

ATTACHMENT G: ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

ORDINANCE NO. 5234

AN ORDINANCE AMENDING ARTICLE II, THE COASTAL ZONING ORDINANCE (CZO), OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING DIVISION 7, GENERAL REGULATIONS, AND DIVISION 11, PERMIT PROCEDURES TO ADOPT A NEW SECTION TO ADD PROVISIONS AND DEVELOPMENT STANDARDS IN ACCORDANCE WITH SENATE BILL (SB) 9 REGULATIONS (GOVERNMENT CODE (GC) SECTIONS 65852.21 AND 66411.7).

24ORD-00015

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add a new Section 35-144W to be titled “Two Unit Development and Urban Lot Splits (SB 9)” and to read as follows:

Section 35-144W- TWO UNIT DEVELOPMENT AND URBAN LOT SPLITS (SB 9)

Section 35-144W.1 Purpose and Intent.

The purpose of this Section is to establish procedures and development standards for up to two attached or detached principal dwelling units and urban lot splits to be considered ministerially, without discretionary review in compliance with Senate Bill (SB) 9 (2021) which added California Government Code Section 65852.21 and 66411.7, as may be amended. The intent is to encourage the development of new residential dwelling units that contribute needed housing to the County’s housing stock.

Section 35-144W.2 Applicability.

Up to two principal dwelling units and urban lot splits may be allowed on a single-family residential zoned lot within an urbanized area or urban cluster as designated by the U.S. Census Bureau in compliance with the lists of allowable uses in Division 4, Zoning Districts and in compliance with the table below.

Single Family Residential Zones
RR (Rural Ranchette)
R-1/E-1 (Single Family Residential)
EX-1 (One-Family Exclusive Residential)

Section 35-144W.3 Prohibitions.

Development under this Section must be consistent with the requirements identified in Government Code Sections 65852.21 and 65913.4(a)(6)(B) to (K), as may be amended.

- 1. Pre-Existing Site Conditions.** To be eligible for 2-unit development or an urban lot split under this Section, no portion of the project site shall be located in any of the following:

- a. A historic district or property included on the State Historic Resources Inventory as defined in Section 5020.1 of the Public Resources Code, as may be amended, or within a site that is designated or listed as a County Landmark or Place of Historic Merit.
 - b. A regulatory floodway or within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency unless the project complies with applicable requirements of Chapter 15A and 15B of the County Code.
 - c. Either prime farmland or farmland of statewide importance.
 - d. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - e. Within a high or very high fire hazard severity zone unless the project complies or, through development, gains compliance with applicable fire department development standards, defensible space requirements, access requirements, requirements set forth in the California Code of Regulations, Title 14 Fire Safe Regulations, and includes the use and maintenance of materials and construction methods in compliance with Chapter 7A of the California Building Code.
 - f. A hazardous waste site that is listed pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:
 - i) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resource Control Board for residential use or residential mixed uses.
 - ii) The State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
 - g. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and Chapter 10 (Building Regulations) of the County Code.
 - h. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, habitat conservation plan pursuant to the federal Endangered Species Act of 1973, or other adopted natural resource protection plan.
 - i. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.
 - j. Lands under a conservation easement.
- 2. Demolition or Alteration.** The project does not require demolition or alteration of any of the following:
- a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;

- b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;
 - c. Housing that has been occupied by a tenant in the last 3 years; or
 - d. Housing withdrawn from the rental market within the last 15 years (i.e. the project is not on a parcel in which an owner has exercised their rights under the Ellis Act - Chapter 12.75 [commencing with Section 7060] of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date of application).
3. **Additional prohibitions for urban lot splits.** No non-residential use is permitted on any lot created by an urban lot split in compliance with Government Code Section 66411.7.

Section 35-144W.4 Application and Processing Requirements.

