

SB 9, Telecom, and Other Minor Amendments

Case Nos. 24ORD-00015,
-16, -17, -18, -19, -20, -24, -25

Board of Supervisors
February 4, 2025



County of Santa Barbara
Planning and Development
Corina Venegas-Martin

Presentation Overview

- Background
- Ordinance Amendments
- CEQA
- Planning Commission Hearings
- Recommendations



Background

Board-requested amendments to:

- Implement an ordinance to comply with **Senate Bill (SB) 9** legislation
- Revise existing **commercial telecommunication facilities** regulations

Staff initiated minor amendments to:

- Comply with recent Accessory Dwelling Unit legislation
- Expand allowed uses in C-1 zone (CZO) and M-2 zone (LUDC)



Senate Bill (SB) 9



SB 9

Effective on January 1, 2022 (GC Sections 65852.21 and 66411.7):

- Two principal dwelling units and urban lot splits
- Ministerial approval process (no hearing)
- Objective design and development standards



SB 9

Allows up to two attached or detached principal dwelling units per lot and urban lot splits (two new parcels) on a qualifying single-family residential zoned parcel

- Legal parcel located wholly within urbanized area or urban cluster as designated by U.S. Census
- Inland: RR, R-1/E-1, EX-1, and SLP zones
- Coastal Zone: RR, R-1/E-1, and EX-1 zones



SB 9 – State Law Requirements

- **State Law Parcel Requirements**

- Would not require demolition or alteration of housing that is price restricted to affordable rents or occupied by a tenant in the last three years
- Must avoid certain locations (High Fire Hazard Areas, floodway or Flood Hazard Overlay, prime farmland, historic district, etc.) unless compliance with local and State standards are incorporated



SB 9 – State Law Requirements

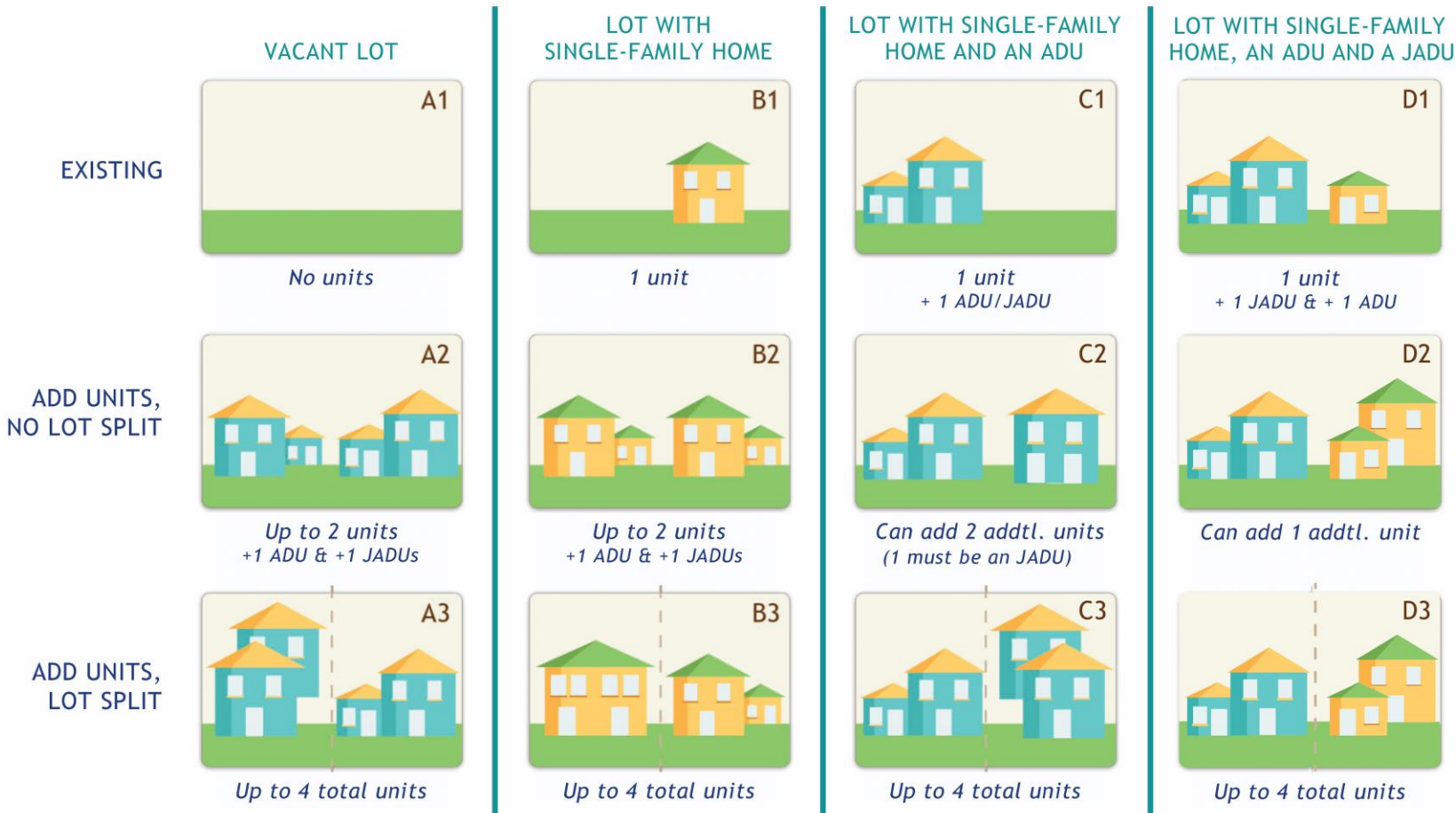
- **State Law Development Standards**
 - Up to two 800 sq ft principal dwelling units
 - Four-foot rear and side yard setbacks
 - One parking space per new unit
 - ADUs and JADUs count toward maximum unit total
 - For Urban Lot Splits:
 - Maximum two lots can be created
 - New lots shall be at least 1,200 sq ft (no smaller than 40% of the total lot area)
 - Maximum of two dwelling units per new lot created



