. The PERS Retirement contribution shall not be included in the severance pay. Nothing in this Section shall extend the amount of time served for purposes of receiving any benefit provided in this Agreement.

SECTION 6. TERMINATION FOR CAUSE.

If Employee is terminated "for cause", City shall have no obligation to notice to Employee prior to any "for cause" termination or to provide severance benefits. All payments of salaries and benefits in this Agreement shall cease, however, Employee will be paid salary and benefits through the date of termination in accordance to City policy and the law. The term "for cause", as used in this Agreement, shall mean any of the following: a) conviction of a felony; b) conviction of an act involving moral turpitude or illegal gain; c) a plea of nolo contendere involving a conviction of a felony or an act involving moral turpitude or illegal gain; d) any act constituting a knowing and intentional violation of the City's Conflict of Interest Code.

SECTION 7. MISCELLANEOUS.

A. Use and administration of benefits shall conform to the requirements of the Management Performance and Compensation Plan and any other City policy or regulation, unless otherwise specified in this Agreement.

B. This Agreement may be modified only upon the written consent of the parties.

C. This Agreement is a personal services agreement, and as such, may not be assigned by either party.

D. This Agreement constitutes the entire agreement between the parties and shall be interpreted in accordance with the laws of the State of California.

The parties hereto have executed this Agreement in duplicate the day and year noted above.

Attest:

Sarah Gorman
City Clerk Services Manager

Rebecca Bjork, an individual

Approved as to form:

CITY OF SANTA BARBARA

John Doimas, Assistant City Attorney

Randy Rowse, Mayor



CITY OF SANTA BARBARA

Agenda Item No. 10

COUNCIL AGENDA REPORT

AGENDA DATE: February 15, 2022

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Presentation From The Community Formation Commission

RECOMMENDATION:

That Council receive a presentation from the Chair and Vice-Chair of the Community Formation Commission on work efforts and proposed timeline.

BUDGET IMPACT:

The CFC has recommended the creation of an Office of Police Oversight (OPO), which would include the creation of two new staff positions: Director of Police Oversight (Executive Management) and Community Ombudsman (Manager).

Also, some estimated costs to be aware of include:

- Up to a maximum of \$400 stipend per month per commissioner (11 commissioners and 2 alternates are recommended).
- Reimbursement of \$50 per meeting for child/elder care.
- Attendance of Oversight Board Members to attend National Association of Civilian Oversight of Law Enforcement (NACOLE) events and other training.

Costs for program staffing and related expenses are dependent on the final recommendation by the Community Formation Commission and what the City Council directs. As proposed, they range from \$250,000 - \$600,000 per year and would be funded by the General Fund. General Fund reserves are projected to be below policy target levels of 15% disaster reserves and 10% contingency reserves totaling 25% reserves by the end of FY2022. A future appropriation request will likely result in further reducing available reserves.

PREPARED BY: Sam Ramirez, Administrative Analyst III

SUBMITTED BY: Sam Ramirez, Administrative Analyst III

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 15, 2022

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: City Council Direction On A Multi-Unit Housing Program And Regulations

RECOMMENDATION: That Council:

- A. Consider options for regulating multi-unit housing density and building size;
- B. Provide direction on a preferred multi-unit housing program to study in the City's General Plan Programmatic Environmental Impact Report; and
- C. Consider and provide direction on interim methods to incentivize smaller housing units.

EXECUTIVE SUMMARY:

Staff is seeking City Council direction on a preferred multi-unit housing program to study in an update to the City's General Plan Programmatic Environmental Impact Report (PEIR). Environmental effects of City Council's direction will be reviewed with alternatives in the General Plan Subsequent PEIR.

City Council will receive a presentation on the merits of staff's recommendation to regulate multi-unit development by Floor-to-Lot Area Ratio (FAR). Staff is recommending a move to FAR as a way to increase the production of housing units, as envisioned in the General Plan (Attachment 1), and in response to previous City Council and Planning Commission direction. Regulating by FAR will be unique to different parts of the community and create a more predictable outcome for both developers and the community.

City Council will also receive a report on the option to continue to regulate multi-unit development with the Average Unit-Size Density Incentive Program (AUD) through increased allowed densities in different areas of the City.

