



BOARD OF SUPERVISORS
AGENDA LETTER

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Submitted on:
(COB Stamp)

Department Name: Planning and Development (P&D)
Department No.: 053
Agenda Date: February 4, 2025
Placement: Departmental Agenda
Estimated Time: 1 hour
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director(s): Lisa Plowman, (805) 568-2068
Contact Info: Alex Tuttle, (805) 568-2072
SUBJECT: **Senate Bill 9, Commercial Telecommunication Facilities, and Other Minor Ordinance Amendments Package**

County Counsel Concurrence

As to form: Yes

Other Concurrence: County Surveyor

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

Consider the County Planning Commission (CPC)- and Montecito Planning Commission (MPC)- recommended package of ordinance amendments to the County Land Use and Development Code (LUDC), Montecito Land Use and Development Code (MLUDC), Article II, Coastal Zoning Ordinance (CZO), to (1) add provisions and development standards in accordance with Senate Bill (SB) 9 regulations (Government Code (GC) Sections 65852.21 and 66411.7); (2) revise existing development standards and permit procedures for Commercial Telecommunication Facilities; and (3) process other minor ordinance amendments to update existing text provisions, including updating allowed uses in the Limited Commercial Zone (C-1) zone district in Article II and General Industry (M-2) zone district in the LUDC, and implementing clarifications and necessary revisions to the existing Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Ordinance to align with changes to State law; and to consider amendments to Chapter 21, Land Division, to add provisions and development standards in accordance with Senate Bill (SB) 9 regulations (GC Sections 65852.21 and 66411.7).

The Board’s actions should include the following:

- a) Make the required findings for approval of the zoning code amendments, including California Environmental Quality Act (CEQA) findings, included as Attachment A to this Board Letter;
- b) Determine that adoption of the LUDC (Case Nos. 24ORD-00016 and -00019), MLUDC (Case Nos. 24ORD-00017 and -00020), and CZO (Case Nos. 24ORD-00015, -00018, and -00025) are

exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3), 15265, 15268, and 15282(h), and Government Code (GC) Sections 65852.21(j) and 66411.7(n) included as Attachment B to this Board Letter;

- c) Adopt the ordinances to amend the LUDC (Attachments C and D, Case Nos. 24ORD-00016 and -00019), MLUDC (Attachments E and F, Case Nos. 24ORD-00017 and -00020), and CZO (Attachments G, H, and I, Case Nos. 24ORD-00015, -00018, and -00025);
- d) Approve the introduction (first reading) of “An Ordinance Amending Chapter 21, Land Division, of the Santa Barbara County Code, to Establish Procedures and Regulations for Urban Lot Splits, as Authorized by Government Code Section 66411.7” (Case No. 24ORD-00024);
- e) Read the title “An Ordinance Amending Chapter 21, Land Division, of the Santa Barbara County Code, to Establish Procedures and Regulations for Urban Lot Splits, as Authorized by Government Code Section 66411.7” and waive further reading of the ordinance, Case No. 24ORD-00024, as shown in Attachment J; and
- f) Set a hearing on the Administrative Agenda of February 11, 2025 to:
 - a. Make the findings for approval, including CEQA findings, of “An Ordinance Amending Chapter 21, Land Division, of the Santa Barbara County Code, to Establish Procedures and Regulations for Urban Lot Splits, as Authorized by Government Code Section 66411.7”, as shown in Attachment J-1;
 - b. Determine that the adoption of this ordinance is statutorily exempt from CEQA in compliance with Section 15268 of the Guidelines for Implementation of CEQA and Government Code (GC) Sections 65852.21(j) and 66411.7(n), included as Attachment J-2 to this Board Letter; and
 - c. Adopt (second reading) “An Ordinance Amending Chapter 21, Land Division, of the Santa Barbara County Code, to Establish Procedures and Regulations for Urban Lot Splits, as Authorized by Government Code Section 66411.7” (Case No. 24ORD-00024), included as Attachment J-3.
- g) Adopt a resolution (Attachment K) authorizing P&D to submit the amendments (Attachment G, Case No. 24ORD-00015, Attachment H, Case No. 24ORD-00018, and Attachment I, Case No. 24ORD-00025) implementing Senate Bill 9, revisions to existing Commercial Telecommunication Facilities ordinance, updates to the existing ADU/JADU ordinance, and updating allowed uses in the C-1 zone district to the Santa Barbara County Local Coastal Program (LCP) to the California Coastal Commission (CCC) for review and certification; and
- h) Direct the P&D Department to transmit the adopted resolution to the Executive Director of the CCC.