1. **Requirements for approval.** Up to two principal dwelling units and/or an urban lot split is eligible for a Coastal Development Permit if the project complies with the applicable requirements specified in this Section 35-144W and Chapter 21 of the County Code. An application for a Coastal Development Permit shall be submitted in compliance with Section 35-57A (Application Preparation and filing), and the Coastal Development Permit shall be issued in compliance with Section 35-169 (Coastal Development Permits).
2. **No Hearing Required.** An application for a Coastal Development Permit for up to two principal dwelling units and/or an urban lot split shall be considered without a public hearing.
3. **Additional requirements for urban lot splits.**
 - a. Future lot splits on parcels created through SB 9 shall be prohibited unless approved in accordance with adopted zoning and land use designations.
 - b. Urban lot splits on adjacent parcels by the same owner(s) or someone acting in concert with the owners(s) shall be prohibited.
 - c. The individual property owner must submit an application for a tentative parcel map in accordance with Chapter 21, Section 21.7(d) (Submission of Tentative Maps including Parcel Maps) of the County Code.
 - d. No Prior Urban Lot Split. The parcel being subdivided was not established through prior exercise of an urban lot split. In addition, neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using the urban lot split process as provided for in this Section.
4. **Map requirements.** An application for an urban lot split shall be subject to applicable standard conditions and approval requirements in Chapter 21, Section 21-8 (Form of Tentative Map including Tentative Parcel Maps and Requirements for Approval) of the County Code.
5. **Development impact mitigation fees.** The applicant shall pay development impact mitigation fees in compliance with ordinances and/or resolutions in effect at the time the fees are paid. The amount of the required fee shall be determined by adopted fee resolutions and ordinance and applicable law in effect when paid, provided that the fee is charged proportionately in relation to the square footage of the principal dwelling unit(s).
6. **Nonconforming zoning conditions.** The correction of nonconforming conditions shall not be required as a condition of approval of a principal dwelling unit developed in accordance with this Section or urban lot split approved in accordance with Chapter 21 of the County Code.

7. **Variations and modifications.** Variations and modifications shall not be granted for principal dwelling unit(s) developed pursuant to this Section.
8. **Accessory dwelling units and junior accessory dwelling units.** Accessory dwelling units and junior accessory dwelling units shall count towards the maximum unit allowance per lot and/or urban lot split in accordance with Government Code Section 65852.21 and 66411.7.
9. **Unpermitted existing development.** For purposes of this Section 35-144W, improvements to unpermitted existing development to accommodate a principal dwelling unit shall be considered new development.
10. **Affordability requirement.** At least one of the units in each two-unit residential development, or at least one unit on any lot created pursuant to an urban lot split, must be constructed and offered for sale or for rent as a moderate, low, or very low-income unit, restricted for occupancy by a moderate, low or very low-income household, as defined in and pursuant to applicable requirements of Chapter 46, Affordable Housing Enforcement, of the County Code.
11. **Findings and denial.** An eligible project proposed under this Section may only be denied if the County Building Official makes a written finding, based on a preponderance of evidence, that the project would have a specific, adverse impact, as defined, and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Section 35-144W.5 General standards.

This Subsection 35-144W.5 provides standards for up to two principal dwelling units in accordance with Government Code Section 65852.21. Up to two principal dwelling units that comply with all of the following standards, as applicable, may be allowed with a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits), Building Permit and any other necessary approvals. Projects shall be subject to all other applicable objective standards of this Article. If conflicts exist, the provisions of this Section shall prevail. Except as provided below, where there are conflicts between the standards in this Section and other objective standards of this Article that protect coastal resources, the requirements that are most protective of coastal resources shall prevail. The following development standards shall apply to all principal dwelling units allowed in compliance with this Section 35-144W:

1. **Maximum floor area and unit size.** The following standards shall apply to up to two principal dwelling units allowed in compliance with this Subsection 35-144W.5, provided these standards can accommodate up to two 800 square foot principal dwelling units.
 - a. **Floor area/unit size.** The principal dwelling unit shall be subject to a maximum unit size as identified in the table below, provided the combined unit size for two principal dwelling units (existing and/or proposed) shall not exceed a 0.4 floor area ratio or 5,000 gross square feet, whichever is less. For projects in the Summerland Community Plan Overlay, the maximum floor area limits established in Section 35-191.5 shall continue to apply to the lot as a whole.

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

- b. **Converted unit.** A new unit that is incorporated entirely within an existing residential unit, or within an existing accessory building, is not limited in size except that it shall not exceed the footprint of the existing structure.
- c. **Attached Unit.** Notwithstanding the maximum floor area provided above, a new unit that is attached to, and increases the size of, an existing residential unit shall not exceed the floor area of the existing residential unit.
- d. **Attached garage or carport.** Up to 400 additional square feet may be permitted for an attached garage or carport, compliant with standard setbacks and with the same architectural design. Any other accessory development (e.g. pools, detached garages, cabanas, etc.) shall be subject to standard permit requirements.
- e. **Attached architectural feature.** An attached, un-inhabitable architectural feature (e.g., covered entry, covered patio, deck, balcony, etc.) may be allowed in addition to the floor area of the new dwelling unit. The architectural feature(s) shall be subordinate to the new dwelling unit and limited to a cumulative square footage total of 25% of the floor area of the new dwelling unit. The square footage calculation shall be measured as the roof area (covered) or the footprint (uncovered).

