



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Planning and
Development (P&D)
Department No.: 053
For Agenda Of: November 7, 2023
Placement: Departmental
Estimated Time: 45 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Lisa Plowman, (805) 568-2068
Director(s)
Contact Info: Alex Tuttle, (805) 568-2072

SUBJECT: Accessory Dwelling Units (ADUs), Shopping Center (SC) Rezone, and Minor Ordinance Amendments

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

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 ordinance amendments to the County Land Use and Development Code (LUDC), Montecito Land Use and Development Code (MLUDC), and Article II, Coastal Zoning Ordinance (CZO) (as applicable) to revise the permitting and development standards for ADUs; eliminate the Shopping Center (SC) zone district and rezone these properties to Retail Commercial (C-2); and implement a series of minor amendments that address emerging issues and correct and clarify existing language. Staff also recommends that the Board consider the adoption of an amendment to the *Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones* (Uniform Rules) to revise the existing Attached ADU definition. 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 1 to this Board Letter;
- b) Determine that adoption of the LUDC (Case No. 23ORD-00007), MLUDC (Case No. 23ORD-00008), CZO (Case No. 23ORD-00009), and County Zoning Map (Case No. 23RZN-00003)

amendments are exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3), 15265, and 15282(h), included as Attachment 2 to this Board Letter;

- c) Adopt the ordinances to amend the LUDC (Attachment 3, Case No. 23ORD-00007), MLUDC (Attachment 4, Case No. 23ORD-00008), and CZO (Attachment 5, Case No. 23ORD-00009);
- d) Adopt an ordinance to amend the County Zoning Map (Attachment 6, Case No. 23RZN-00003) to eliminate the SC zone district and rezone these properties to C-2; and
- e) Adopt a resolution amending the Uniform Rules to revise the existing Attached ADU definition (Attachment 7).

Summary Text:

This Board item recommends ordinance amendments to the County Land Use and Development Code (LUDC), Montecito Land Use and Development Code (MLUDC), and Article II, Coastal Zoning Ordinance (CZO) to revise the permitting and development standards for accessory dwelling units (ADUs); eliminate the shopping center (SC) zone district and rezone these properties to Retail Commercial (C-2); and implement a series of minor amendments that address emerging issues and correct and clarify existing language. Staff also recommends that the Board consider the adoption of an amendment to the Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules) to revise the existing Attached ADU definition.

Over the past several years, the state legislature has recognized the importance of creating ADUs and junior accessory dwelling units (JADUs) to increase housing production and has continuously adopted legislation to reduce barriers and streamline permit processing. On September 28, 2022, Assembly Bill (AB) 2221 and Senate Bill (SB) 897 amended Government Code (GC) Sections 65852.2 and 65852.22 related to the permitting and review of ADU and JADUs. These bills became effective on January 1, 2023, at which time certain provisions of the County's ADU ordinances for the inland area (i.e., MLUDC and LUDC) were usurped by state law.

In 2023, the Board directed staff to initiate amendments to the LUDC, MLUDC, and CZO in order to comply with the recent legislation. Accordingly, staff has drafted LUDC, MLUDC, and CZO amendments (Attachments 3, 4, and 5, respectively). The proposed MLUDC and LUDC amendments contain identical development standards for ADUs and JADUs; the CZO retains some differences to ensure consistency with the California Coastal Act. In addition, the CZO amendments include the 2021 amendments that your Board adopted, but which were never certified by the California Coastal Commission (CCC), combined with further updates in accordance with the recent legislation. A strike-through version showing the uncertified amendments from 2021 is included as Attachment 5-2.