Summary Text:

This Board item recommends ordinance amendments to the County LUDC, MLUDC, CZO, and Chapter 21, Land Division, to add provisions and development standards related to and in accordance with Senate Bill (SB) 9, (GC Sections 65852.21 and 66411.7) to ministerially permit up to two principal dwelling units or urban lot splits; amendments to the Commercial Telecommunication Facilities ordinance to align with updated federal requirements, develop objective design standards, and revise permitting requirements for small wireless facilities; and finally other minor amendments regarding changes to the permitted uses in the inland M-2 and coastal C-1 zone districts, and updates to the

ADU and JADU ordinance adopted by the Board in 2023 to ensure that the regulations align with recent changes to State law that are now in effect as of January 1, 2025. To keep the County's zoning ordinances up to date, the Long Range Planning Division bundles ordinance amendment packages for efficiency. These three sets of recommended ordinance amendments are unrelated.

Background:

1.0 Senate Bill 9

Over the past several years, the State legislature has recognized the importance of increasing housing production and has continually adopted legislation, such as the HOME Act, to reduce barriers and streamline permit processing for residential units. SB 9, the HOME Act, was signed by Governor Newsom on September 16, 2021, and became effective on January 1, 2022. The HOME Act was recently amended by SB 450, effective on January 1, 2025, and the proposed ordinance is consistent with these recent changes. This Act, as amended, permits a proposed "urban lot split" to subdivide a residential lot into two lots, and/or housing development containing up to two principal dwelling units on a legal lot in a qualifying single-family residential zone. State law requires the legal parcel to be located within an urbanized area or urban cluster as designated by the U.S. Census. Qualifying single-family zones for SB 9 projects include: Rural Ranchette (RR), Single Family Residential (R-1/E-1), One-Family Exclusive Residential (EX-1), and Small Lot Planned Development (SLP). If the proposed urban lot split or housing development meets certain requirements, State law requires that the project be considered ministerially, without discretionary review or hearing, including design review. The applicable permits would be a Zoning Clearance or Tentative Parcel Map (for urban lot splits) in the inland area and a staff-level CDP in the coastal zone.

SB 9 authorizes local agencies to deny a project if the Building Official finds by preponderance of the evidence that the project would have a specific adverse impact on public health and safety that cannot be satisfactorily mitigated to avoid the impact. GC Sections 65852.21 and 66411.7 specify requirements for a proposed SB 9 project to be considered for ministerial approval, which include, among others:

- Located on a single-family residential zoned lot within an urbanized area or urban cluster (see Figure 1 below);
- Would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts affordable rent for very low, low, and moderate incomes;
- Would not require demolition or alteration of housing that has been occupied by a tenant in the last three years; and
- Parcels must avoid certain location requirements to be eligible (High Fire Hazard Areas, floodway or Flood Hazard Overlay, prime farmland, historic district, etc.) or incorporate offsetting improvements, including satisfying requirements specified in subparagraphs (B) to (K) of GC Section 65913.4(a)(6).