City Council will consider an interim option to allow higher densities for smaller units while longer-term housing programs are being studied for potential environmental effects.

BACKGROUND:

General Plan

The General Plan highlights the need to balance the goals of providing housing opportunities while also “living within our resources” and protecting the community’s character. One of the housing goals of the General Plan is to “encourage smaller rental and workforce units close to transit, and easy walking and/or biking distance to commercial services and recreational opportunities.” Both the Land Use and Housing Elements reflect these goals by providing specific direction to allow increased densities and development incentives in selected areas of the City through smaller units and buildings to produce additional housing in an effective, sustainable, and appropriate manner.

The General Plan encourages the production of housing, specifically affordable housing, rental units, employer sponsored housing, and limited equity housing cooperatives. Such housing is considered a community benefit supported by numerous policies and programs in both the Land Use and Housing Elements.

The Land Use Element calls for new buildings to be reviewed for compatibility with the surrounding built environment. This is administered through each project’s review by either the Architectural Board of Review (ABR) or Historic Landmarks Commission (HLC). In addition, this section of the Land Use Element called for the development of maximum FARs¹ with “the largest structures in the center of the city (adjacent to transit and commercial services), and reduce maximum building size/FARs moving outward from the center.”

General Plan Programmatic Environmental Impact Report

The City is currently updating the 2010 General Plan Programmatic Environmental Impact Report. The analysis will consider impacts from a range of housing buildout alternatives, including a “no project” or status quo alternative. All scenarios will include the additional housing development allowed by Senate Bill 9 and amended accessory dwelling unit laws, which were not included in the original analysis. City Council’s direction on a preferred multi-unit housing buildout scenario would be the primary project of the document. Other alternatives would be analyzed to a lesser degree. This effort will begin immediately after receiving City Council direction and is anticipated to be completed by late 2022.

AUD Program

The City adopted the AUD Program in August 2013 to implement key General Plan policies (Attachment 1) that encourage the construction of new rental units. To date, the AUD Program has produced 539 market-rate units and 206 affordable units (low-income);

¹ Land Use Element Policy 12.2.b.i Attachment 1

another 499 market-rate and 101 affordable units (63 low-income and 38 moderate-income) are pending review and approval.

The initial duration of the AUD program was limited to eight years (or 250 new units, whichever occurred first) to ensure timely evaluation and adjustments to the program. The program has been amended several times during that period to increase public notice of pending projects, add a Planning Commission conceptual review hearing for larger projects, modify parking standards, protect existing affordable housing, and increase allowable density and provide other development incentives in the Central Business District (CBD). City Council has extended the duration of the AUD Program twice, with the most recent action extending the program to February 15, 2024, to allow for continued public review of new multi-unit housing standards and related environmental analysis, as well as removing some uncertainty for developers as to when the program may expire.

In 2019, City Council directed staff to make the following changes to the AUD Program density map:

- Remove the Priority Housing Overlay from Milpas Street and on Haley Street, west to North Quarantina Street.
- Remove the Priority Housing Overlay from the potential Castillo and De La Vina Historic Districts.²
- Add the Priority Housing Overlay to parcels directly adjacent to State Street, from Arrellaga Street to Mission Street.
- Consider designating State Street and De La Vina Street, west of Constance Street, High Density rather than Medium-High Density.

In 2019, City Council also adopted Inclusionary Housing provisions for AUD Program rental units that require projects over ten units to reserve ten percent of the units for moderate-income households. Additionally, City Council directed staff to carry forward the development incentives from the AUD Program for multi-unit housing projects into existing ordinances for all multi-unit housing.

Floor-to-Lot Area Ratio (FAR)

In 2019, City Council directed staff to prepare new mixed-use and multi-unit housing standards that would regulate projects by building size using FARs rather than density (i.e., number of units). Regulating by building size would accommodate more and smaller units and provide clear building size limits based on location.³ City Council stated that the FARs should promote more housing than the existing densities under the AUD Program.