Consistent with state ADU and JADU law, the proposed amendments include updated development standards applicable to ADUs and JADUs. Additionally, several updates are proposed in order to clarify existing regulations based on learned experience and remove barriers to the construction of ADUs that provide marginal or no clear benefit. Some of the significant changes include the following:

- Increasing height allowance for certain ADUs, including the ability for ADUs to be stacked above other accessory structures;

- Clarifying setback requirements, including front setbacks;
- Clarifying how floor area is calculated, establishing a maximum square footage for certain ADU conversions, and providing an allowance for minor architectural features to be added to ADUs without triggering additional permit requirements; and
- Revising lot requirements to permit the combination of one conversion ADU and one new construction detached ADU on a lot within the Residential and Mixed-Use zones in certain circumstances.

Section 1.1 below, discuss these and other changes in more detail.

In addition to the updated ADU regulations, staff is proposing a zoning update that would eliminate the SC Zone in the LUDC and CZO and rezone affected properties from SC to C-2 to enhance use of these properties and facilitate viability and development consistent with other commercial zones in the County. Finally, staff prepared minor amendments to the MLUDC, LUDC and CZO that include: (1) clarifying that exemptions are not appealable; (2) clarifications to existing development standards related to detached accessory structures; and (3) correcting an error in Table 2-22 of the LUDC related to transitional and supportive housing. Section 1.2.2, below, discusses these minor amendments in more detail.

Background:

On October 9, 2019, Governor Newsom approved three bills (AB 68, AB 881, and SB 13, codified in GC Sections 65852.2 and 65852.22) to further streamline the ADU permit process and reduce the development standards for ADUs and JADUs, which became effective on January 1, 2020. To comply, staff prepared zoning ordinance amendments to conform to these laws, which the Board adopted on May 18, 2021. The amendments became effective in the inland areas on June 17, 2021, while the coastal zone amendments remain uncertified by the CCC. On September 22, 2021, County staff sent the CZO amendments to the CCC for review and certification. Upon review, CCC staff submitted a Non-filing letter to County staff on September 29, 2021, requesting additional information and further analysis of the effect of the ordinance amendment on coastal access parking. Given the subsequent changes to state law and the need to revise the ordinance to address the parking issue to preserve coastal access, staff elected to incorporate further updates to the CZO ordinance through the local adoption process before resubmitting to the CCC for review and certification.

While the 2019 legislation significantly streamlined the permit process for ADUs, state legislators were concerned that local jurisdictions' ordinances remained burdensome and restricted the development of ADUs. As a result, AB 2221 and SB 897 (codified in GC Sections 65852.2 and 65852.22) were approved on September 28, 2022, and went into effect on January 1, 2023. The new legislation permits certain types of ADUs to have increased height allowances, allows greater flexibility in ADU placement on a property, and streamlines the process of obtaining an ADU permit with a 60-day turnaround timeline.

Section 1.1, respectively, below, discuss the changes that apply to ADUs and JADUs subject to AB 2221 and SB 897.

1.1 Changes to ADU and JADU Development Standards

The proposed amendments contain provisions that apply to applicable ADUs and JADUs. Where possible, staff maintained existing development standards from the previous ADUs ordinances. However, certain development standards were deleted or revised in order to comply with State law and clarify requirements that have either caused confusion or been too limiting. Table 1 summarizes the major changes to the

County’s existing development standards to comply with the changes approved in AB 2221 and SB 897 (GC Sections 65852.2 and 65852.22).