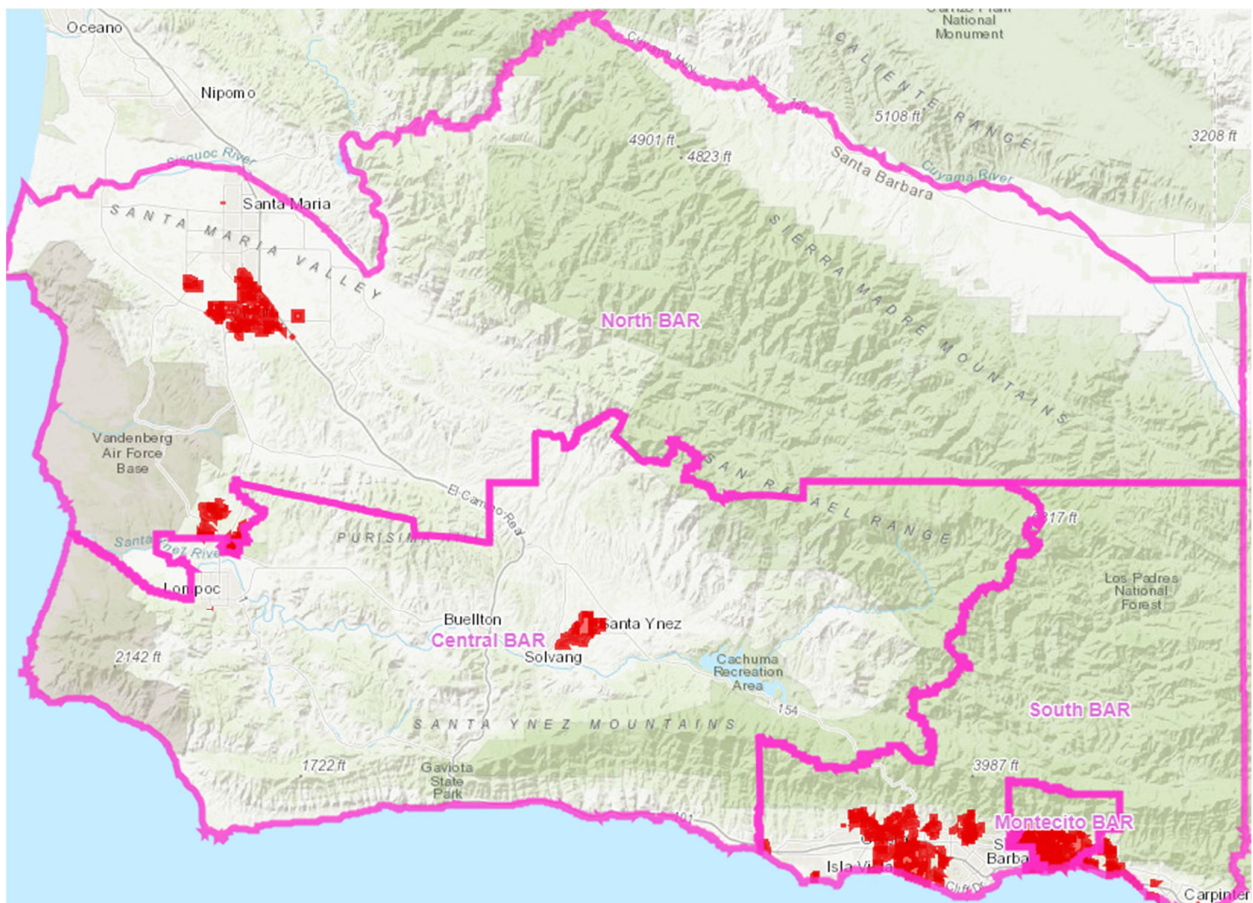
Key development standards specified in GC Sections 65852.21 and 66411.7 include:

- Minimum four-foot rear and side yard setbacks. Front yard setbacks shall be the same as required by the underlying zone;

- One parking space per existing and new unit unless the project is within a half mile of a High-Quality Transit Corridor or Major Transit Stop or one block of a car share vehicle drop off or pick up location;
- Residential units connected to an onsite wastewater treatment system would require a percolation test completed in within the last 5 years, or a recertified test within the last 10 years;
- Maximum number of lots allowed with an urban lot split is two;
- No resulting parcel may be smaller than 40 percent of the lot area of the original parcel proposed for subdivision. Furthermore, both new lots shall be at least 1,200 square feet; and
- Maximum of two dwellings (including ADUs/JADUs) are permitted on a lot created through an urban lot split, or a maximum of four dwellings (including ADUs/JADUs) on an existing lot.