In 2021, from that City Council direction, staff developed a Draft FAR Map (Attachment 2) that proposed building size limits in areas that allow for multi-unit housing. The highest possible FARs are in the downtown core because the CBD is the preferred location for multi-unit residential development due to its proximity to jobs, commercial services, and recreational opportunities and the availability of transit and sustainable transportation options. Relative to the rest of the downtown core, the proposed FAR is lower in and

² This was completed in 2020

³ Land Use Element Policy LG12.2 – Attachment 1

adjacent to the Brinkerhoff Avenue Historic District and the two potential historic districts on lower De la Vina and Castillo Streets. A lower FAR protects these historic areas from more intense, potentially incompatible development. The Draft FAR Map was informed by public comment, the existing AUD Program Map (Attachment 3), calculated FARs of existing buildings throughout the City, FARs from approved AUD projects, and building designs from the American Institute of Architects 2020 Charrette.

The Draft FAR Map was reviewed with a working group consisting of two members from the Planning Commission, HLC, and ABR. The map was released for public review and input via an online workshop from February to March 2021. The Online Workshop was advertised in English and Spanish via multiple news outlets, social media, City board and commission meetings, neighborhood groups, nonprofit organizations, several City e-bulletins, and business and professional associations. Over the 13-day period that the workshop was open, 168 people registered for the workshop, and the website received more than 1,300 visits.

On June 29, 2021, City Council authorized a contract with BAE for an Economic Feasibility Analysis (Study) to evaluate project viability with proposed building size standards and related Inclusionary Housing requirements. City Council asked that the Draft FAR Map (Attachment 2) that was publicly reviewed be used as the baseline for the economic feasibility analysis. The analysis was presented to the Planning Commission in October 2021 and is available on the City's website.⁴ With the potential increase in buildout made possible by an amended housing program, further environmental analysis is necessary before such a program could be implemented. For this reason, staff is seeking Council direction on a preferred program.

Recent Changes to State Housing Policy

Recent state legislative actions intended to expand housing production in California require local governments to streamline the review process for multi-unit housing and increase density. The effect of these new housing laws will be to allow significantly more housing development "by right" without any discretionary review. The State's overarching policy is that a local government may not deny, reduce the density of, or make infeasible housing that is consistent with objective local development standards.

According to the 2017 Housing Accountability Act, objective standards mean those "... that involve no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official."

The proposed changes to the zoning ordinance provide objective development standards that give developers certainty regarding what standards, conditions, and policies will apply to their project and how those standards can be met.

Regional Housing Needs Allocation

The City is required to incorporate its Regional Housing Needs Allocation (RHNA) into its Housing Element to verify that its fair share of the regional housing needs could potentially

⁴ <https://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=240445>

be realized over the eight-year planning period.⁵ The Housing Element is one of the City's required Elements of the General Plan and must be updated at least every eight years with mandatory review and certification by the State Department of Housing and Community Development (HCD). The Housing Element provides policies, programs, and actions that support housing growth and retention across all income levels. The City's RHNA for the planning period of 2022 to 2030 is 8,001 units. The City will be engaging a consultant to assist with the Housing Element Update, which must be completed by February 2023.

DISCUSSION:

The purpose of this hearing is to receive direction from City Council on a preferred buildout scenario for multi-unit housing in order to study its potential outcomes and environmental impacts as part of updating the City's General Plan PEIR. The PEIR will also evaluate alternatives to the preferred method.

Regulating by Building Size

General Plan policies and recent direction from the Planning Commission and City Council support shifting toward regulating building sizes rather than density to get the appropriately sized buildings in the right places and encourage more housing units into an allowed building envelope. Recent changes in state legislation and efforts to streamline the City's land development process also call for building more objectivity and certainty into the production of multi-unit housing. The City does not currently have size limits for apartment and condominium buildings, other than required setback distance from property lines (in some areas) and maximum height limits.

Staff recommends providing clear, objective standards for new apartment and condominium projects. Based on prior direction and public input, staff developed size limits for buildings that are relative to the size of the property and unique to each area of the community, using FAR maximums (Attachment 2 – Draft FAR Map).

Regulating by FAR will add certainty to the project review process for the public and developers and shift the ABR and HLC's purview to focus primarily on architectural elements and details. Limiting building size also removes density (the number of housing units allowed to be built on a lot, usually described as "dwelling units per acre") as the factor that determines how many units are proposed in a project, which would encourage the construction of needed housing and is expected to result in more units being proposed within each new building.