Table 1 – Comparison of New State Law vs. Proposed Local Development Standards

Development Standard	State Law	Existing Standard	Proposed Standard
Height	<p>Detached ADU: Up to 18 feet (if located within one-half mile walking distance of a major transit stop or on a lot with an existing or proposed multifamily, that is two stories high)</p> <p>Attached ADU: Up to 25 feet (if the ADU is attached to the primary dwelling, the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower)</p>	<p>New construction attached and detached ADUs:</p> <ul style="list-style-type: none"> • 16 feet - Detached • Height of principal dwelling - Attached • 25 feet for two-story detached ADU 	<p>New construction detached ADUs:</p> <ul style="list-style-type: none"> • Same as State Law • Allows stacking up to 25 feet <p>New construction attached ADUs: Same as State Law</p>
Setbacks (front)	<p>ADU conversions: No setbacks</p> <p>New construction attached and detached ADUs: May encroach into front setback if it prevents the construction of an 800 sq. ft. ADU</p>	<p>ADU conversions: Same as State law</p> <p>New construction attached and detached ADUs: comply with front setbacks of the applicable zone</p>	<p>ADU conversions: Same as State law</p> <p>New construction attached and detached ADUs: Same as State law</p>
Number of ADUs	<p>ADU entirely within a one-family dwelling or accessory structure: Can be combined with new construction detached ADU and JADU</p> <p>Detached ADU (new construction) on lot with a one-family dwelling: Can be combined with</p>	<p>ADU entirely within a one-family dwelling or accessory structure: Can only be combined with JADU</p> <p>Detached ADU (new construction) on lot with a one-family dwelling: Can only be combined with JADU</p>	<p>Conversion and New construction detached ADUs, and JADUs: Same as State law</p>

Development Standard	State Law	Existing Standard	Proposed Standard
	ADU conversion and JADU		

Staff also prepared a minor cleanup amendment to the *Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones* (Uniform Rules). This amendment simply updates the ADU definition for consistency with the LUDC, MLUDC, and CZO. On September 14, 2023, the Agricultural Preserves Advisory Committee (APAC) recommended that the Board adopt the amendment as proposed (Attachment 7-1).

1.2 Other Amendments

1.2.1 Elimination of the SC Zone District

Earlier this year, Planning and Development (P&D) kicked off the Zoning Ordinance Amendment Project, which is an effort by Santa Barbara County to bring certain rules, regulations, and review processes up to date with County goals, and reflect current regulatory, economic, and environmental conditions. The overall objective is to make requirements clear and effective, streamline review processes, and incorporate flexibility to adapt to specific circumstances. The overall project consists of three primary sets of amendments to the County’s land use and development regulatory documents: technical updates, housing accommodation, and process improvements. The proposed SC Zone Amendments are part of the technical update portion of the project, aimed at consolidating and standardizing existing requirements to better achieve the intent of current standards. To this end, the draft SC Zone Amendments are intended to facilitate active commercial centers, consistent with other commercial zones in the County.

The proposed amendments eliminate the SC zone district that currently applies to 98 acres across seven different areas in the inland portion of the County and rezones those properties to the C-2 Zone (see Attachment 6-1 for rezone sites). Less than half of the SC Zoned land is currently developed. The uses allowed in the SC Zone are more limited than those in the C-2 Zone, even though the types of allowed uses are largely the same. The limitations on use and nuances in the use regulations have presented, and continue to present, a barrier to the viability, development, and redevelopment of the SC Zoned areas that does not exist for the similarly situated areas in the C-2 Zone. Elimination of the SC Zone will not prevent the existing established shopping centers from expanding, nor would it preclude the existing undeveloped properties currently zoned SC from being developed as a multi-tenant commercial center under the C-2 provisions similar in nature to that of a shopping center.

The SC zone district does not apply in Montecito or the coastal zone, and therefore, no rezoning is proposed in those zoning codes. While no SC zoned property exists in the coastal zone, the proposed CZO amendments eliminate references to the SC zone district as a clean-up item.

1.2.2 Minor Amendments

The proposed ordinances also include minor amendments to correct and clarify the LUDC, MLUDC, and CZO that the County Planning Commission (CPC) and Montecito Planning Commission (MPC) considered and recommended to the Board.

- Amendments to all three codes to clarify that projects that are determined to be exempt from a planning permit by the P&D Director are not subject to appeal;
- Amendments to the MLUDC and CZO that correct and clarify existing development standards related to detached accessory structures in the Montecito area (i.e., clarify height restrictions, gross floor area, and footprint limitations); and
- An amendment to the LUDC to correct a permit type error on Table 2-22 of Section 35.26.030 (i.e., revise Transitional and Supportive Housing permit type in the Recreation zoning district).