Similar to ADU and JADU legislation, SB 9 contains directive language that allows a local agency to impose objective zoning, design, and subdivision standards unless those standards would have the effect of physically precluding the constructions of two principal dwelling units on either resulting parcel through an urban lot split or physically precluding either of the two units from being at least 800 square feet in floor area with four-foot side and rear setbacks.

Figure 1. Single-family residential zoned lots within an urbanized area or urban cluster as designated by the U.S. Census Bureau are shown below in red. These are the residential parcels that may be eligible for a SB 9 project.



Similar to recent state laws governing multi-family housing projects, since eligible SB 9 projects are only subject to objective standards and ministerial review, they would bypass the typical design review, decision-maker hearing processes, and no public hearing is required. In developing objective standards for SB 9 projects, staff reviewed the multi-family objective design standards recently adopted countywide and carried over those standards that would be applicable to single family development. Additionally, staff reviewed other jurisdictions’ regulations for examples. Finally, staff coordinated with each County Board of Architectural Review to receive feedback and input for the development of these standards.

1.1 Local Objective Standards

Table 1 below summarizes the proposed local objective standards for up to two principal dwelling units in accordance with SB 9 (GC Section 65852.21). The intent of these objective standards is to facilitate housing development under SB 9 while ensuring development is appropriately scaled and designed to ensure neighborhood compatibility in the absence of more subjective review. The Board has the discretion to adopt additional or different local standards to be imposed on SB 9 projects unless the standards would have the effect of physically precluding the constructions of up to two principal dwelling units on either resulting parcel through an urban lot split or physically precluding either of the two units from being at least 800 square feet in floor area with four-foot side and rear setbacks. The complete text of the proposed ordinance and development standards are included in Attachments C-1 (LUDC), E-1 (MLUDC), G-1 (CZO).

Table 1 – Proposed Development Standards

Development Standard	Proposed Standard													
Floor Area/Unit Size	Maximum floor area of unit based on lot size: <table border="1" data-bbox="574 1285 1279 1661"> <thead> <tr> <th data-bbox="574 1285 964 1346">Lot Area (Net)</th> <th data-bbox="964 1285 1279 1346">Maximum Unit Size</th> </tr> </thead> <tbody> <tr> <td data-bbox="574 1346 964 1407">up to 4,000 square feet</td> <td data-bbox="964 1346 1279 1407">800 gross square feet</td> </tr> <tr> <td data-bbox="574 1407 964 1467">4,001– 6,999 square feet</td> <td data-bbox="964 1407 1279 1467">1,200 gross square feet</td> </tr> <tr> <td data-bbox="574 1467 964 1528">7,000 – 9,999 square feet</td> <td data-bbox="964 1467 1279 1528">1,400 gross square feet</td> </tr> <tr> <td data-bbox="574 1528 964 1589">10,000 – 19,999 square feet</td> <td data-bbox="964 1528 1279 1589">1,600 gross square feet</td> </tr> <tr> <td data-bbox="574 1589 964 1661">20,000 square feet or more</td> <td data-bbox="964 1589 1279 1661">2,000 gross square feet</td> </tr> </tbody> </table>		Lot Area (Net)	Maximum Unit Size	up to 4,000 square feet	800 gross square feet	4,001– 6,999 square feet	1,200 gross square feet	7,000 – 9,999 square feet	1,400 gross square feet	10,000 – 19,999 square feet	1,600 gross square feet	20,000 square feet or more	2,000 gross square feet
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up to 4,000 square feet	800 gross square feet													
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10,000 – 19,999 square feet	1,600 gross square feet													
20,000 square feet or more	2,000 gross square feet													
Setbacks	Standard setbacks; side and rear setbacks may be reduced to four feet for single story units up to 16 feet in height.													
Height Limit	New <u>attached</u> : height of existing primary dwelling unit on parcel or 25 feet, whichever is greater. New <u>detached</u> : 25 feet and two stories.													