2. Setbacks and building configuration.

- a. **Side and rear setbacks.** Principal dwelling units developed pursuant to this Section shall comply with the standard setbacks for the applicable zone, with the following exceptions:
 - 1) Side and rear setbacks may be reduced to a minimum of four feet for single story development up to a maximum of 16 feet in height or if necessary to accommodate up to two 800 square foot principal dwelling units.
 - 2) **Interior lots.** Standard interior lot setbacks apply unless they preclude the development of up to two 800 square foot units with minimum four-foot setbacks, in which case the total setback area shall equal that of a standard lot.
 - 3) Setbacks shall be clear from ground to sky.
 - 4) No setback modification or variable setback shall be permitted.
 - 5) No setback is required to convert an existing permitted structure to a new principal dwelling. However, the side and rear setbacks shall be sufficient for fire and safety purposes in compliance with the California Fire Code and the California Building Code, as may be amended.

3. Maximum height. All new principal dwellings shall comply with the requirements below and all other applicable height regulations of Section 35-127 (Height). Where conflicts exist between the height limits below and other sections of this Article, the more restrictive height regulations shall prevail.

- a. **New attached units.** New attached dwelling units shall not exceed the height of any existing principal dwelling unit on the parcel, or 25 feet and a maximum of two stories, whichever is greater.
- b. **New detached units.** New detached dwelling units shall not exceed a height of 25 feet and a maximum of two stories.

4. Building separation. No building separation between principal dwelling unit(s), accessory dwelling unit(s) and other structures shall be required as long as all the structures meet minimum Building Code safety standards and allow for separate access.

Section 35-144W.6 Building Design.

New construction, additions, and building conversions involving exterior alterations to create a new principal dwelling unit shall comply with the following objective design standards. Projects that comply with these standards shall not be subject to separate Design Review approval under Section 35-184 (Board of Architectural Review). Department staff may consult with a Board of Architectural Review Chair, designee, or other design professional to assist in determining a project's compliance with the objective design standards contained in this Section. A project that does not comply with these objective design standards may be permitted under this Section, if approved by the applicable Board of Architectural Review under Section 35-184 (Board of Architectural Review), provided that the applicant requests a delay and tolls the required processing time period until final design review approval.

1. Appearance and style.

- a. **Attached dwelling unit.** On a site already developed with an existing principal dwelling unit, the construction of a new attached principal dwelling unit shall be designed and constructed to match the architectural style, colors, exterior building materials, and finishes, including, but not limited to, siding, windows, doors, roofing, light fixtures, hardware and railings.
- b. **Building articulation.** Buildings shall be designed and articulated with consistent details, articulation, materials, and elements on all sides, and shall comply with the following:
 - 1) Building elevations visible from the abutting primary street more than 30 feet in length shall include either an architectural element or a two-foot variation in depth in the wall plane. Architectural elements include: front porches, balconies, upper-story setbacks, projections, and recessions, such as stoops, bay windows, overhangs, and trellises.
- c. **Door and window openings.** All entrances shall have either a projected sheltering element or be recessed from the main elevation; the projection or recess shall have a minimum depth of 24 inches. Windows shall either be recessed at least three inches from the plane of the surrounding exterior wall or shall have a trim or windowsill detail where appropriate with the architectural style.

2. Materials and colors.

- a. **Wall materials.** The primary exterior siding material for buildings shall be wood, composite wood, stone, brick, plaster (stucco), fiber cement, or metal. The use of exposed plywood or glass curtain walls is prohibited.
- b. **Building Colors.** Building exteriors shall include at least two colors; at least one for the main base wall material and another for architectural trim/details.
- c. **Window style consistency.** Consistent window frame style and proportions shall be used on all elevations.
- d. **Material and color transition.** Changes in material or color shall occur at inside corners of intersecting walls or at architectural features that break up the wall plane, such as columns.
- e. **Roof articulation.** In order to create architectural interest, provide at least two different roof elevations for hierarchy (a primary and secondary) or extend the primary roofline over the building entrance by at least four feet to enhance building entrances.