The HLC and ABR are currently the decision-making bodies for most multi-unit housing projects and must evaluate projects for compatibility with the surrounding development and compliance with adopted design guidelines. This is often challenging when larger projects, otherwise allowed by zoning, are proposed near existing, smaller buildings and may be the first of their kind on the block.

⁵ Housing Element Law (California Government Code Sections 65580–65589.11)

Two potential alternatives to regulating multi-family development by building size rather than by density are discussed below.

Alternative 1 – Maintaining AUD Map Boundaries with Increased Density

The first alternative to regulating by FAR would be to increase allowed densities within the existing AUD Program. Staff would use the building prototypes studied in the Economic Feasibility Analysis to establish new maximum allowed densities and assume all other existing development standards in the AUD Program (height, setback, parking, and open yard).

The existing AUD Program Map (Attachment 3) focuses the highest densities in the downtown area, La Cumbre Plaza, and along Milpas Street, as directed by the General Plan. Using the existing AUD Program map and adjusting maximum densities within each of the three tiers (Medium High, High, and Priority Overlay) would allow for more units on a site, but would continue to rely more heavily on subjective design guidelines to set the maximum building envelope.

Medium-High Density Designations

Two development prototypes were modeled in the multi-unit zoning districts (R-M and R-MH), which are common on the Eastside and Westside neighborhoods. These prototypes adhere to all current development standards regarding height, setback, parking, and open yard and resulted in maximum densities ranging from 45 to 73 units per acre, depending on how parking and open space are provided on the site. In this alternative, staff could study increasing the Medium-High density areas on the AUD Program map from a maximum of 27 units per acre to 45 units per acre.

High Density Designations

Two development prototypes were modeled on lot sizes typically found in the CBD. Both prototypes assumed existing AUD Program development standards (without additional height for Community Benefit) and resulted in maximum densities ranging from 95 to 110 dwelling units per acre, depending on the lot size. In this alternative, staff could study increasing the High Density areas on the AUD Program map from a maximum of 36 units per acre to 95 units per acre.

Priority Housing Overlay

Current regulations allow for additional height above 45 feet (or 48 feet in the CBD) for Community Benefit Housing, which consists of Priority Housing (employer-sponsored housing, limited-equity housing cooperatives, and rental housing); housing affordable to very low, low, moderate, or middle-income households; transitional housing; and supportive housing. These projects are eligible for additional height, up to 60 feet in commercial zones if the Planning Commission can make certain findings in Santa Barbara Municipal Code Section 30.140.100 - Exceptions to Height Limitations.

Two additional development prototypes were modeled on lot sizes typically found in the CBD and assumed a maximum height of 60 feet as a Community Benefit Housing project. Both prototypes also assumed existing AUD Program development standards and resulted in maximum densities ranging from 147 to 156 dwelling units per acre. In this

alternative, staff could study increasing the Priority Housing Overlay areas on the AUD Program map from a maximum of 63 units per acre to 147 units per acre.

The table below provides a summary of the existing maximum AUD Program densities and the densities discussed above. Increasing the maximum densities within the same mapped areas of the AUD Program is one alternative to regulating multi-unit housing by FAR.

Existing AUD Program Densities	Proposed Densities Based on Development Prototypes
Medium-High Density 15 to 27 units/acre	Medium-High Density 45 to 73 units/acre
High Density designation 28 to 36 units/acre	High Density designation 95 to 110 units/acre
Priority Housing Overlay 37 to 63 units/acre	Priority Housing Overlay 111 to 156 units/acre

Alternative 2 – Amending the AUD Program Map

The second alternative to regulating multi-unit housing by FAR is to implement the 2019 Council direction regarding changes to the AUD Program map densities in certain areas, summarized on page 3 of this report. Making minor density changes to the existing AUD Program map would not dramatically increase housing production in the City, because while some areas would increase in maximum allowed density (State Street and De la Vina Streets in the Downtown and Oak Park neighborhoods), other areas would be decreased (Milpas Street, and Haley Street near Quarantina Street).

Interim Method to Allow Higher Density Projects with Smaller Units

The PEIR is anticipated to be completed in late 2022/early 2023. In the meantime, staff, developers, and the Planning Commission are interested in mechanisms to allow higher densities for very small housing units.