Development Standard	Proposed Standard
Building Design	<p>New construction, additions, and conversions involving exterior alterations would be subject to the proposed design standards:</p> <p>Appearance and style: If a primary dwelling unit exists on the parcel, new attached principal dwelling unit shall be designed and constructed to match the architectural style, colors, exterior building materials, and finishes (including siding, windows, doors, roofing, light fixtures, hardware and railings).</p> <p>Other design standards include:</p> <ul style="list-style-type: none"> • Building articulation • Wall materials and building colors • Roof articulation • Privacy standards
Site Standards	<p>Open space: At least 250 square feet of open space shall be provided for units with two bedrooms or less. Excess of two bedrooms increases by 50 square feet per bedroom.</p> <p>Landscaping: At least 20% of the lot area shall include a mixture of trees, groundcover, and shrubs.</p>
Parking	<p>One off-street parking space, which may be covered or uncovered, is required per unit unless the parcel is within one-half mile of a high-quality transit corridor or one block of a car share vehicle.</p>
Affordability	<p>Requires one of the units in a two-unit development to be affordable to lower or moderate-income residents.</p>

1.2 Urban Lot Split Standards

GC Section 66411.7 sets forth requirements specific to urban lot splits for ministerial review and approval pursuant to a parcel map meeting certain criteria. In addition to the standards discussed above, below is a summary of the additional criteria applicable to urban lot splits. The complete text of the proposed ordinance amendments to Chapter 21, Land Division is included in Attachment J (Chapter 21).

- Minimum 30 consecutive day rental term and limited to residential use only;
- Submission and approval requirements (affidavit, application materials, etc.);
- Correction of nonconforming zoning conditions and right-of-way dedication or off-site improvements shall not be required; and
- Objective standards (parcel map, new lot lines, allowed number of units, and access requirements).

A local agency may require, as a condition of approval:

- Easements for public services and facilities, and
- Access to the public right-of-way.

2.0 Telecommunication Facilities

Under the Federal Communication Commission’s (FCC) 2018 “Small Cell Order”, local jurisdictions may exercise local oversight of issues relating to aesthetics, undergrounding and minimum spacing requirements of small wireless facilities, provided those requirements are “reasonable in that they are technically feasible and no more burdensome than those applied to other types of infrastructure deployment.” Further, the standards cannot be so onerous that they have the effect of a prohibition of service. Pursuant to the Board’s direction, staff prepared amendments that contain design standards to be applied to Tier 1 improvement projects and Tier 2, small wireless facility projects. These objective standards would take the place of design review for these small wireless facility projects. As such, staff presented the proposed objective design standards for input during the same Board Architectural Review meetings that occurred in June 2024 through August 2024. Very few comments were received and the BARs were largely supportive of the proposal.

The proposed objective design standards prioritize collocation on existing facilities and mounting antennas on non-decorative streetlights, traffic lights, non-pole concealment structures, and other similar structures. Further, the proposed standards encourage compatibility with the surrounding uses by requiring the antennas and accessory equipment to be stealth and concealed to minimize visual intrusion. The complete text of the ordinance amendments is included in Attachments D-1 (LUDC), F-1 (MLUDC), and H-1 (CZO). Deleted text is shown in strikethrough and new text is shown underlined.

Additionally, the proposed amendments revise the permitting standards for Tier 1 (c), Hub Site projects and the Tier 2 small wireless facility projects from either a Land Use Permit or Development Plan in the inland area to a Zoning Clearance (ZC), and from a Development Plan in the coastal zone to a Coastal Development Permit (CDP). The purpose of this change in permit levels is to better align our permit process with the very limited discretion the County has with respect to these facilities, and the short period of time in which action on these projects must be taken pursuant to federal shot clock requirements.