SB 9 – State Law Requirements

WHAT IT CAN MEAN FOR DEVELOPMENT OF NEW DWELLING UNITS

Illustrations are based on a preliminary analysis of the law. Details are subject to change and are for informational purposes only.



SB 9 – Local Development Standards

Ministerial Approval – no hearing or design review

- Zoning Clearance (inland)
- Staff-level CDP (coastal)

Proposed Development Standards

- Floor Area/Unit Size
- Setbacks
- Height Limits
- Building Design
- Site Standards
- Parking
- Affordability



SB 9 – Local Development Standards

Maximum Floor Area/Unit Size: based on lot size

Lot Area (Net)	Maximum Unit Size
up to 4,000 sq. ft.	800 gross sq. ft.
4,001– 6,999 sq. ft.	1,200 gross sq. ft.
7,000 – 9,999 sq. ft.	1,400 gross sq. ft.
10,000 – 19,999 sq. ft.	1,600 gross sq. ft.
20,000 sq. ft. or more	2,000 gross sq. ft.

- **Up to two 800 sq. ft. units (State law)**
- **Combined unit size:** two principal dwelling units shall not exceed 0.4 FAR or 5,000 sq. ft. whichever is less
- **Converted unit:** limited to existing footprint of existing structure
- **Attached unit:** shall not exceed the floor area of the existing unit if increasing size



SB 9 – Local Development Standards

Setbacks

- Standard front yard setbacks
- Standard side/rear setbacks
 - May be reduced to 4 ft if single story unit up to 16 ft in height

Height

- New attached: height of existing principal dwelling unit or 25 ft (whichever is greater)
- New detached: 25 ft and two stories
- Ridgeline/hillside guidelines apply