Currently, an applicant can apply for a Lot Area Modification to exceed the allowed density on a parcel. Pursuant to the City's Affordable Housing Policies and Procedures⁶ (AHPP), any unit above the allowed maximum density must be reserved for low-income households. The AHPP would need to be amended by City Council to allow flexibility to provide either low-income or moderate-income units to make higher density projects more feasible. Requests for Lot Area Modifications are considered on a case-by-case basis and require approval by either the Staff Hearing Officer or Planning Commission. If Council is supportive of this approach, staff will make the necessary revisions and present an amended AHPP to the Planning Commission and City Council in spring 2022.

ENVIRONMENTAL REVIEW:

No environmental determination is required at this time, and a Subsequent PEIR will be prepared in compliance with the California Environmental Quality Act (CEQA). The forthcoming PEIR will analyze and disclose potential environmental impacts, mitigation measures, and alternatives associated with the preferred multi-unit housing buildout scenario. City staff will solicit comment from the public and interested parties during the initial scoping period for the Subsequent PEIR, and following preparation of the Draft Subsequent PEIR. Decision-makers must review the information contained within the Final Subsequent PEIR before taking action on the project.

ATTACHMENTS:

1. Applicable General Plan Policies
2. Draft FAR Map
3. AUD Program Map

PREPARED BY: Daniel Gullett, Principal Planner
Jessica Metzger, AICP, Project Planner

SUBMITTED BY: Elias Isaacson, AICP, Community Development Director

APPROVED BY: City Administrator's Office

⁶ <https://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=241843>

GENERAL PLAN GOALS, POLICIES, AND IMPLEMENTATION ACTIONS CONSISTENCY

Below are General Plan¹ Policies, Implementation strategies and text supporting housing in the City:

Housing Element

H2. Housing Opportunities. Promote equal housing opportunities for all segments of the community, with special emphasis given to extremely low, very low, low, moderate, middle income and special needs households.

H4. Housing at Shopping Centers. Promote and encourage the development of mixed-use for ownership and rental housing at shopping centers such as La Cumbre Plaza, with an emphasis on affordability, by coordinating and/or partnering with property owners and housing developers.

H6. Housing Opportunities for Seniors. Seek to ensure the availability of a range of housing opportunities with an emphasis on extremely, very low, low and moderate income seniors.

H10. New Housing. Given limited land resources, the City shall encourage the development of housing on vacant infill sites and the redevelopment of opportunity sites in both residential zones and as part of mixed-use development in commercial zones.

H11. Promote Affordable Units. The production of affordable housing units shall be the highest priority and the City will encourage all opportunities to construct new housing units that are affordable to extremely low, very low, low, moderate, middle income and special needs households.

H11.2 Priority Housing Overlay. Encourage the construction of rental housing, employer sponsored housing and co-operative housing in the Downtown, La Cumbre Plaza/Five Points area, C-M Commercial Manufacturing Zone and Milpas Street Area by providing incentives such as:

- Increased density overlays up to 63 du/ac as part of the Average Unit-Size Density Incentive Program.
- Higher Floor Area Ratios (FAR) when such standards are developed.
- More flexibility with zoning standards (e.g., reduced parking standards).
- Expedited Design Review process.
- Fee waivers or deferrals.

H12. Above Moderate Affordable Housing. Provide incentives for the private sector development of new housing opportunities affordable to households earning more than 120% of the Area Median Income, but not more than 200% of the Area Median Income.

H13. Non-Subsidized Rental Housing. Preserve and promote non-subsidized affordable rental housing.

H14. Sustainable Housing. Ensure that new market-rate residential development is consistent with the City's sustainability goal, including reduced energy and resource use, and increased affordable housing units.

H17. Flexible Standards. With the New Zoning Ordinance (NZO) Update consider changes to development standards to be more flexible for rental, employer-sponsored workforce housing, affordable housing projects, and limited equity co-operatives, where appropriate.

H17.2 Zoning Standards. Consider amending the Zoning Ordinance to change how, where and the extent of outdoor living space, yard and setback requirements for housing in commercial zones.

¹ <https://www.santabarbaraca.gov/services/planning/plan.asp>

GENERAL PLAN GOALS, POLICIES, AND IMPLEMENTATION ACTIONS CONSISTENCY

Housing Element Narrative (page 5)

“The 2015 Housing Element carries on the City’s commitment to providing affordable housing, retaining and increasing rental housing, and encouraging the production of non-subsidized affordable housing.”