3.0 Other Minor Ordinance Amendments

The proposed ordinances also include minor amendments to correct and clarify the LUDC, MLUDC and CZO.

- A. **Accessory Dwelling Units (ADU).** In September 2024, Governor Newsom signed three ADU bills (Assembly Bill (AB) 2533, SB 1077, and SB 1211), that all take effect on January 1, 2025. AB 2533 and SB 1211 contain new requirements that apply to the County’s existing ADU ordinances. The following amendments to the LUDC, MLUDC, and CZO are clarifications and corrections to existing provisions as well as changes to comply with State ADU law:

- Amendments that correct and clarify existing development standards (i.e., clarify separate exterior access, JADU parking requirements, maximum unit size for certain

detached ADUs, and add the Resource Management Zone to the list of allowable zones for certain types of ADUs); and

- An amendment that increases the allowed quantity of detached ADUs on lots with an existing multifamily dwelling as amended under GC 66323(a)(4)(A)(ii);

B. Produce and Flower Stands. The proposed minor amendments include a change to Section 35-77A, of Article II, the CZO to change the required permit for produce and flower stands from a Minor Conditional Use Permit (MCUP) to a Coastal Development Permit (CDP) under the C-1 zone, and to add certain requirements for outdoor areas devoted to retail use that are accessory to retail operations. Currently, these outdoor components are permitted in the inland area, so this change will bring the coastal regulations in closer alignment with the inland regulations for the C-1 zone and facilitate the continuation of various commercial enterprises occurring on properties with this zoning designation.

C. M-2 Zone. In the LUDC, the land use table that lists allowable/permitted uses in the M-2 zone district (Table 2-19) is revised to include *Truck, trailer, construction, farm, and heavy equipment sales/rental uses* with a MCUP. That use is currently allowed in Retail Commercial (C-2) zone with a MCUP and in the General Commercial (C-3) zone with a Land Use Permit.

The complete text of the minor ordinance amendments are included in Attachments C-1 (LUDC), E-1 (MLUDC), and I-1 (Article II). Deleted text is shown in strikethrough and new text is shown underlined.

Planning Commission Recommendations

On November 20, 2024, the MPC voted 3-0 to recommend the Board adopt the MLUDC amendments, with a revision to remove the affordability requirement under SB 9 from the proposed ordinance (Attachment E-1), and recommended to the CPC to recommend that the Board adopt the CZO amendments without the affordability requirement under SB 9 (Attachment G-1).

Staff presented the LUDC amendments and the MPC recommended CZO amendments to the CPC on December 4, 2024. During the hearing, the CPC voted to retain the affordability requirement under SB 9 in the CZO (and LUDC), despite some concerns expressed and anecdotal evidence to suggest that the affordability requirement would disincentivize construction of these units.

In addition, during the December 4, 2024 hearing, the CPC recommended the following changes for the Board consideration:

- Accept Staff's recommended clarifying changes to Sections 35.42.268.F (LUDC) and 35-144W.5.F (Article II) Building Design;
- Include an exemption from the County's SB 9 requirements as set forth in these ordinance amendments for projects that are preexisting or in process with Planning and Development; and

- Include a noticing requirement for Tier 1(c) hub sites and Tier 2, small wireless projects due to a change in permit type from a Land Use Permit and Development Plan to a Zoning Clearance under Section 35.44.010 (LUDC), Commercial Telecommunication Facilities.

The CPC voted 5-0 to recommend the Board adopt the LUDC ordinance amendments and CZO amendments with these revisions (Attachments C, D, and G). With respect to the second recommendation, staff is proposing that existing SB 9 applications filed on or before December 31, 2024 be exempted from required compliance with the proposed SB 9 regulations. Normally, such applications would be subject to the regulations in effect at the time of permit approval. This date was selected as a reasonable cut-off date so as not to burden or complicate existing applications, while also not encouraging a surplus of additional applications being submitted prior to the effective date of this ordinance.