SB 9 – Local Development Standards

Building Design

- New attached units shall match architectural style (colors, building materials and finishes)
- Building articulation
- Door and window openings
- Materials and colors
- Roof articulation
- Privacy standards (required for units greater than 16 ft in height)



SB 9 – Local Development Standards

Other Proposed Standards

– Site Standards

- Open space: at least 250 sq. ft. per unit
- Landscaping: at least 20% of the lot area
- Tree protection: avoid removal or damage to native trees
- Slopes, ESH, historic and archaeological resource protections

– Parking

- One off-street parking space (unless parcel is 1/2 mile from high quality transit corridor or one block from car share vehicle)

– Affordability

- Require one of the principal units to be affordable to lower or moderate income residents



SB 9 – Chapter 21, Land Division

Chapter 21, Land Division

- First reading of proposed amendments
- Establishes procedures and regulations for urban lot splits

Objective Standards for Urban Lot Splits:

- New lots lines:
 - Shall not create a nonconforming structure
 - Should be straight lines, be contiguous with existing zone boundaries
- No residential unit shall be located closer than 3 feet to access easement if serving more than 2 units
- Easements for public services and facilities
- Access to public right-of-way, complying with Fire/PW standards



Commercial Telecommunication Facilities



Commercial Telecom Facilities

Federal Communication Commission’s (FCC) “Small Cell Order” 18-133

- Requires streamlined permit process for “small wireless facilities” (shot clock)
- Allows local use of aesthetic standards if reasonable and objective

Proposed Amendments:

- Objective design standards for Tier 1 and Tier 2 projects (no design review)
- Zoning Clearance (inland) or CDP (coastal) for more streamlined review
- Other minor changes to clarify existing regulations



Commercial Telecom Facilities

Small Wireless Facilities (Tier 2 Projects)

- Federal Law requires:
 - Each antenna: 3 cu ft max
 - All associated equipment on structures: 28 cu ft max
 - Mounted on structures 50 ft or less or no more than 10% taller than adjacent structures
- Existing County Standards require:
 - Mounted on existing or replacement
 - utility pole or similar structure
 - non-pole concealment structure
 - roof of an existing structure or vaulted underground



Commercial Telecom Facilities

Overview of the Development and Design Standards:

- Siting and Clearance
- Stealth and Concealment
- Finishes
- Shrouding
- Horizontal Extensions
- Accessory Equipment



Commercial Telecom Facilities

Siting and Clearance

- Installed on poles located as close as feasible to shared property lines between adjacent lots
- Not be placed within 20 feet of a residential dwelling's doors or windows or directly in front of residences and businesses
- Not obstruct illumination patterns of streetlights or traffic signs
- Installed at least 50 feet from any streetlight, utility pole, or similar support structure

Commercial Telecom Facilities

Stealth and Concealment

- Stealth as technically feasible with concealment elements that mimic or blend with underlying support structure, surrounding environment and adjacent uses

Finishes

- Exterior surfaces shall be painted, colored or wrapped in flat non-reflective hues that match underlying support structure, and treated with graffiti-resistant sealant

Shrouding

- Installed within a single shroud and be visually consistent with design, color, or scale of underlying pole

Accessory Equipment

- Placed underground in any underground utility district or if equipment would restrict public rights-of-way



Commercial Telecom Facilities

Finishes



Commercial Telecom Facilities

Horizontal Extension:

Side-mounted equipment is prohibited unless infeasible.