Land Use Element

LG1. Resource Allocation Priority. Prioritize the use of available resource capacities for additional affordable housing for extremely low, very low, low, moderate, and middle income households over all other new development.

LG4. Principles for Development. Establish the following Principles for Development to focus growth, encourage a mix of land uses, strengthen mobility options and promote healthy active living.

Focus Growth. Encourage workforce and affordable housing within a quarter mile of frequent transit service and commercial services through smaller units and increased density, transit resources, parking demand standards, targeted infrastructure improvements, and increased public areas and open space. Incorporate ideas as a result of an employee survey.

Mix of Land Uses. Encourage a mix of land uses, particularly in the Downtown to maintain its strength as a viable commercial center, to include retail, office, restaurant, residential, institutional, financial and cultural arts, encourage easy access to basic needs such as groceries, drug stores, community services, recreation, and public space.

Mobility and Active Living. Link mixed-use development with main transit lines; promote active living by encouraging compact, vibrant, walkable places; encourage the use of bicycles; and reduce the need for residential parking.

LG5. Community Benefit Housing. While acknowledging the need to balance the provision of affordable housing with market-rate housing, new residential development in multi-family and commercial zones, including mixed-use projects, should include affordable housing and open space benefits.

LG5.1 Affordable Housing. Develop standards and project level findings to encourage the development of Community Benefit Housing defined as:

- Rental housing;
- Housing affordable to low, moderate, or middle income households;
- Employer sponsored workforce housing;
- Limited Equity Co-operative Housing;
- Affordable Housing Downtown for Downtown Workers; and/or
- Transitional housing, single residential occupancy, and other housing for special needs populations including seniors, physically or mentally disabled, homeless, and children aging out of foster care.

LG6. Location of Residential Growth. Encourage new residential units in multi-family and commercial areas of the City with the highest densities to be located in the Downtown, La Cumbre Plaza/Five Points area and along Milpas Street.

GENERAL PLAN GOALS, POLICIES, AND IMPLEMENTATION ACTIONS CONSISTENCY

LG6.1 Average Unit-Size Density Incentive Program. Amend the Zoning Ordinance to incorporate an Average Unit-Size Density Incentive Program in multi-family and commercial zones based on smaller unit sizes and higher densities adjacent to transit and commercial uses and to implement Housing Element policies for higher densities for affordable and/or Community Benefit projects.

LG6.3 Priority Housing Overlay. Encourage the construction of rental and employer housing and limited equity co-operatives in select multi-family and commercial zones where residential use is allowed by providing increased density (over Average Unit-Size Density Incentive Program).

LG6. Location of Residential Growth. Encourage new residential units in multi-family and commercial areas of the City with the highest densities to be located in the Downtown, La Cumbre Plaza/Five Points area and along Milpas Street.

LG6.7 Housing for Downtown Workers. Encourage affordable housing projects by expediting and facilitating downtown housing construction that includes provisions prioritizing downtown workers to the extent legally possible.

LG6.7 Encourage affordable housing projects by expediting and facilitating downtown housing construction that includes provisions prioritizing downtown workers to the extent legally possible.

LG12. Strengthen and enhance design and development review standards and process to enhance community character, promote affordable housing, and further community sustainability principles.

LG12.1 Design Overlays. Create Design Overlay areas for selected non-residential and residential areas of the city through Floor Area Ratios (FARs), building setbacks, landscaping and open space requirements, and design guidelines. Commercial areas, historic districts, streets, or a single block with unique qualities can be evaluated for improved guidance to ensure compatibility in scale, bulk and size. Specific areas to receive priority evaluation for a Design Overlay area include:

1. Downtown
2. Coast Village Road
3. Upper State Street
4. Milpas Street
5. Haley/Gutierrez Streets
6. The "Funk Zone" (i.e., Yanonali and Helena Streets)

LG12.2 Building Size, Bulk and Scale. Ensure that proposed buildings are compatible in scale with the surrounding built environment.

a. Standards and Findings. Strengthen and expand building size, bulk and scale standards and findings for development projects of 10,000 square feet or more in the commercial zones to ensure compatibility with surrounding uses, particularly historic resources and residential neighborhoods.

b. Floor Area Ratios (FARs). Develop a set of maximum FARs for the nonresidential and High Density areas of the City, with particular attention to protecting historic resources and areas that are adjacent to single family zoned areas, maintaining Santa Barbara's small town character, and encouraging small, affordable residential units.