The complete text of the ordinance amendments are included in Attachment 3-1 (LUDC), Attachment 4-1 (MLUDC), and Attachment 5-1 (CZO). Deleted text is shown in strikethrough and new text is shown underlined.

Planning Commission Recommendations

On September 15, 2023, the MPC voted 3-0 to recommend the Board adopt the MLUDC amendments, as revised at the September 15, 2023 hearing (Attachment 4) and recommended to the CPC to recommend that the Board adopt the CZO amendments (Attachment 5).

Staff presented the LUDC amendments and the MPC recommended CZO amendments to the CPC on October 4, 2023. During the hearing, the CPC voted to retain standards in LUDC Section 35.442.015.F.8.e and CZO Section 35.142.6.1.F.7.e regarding the location of an ADU in relation to the principal dwelling, with one minor modification. For consistency, Staff has carried the same modification to the MLUDC (Attachment 4). The CPC voted 4-0 to recommend the Board adopt the LUDC ordinance amendments and CZO amendments with this revision, and County Zoning Map amendments (discussed further in this Board letter above) (Attachments 3, 5, and 6).

Subsequent to the MPC and CPC hearings, staff made additional minor edits to the CZO (Attachment 5) in response to comments and feedback received by Coastal Commission staff in order to further clarify and harmonize the ADU regulations with the Coastal Act. 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 and MLUDC 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. Coastal Commission staff have indicated the possibility of an expedited certification process, which would normally be estimated to take up to 12 months following Board adoption of the ordinance, if their concerns are addressed up front and no further modifications are identified.

In addition, GC Section 68582.2(h) requires that the County submit the ordinances to HCD within 60 days after the date of adoption. HCD may submit written findings to the County as to whether the ordinances comply with the new State ADU and JADU laws. If HCD finds that the ordinances do not comply with the new laws, the County would have 30 days to (1) amend the ordinances to comply with the new laws, or (2) adopt the ordinances without changes and include findings in the resolution that explain the reasons

the County believes that the ordinances comply with the new State ADU and JADU laws. If the County does not amend the ordinances or make the required findings, HCD may notify the State Attorney General that the County is in violation of state law.

Fiscal and Facilities Impacts:

Funding for this project is budgeted in P&D's Long Range Planning Budget Program on page 310 of the County of Santa Barbara Fiscal Year (FY) 2023-24 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.

Attachments:

1. Findings for Approval
2. CEQA Notice of Exemption
3. LUDC Amendment for Adoption (Case No. 23ORD-00007)
 - 3-1. LUDC Amendment with Changes Shown
4. MLUDC Amendment for Adoption (Case No. 23ORD-00008)
 - 4-1. MLUDC Amendment with Changes Shown
5. CZO Amendment for Adoption (Case No. 23ORD-00009)
 - 5-1. CZO Amendment with Changes Shown
 - 5-2. Uncertified 2021 CZO Amendments for Reference
6. C-2 Rezone Amendment for Adoption (Case No. 23RZN-00003)
 - 6-1. Rezone Site Maps
7. Uniform Rules Resolution
 - 7-1. Uniform Rules Amendment for Adoption
 - 7-2. APAC Memo, dated August 29, 2023
8. Montecito Planning Commission Action Letter and Resolutions (Case No. 23ORD-00008 and 23ORD-00009) Hearing of September 15, 2023
9. Montecito Planning Commission Staff Report, dated September 7, 2023
10. County Planning Commission Action Letter and Resolutions (Case No. 23ORD-00007, 23ORD-00009, and 23RZN-00003) Hearing of October 4, 2023
11. County Planning Commission Staff Report, dated September 26, 2023

Authored by:

Corina Venegas Martin, Planner, Long Range Planning Division (805) 884-6836