Staff has included these revisions into the draft ordinances for the Board's consideration. For consistency and uniformity, staff recommends that any revisions made by the Board to the draft ordinances based on the respective MPC and CPC recommendations be carried over to the other respective ordinances.

Subsequent to the MPC and CPC hearings, staff made additional minor edits to the SB 9 ordinance (Attachments C, E, and G) in response to feedback received by County Fire and Flood Control Staff in order to further clarify and harmonize the State SB 9 regulations with the applicable County codes. These minor changes include adding specific terms and text, such as "regulatory floodway," "special flood hazard area," and "maintenance of materials and construction methods in compliance with Chapter 7A of the California Building Code" to align with language used in State law and local ordinances. Additional formatting edits were made to ensure zoning code consistency. These changes are all relatively non-substantive and consistent with the intent of the amendment language considered by the Montecito and County Planning Commissions.

Assuming the Board adopts the ordinances, the amendments to the LUDC, MLUDC, and Chapter 21, Land Division will take effect 30 days following Board action. Because the amendments to the CZO constitute an amendment to the County's certified Local Coastal Program, the amendments will take effect following Coastal Commission certification of the CZO amendments.

Fiscal and Facilities Impacts:

Funding for this project is budgeted in P&D's Long Range Planning Budget Program on page 321 of the County of Santa Barbara Fiscal Year (FY) 2024-25 Adopted Budget. There are no facilities impacts.

Special Instructions:

P&D will fulfill noticing requirements.

The Clerk of the Board shall provide a copy of the signed ordinances and resolution, and minute order, to P&D, attention: Corina Venegas-Martin.

Coastal zoning ordinances (24ORD-00015, -00018, and -00025) shall not be sent to Municode for codification until requested by P&D staff.

Attachments:

Attachment A – Findings for Approval

Attachment B – CEQA Notice of Exemption

Attachment C – LUDC Amendment for Adoption (Case No. 24ORD-00016)

Attachment C-1 – LUDC Amendment with Changes Shown

Attachment D – LUDC Amendment for Adoption (Case No. 24ORD-00019)

Attachment D-1 – LUDC Amendment with Changes Shown

Attachment E – MLUDC Amendment for Adoption (Case No. 24ORD-00017)

Attachment E-1 – MLUDC Amendment with Changes Shown

Attachment F – MLUDC Amendment for Adoption (Case No. 24ORD-00020)

Attachment F-1 – MLUDC Amendment with Changes Shown

Attachment G – CZO Amendment for Adoption (Case No. 24ORD-00015)

Attachment G-1 – CZO Amendment with Changes Shown

Attachment H – CZO Amendment for Adoption (Case No. 24ORD-00018)

Attachment H-1 – CZO Amendment with Changes Shown

Attachment I – CZO Amendment for Adoption (Case No. 24ORD-00025)

Attachment I-1 – CZO Amendment with Changes Show

Attachment J – Chapter 21, Land Division Amendment Changes Shown (Case No. 24ORD-00024)

Attachment J-1 – Findings

Attachment J-2 – CEQA Notice of Exemption

Attachment J-3 – Chapter 21 Amendment for adoption (Case No. 24ORD-00024)

Attachment K – Resolution of the Board of Supervisors to Submit Amendments to the CCC

Attachment L – Montecito Planning Commission Action Letter and Resolutions (Case Nos. 24ORD-00015 -17 -18, -20, -and 25) Hearing of November 20, 2024

Attachment L-1 – Montecito Planning Commission Staff Report, dated November 12, 2024

Attachment M – County Planning Commission Action Letter and Resolutions (Case Nos. 24ORD-00015 -16, -18, -19, and -25) Hearing of December 4, 2024

Attachment M-1 – County Planning Commission Staff Report, dated November 26, 2024

Authored by:

Corina Venegas-Martin
Planner
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