GENERAL PLAN GOALS, POLICIES, AND IMPLEMENTATION ACTIONS CONSISTENCY

- i) Maximums. Develop a set of maximum FARs that permit the largest structures in the center of the city (adjacent to transit and commercial services), and reduce maximum building size/FARs moving outward from the center. (This approval would be similar to the “Parking Zone of Benefit” model);
- ii) Buffers. On parcels adjoining historic structures, establish “buffers” using more restrictive FAR limits;
- iii) Incentives. Consider higher FARs for multi-family rental projects and small, affordable residential units; and
- iv) Guidelines. Consider FAR Guidelines for development models such as where parking is proposed at the ground or in basement floors.
- v) Development Community. Create a working group that includes local professionals from the development community when developing FARs.

Land Use Element Historic Resources Narrative (page 4)

"While the Historic Landmarks Commission has broad discretionary authority to make findings that a particular project is compatible or incompatible with the surrounding historic resources, the community is requesting more certainty. Hence, implementation of the General Plan policies will include Design Overlay Areas with new tools to be developed including Floor Area Ratios (FARs) to ensure sympathetic development in historic areas."

"The use of Design Overlay areas and FARs will be particularly important adjacent to historic resources. The objective is to more effectively control the size of structures, while also permitting the necessary flexibility to construct the requisite density for affordable units within the building “envelope”."

Land Use Element Design Guidelines Narrative (page 27)

"Design Guidelines in the future may include Design Overlay areas and Floor Area Ratios (FARs) that will more effectively control the size of structures."

Circulation

C8.1 The City shall continue to manage the Downtown public parking supply to support the economic vitality of the Downtown business district while sustaining or enhancing its historical and livable qualities.

C8.5 The City shall promote/facilitate the development of housing to decrease the need for parking through an increased walking/biking population that lives, works, and shops in the Downtown (See Chapter 13).

C8.5.1 Educate property and business owners, developers, and the community about the benefits of increased housing Downtown.

C8.5.2 Allow residential parking in public parking lots for mixed use development after ensuring that there is adequate capacity to serve existing uses.

C8.5.3 Develop public/private partnership criteria for the use of air space over Downtown public parking lots as an incentive for housing development

GENERAL PLAN GOALS, POLICIES, AND IMPLEMENTATION ACTIONS CONSISTENCY

C12.1 Improve livability and economic vitality by creating a program that describes a process for residents, tenants, property owners, business owners, and other interested parties in an area or corridor, to address mobility issues and mitigate impacts of vehicular traffic.

C12.2 Improve livability and economic vitality by working with residents, tenants, property owners, business owners, and other interested parties of an impacted area or corridor to mitigate the impacts of vehicular traffic. The City shall consult with residents, property owners, and commercial tenants located in close proximity to any corridor or street before implementing improvements that could result in changes to the existing characteristics of that corridor or street, its traffic patterns or infrastructure. Improvements shall be consistent with Neighborhood Area Mobility Plans.

C13.1.1 Encourage the development of projects that combine and locate residential uses near areas of employment and services.

C13.2 Without increasing the City wide development potential as provided for in the existing Zoning Ordinance and General Plan, the City shall allow more compact, pedestrian oriented development along major transit corridors.

C13.3.3 Continue to assist in the development of mixed use projects through such methods as, but not limited to: land use policies, modified development standards.

C13.5 Determine the need for residential neighborhood services and commercial uses that support the City's mobility goals. Provide opportunities to address those needs, while preserving and protecting the neighborhood character.

Environmental Resources Element

- 1.0 Reduce single occupant automobile trips and increase the utilization of public transit.
- 2.0 Improve the attractiveness and safety of bicycle use as an alternate mode of travel for short- and medium-distance trips.
- 3.0 Promote the use of car pooling through special provisions for the priority use of parking facilities and other employee disincentives to auto traffic in commercial areas as an alternative to construction of additional parking facilities.

City of Santa Barbara Draft Floor Area Ratio Map