Shrouded, side-mounted antenna on wood pole with horizontal separation



Pole-mounted accessory equipment shall be flush and not extend over any roadway

Commercial Telecom Facilities

Tier 1 (a) Project - Temporary Facilities	All zones	Zoning Clearance
Tier 1 (b) Project - Spectrum Act Facility Modifications	All zones	Zoning Clearance
Tier 1 (c) Project - Hub sites	All zones	Land Use Permit <u>Zoning Clearance</u>
Tier 2 (a) Project - Small wireless facilities	All zones	Development Plan approved by the Director <u>Zoning Clearance</u>
Tier 2 (b) Project - Tenant improvements	Nonresidential zones, except not allowed in the Mixed Use (MU) <u>All zones</u>	Development Plan approved by the Director <u>Zoning Clearance</u>
Tier 2 (c) Project - Collocated Facilities	Nonresidential zones, except not allowed in the Mixed Use (MU) zone	Development Plan approved by the Director <u>Zoning Clearance</u>
Tier 2 (d) Project - Facilities that comply with the zone height limit (1)	Nonresidential <u>All zones</u> , except not allowed in the Mixed Use (MU) zone and the Recreation (REC) zone	Development Plan approved by the Director <u>Zoning Clearance</u>
Tier 3 (a) Project - Facilities not exceeding 50 ft. in height (1)	Nonresidential <u>All zones</u> , except not allowed in the Mixed Use (MU) zone and the Recreation (REC) zone	Minor Conditional Use Permit
Tier 3 (b) Project - Satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception	Nonresidential zones	Minor Conditional Use Permit
Tier 4 (a) Project - Facilities that are not allowed in compliance with Tier 1 through Tier 3	All zones	Conditional Use Permit
Tier 4 (b) Project - Other facilities that are subject to regulation by the FCC or CPUC, e.g., AM/FM radio stations, television stations	Nonresidential zones	Conditional Use Permit

Notes:

~~(1) Not allowed in or within 300 feet of a residential zone.~~

Other Minor Amendments



Other Minor Amendments

- **ADU and JADU Amendments to correct and clarify existing development standards and comply with recent State ADU law**
 - Clarify separate exterior access
 - JADU parking requirements
 - Maximum unit size for certain detached ADUs
 - Revise allowed quantity of detached ADUs on lots with existing multi-family dwellings

Other Minor Amendments

- **Minor change to the C-1 zone district in Coastal Zone**
 - Revise required permit for produce and flower stands from a Minor Conditional Use Permit (MCUP) to Coastal Development Permit (CDP)
 - Add certain requirements for outdoor areas devoted to retail use that are accessory to retail operations
- **Minor change to the M-2 (General Industry) zone district in the LUDC**
 - Revise Table 2-19 of Section 35.25.030, to include *Truck, trailer, construction, farm, and heavy equipment sales/rental uses* with a MCUP
 - Currently allowed in Commercial zone districts: C-2 zone with a MCUP and C-3 zone with a Land Use Permit.



Environmental Review

- LUDC and MLUDC Amendments – exempt pursuant to CEQA Guidelines Sections 15061(b)(3), 15268, 15282(h), and GC Sections 65852.21(j) and 66411.7(n)
- CZO Amendments – exempt pursuant to CEQA Guidelines Sections 15061(b)(3), 15265, 15268, 15282(h), and GC Sections 65852.21(j) and 66411.7(n)

PC Recommended Changes

Montecito Planning Commission's recommended changes:

- Remove the affordability requirement under proposed SB 9 standards (MLUDC and CZO)

PC Recommended Changes

County Planning Commission's recommended changes:

- Retain the affordability requirement under SB 9 (LUDC and CZO)
- Add exemption from the County's SB 9 requirements for projects that are preexisting or in process with P&D
- Add a noticing requirement for Tier 1(c) hub sites and Tier 2, small wireless facility projects allowed with a Zoning Clearance



Recommended Actions

- Make the required findings for approval
- Determine that 24ORD-00015, -16, -17, -18, -19, -20, -25 and submittal to the CCC are exempt from CEQA
- Adopt the ordinances to amend the LUDC, MLUDC, and CZO (Case Nos. 24ORD-15, -16, -17, -18, -19, -20, and -25)
- Approve the introduction of Case No. 24ORD-00024 and set a hearing on the February 11, 2025 Administrative Agenda
- Adopt a resolution authorizing submittal of the Local Coastal Program amendment to the CCC for review and certification

Thank You

Questions?