- f. **Reflective materials.** New roofing and siding materials that are reflective, mirror-like, or of a glossy metallic finish are prohibited. Flat or low sloped roofs shall be constructed with a gray or tan color to reduce reflectivity. Light Reflective Value percentage shall be below .84 with a matte finish.
 - 1) **Glass guardrails.** New glass guardrails are prohibited, unless necessary to match the glass guardrails of an existing residential unit and treated with a non-reflective coating and must remain non-reflective throughout the life of the guardrail.
 - g. **Lighting.** Any exterior lighting shall comply with the applicable outdoor lighting requirements as set forth in Section 35-139 (Exterior Lighting).
3. **Privacy standards (units greater than 16 feet in height).** Where portions of the proposed construction of a principal dwelling unit is either two stories tall or greater than 16 feet in building height, the principal dwelling shall comply with the following:
- a. Upper story unenclosed landings, decks, and balconies greater than 20 square feet, that face or overlook an adjoining property, shall be located a minimum of 15 feet from the side and rear lot lines and interior lot lines and landscape screening shall be provided along the perimeter areas visible from the landing, deck or balcony.
 - b. Upper story windows located within 15 feet of a side or rear lot line or interior lot line that face or overlook an adjoining property shall be installed a minimum of 42 inches above finish floor and either landscape screening shall be provided or any exposed glass below 60 inches shall be non-transparent or obscured.

Section 35-144W.7 Site Standards.

The following site standards apply to the construction of a principal dwelling unit provided that these standards permit up to two principal dwelling units of 800 square feet with minimum four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this Section 35-144W.

- 1. **Grading.** Grading directly associated with principal dwelling unit shall be limited to 250 cubic yards and the dwelling unit shall be located on slopes of 20 percent or less.
- 2. **Open space.** Private open space shall be provided for each principal residential unit at a ratio of at least 250 square feet for units that provide two or less bedrooms. Each bedroom in excess of two shall require an increase of private open space by 50 square feet per additional bedroom. The open space must be directly accessible to the dwelling it serves. Up to 50% of the required front yard setback area may be used to satisfy the open space requirement; additionally, side and rear setback areas may be utilized in full. Balconies, patios, decks, unenclosed porches, and usable landscaped areas may be used towards the open space requirement. The minimum width of the private open space area shall not be less than ten feet.
- 3. **Landscaping.** Existing or proposed landscaping shall be provided at a ratio of at least 20% of the lot area and shall include a mixture of trees, groundcover, and shrubs for screening.
 - a. **Montecito Community Plan Overlay.** Perimeter hedging shall be planted to achieve a height of at least six feet after two years.
 - b. **Water Efficient Landscape Ordinance (WELO).** If landscaping is proposed, the owner/applicant shall submit a complete landscaping and irrigation plan and comply with the State and County's WELO requirements as applicable.

4. **Tree protection.** A new construction attached or detached principal dwelling unit shall comply with the following standards or applicable community plan requirement, whichever is more protective:
 - a. All development associated with the construction of an attached or detached principal dwelling unit shall avoid the removal of or damage to all protected trees. For the purposes of this Section 35-144W, protected trees are defined for the purpose of this policy as (1) mature and/or (2) roosting/nesting trees that do not pose a threat to health and safety. Non-native, invasive species are not protected if they are not roosting/nesting trees. Protected trees include:
 - 1) Oaks (*Quercus agrifolia*).
 - 2) Sycamores (*Platanus racemosa*).
 - 3) Willow (*Salix sp.*).
 - 4) Maples (*Acer macrophyllum*).
 - 5) California Bay Laurels (*Umbellularia californica*).
 - 6) Cottonwood (*Populus fremontii* and *Populus balsamifera*).
 - 7) White Alder (*Alnus rhombifolia*).
 - 8) California Walnut (*Juglans californica*).
 - 9) Any tree serving as known or discovered raptor nesting and/or raptor roosting sites.
 - 10) Any trees serving as Monarch butterfly habitat, including aggregation sites.
 - b. No grading, paving, or other site disturbance shall occur within the area six feet outside of the dripline of the tree(s), unless the conclusion of a report submitted by the applicant and prepared by a licensed arborist states that the proposed grading, paving, or other site disturbance will not damage or harm the tree(s).
 - c. Where removal of protected trees cannot be avoided through the implementation of project alternatives that accommodate an attached or detached principal dwelling unit of up to 800 square feet, or where development encroachments into the area within six feet of the dripline of protected trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees (native trees only) on-site, if suitable area exists on the project site, at a ratio of 10 replacement trees for every one tree. Where on-site mitigation is not feasible, the most proximal off-site mitigation shall be required.
5. **Coastal resource protection.**
 - a. **Environmentally sensitive habitat areas.** The development of a principal dwelling unit shall comply with the objective requirements of Section 35-97 (ESH - Environmentally Sensitive Habitat Area Overlay District) and all applicable ESH policies and provisions of the certified Local Coastal Program.
 - b. The principal dwelling unit shall not significantly obstruct public views from any public roads or from a public recreation area to, and along, the coast.
 - c. The principal dwelling unit shall not obstruct public access to and along the coast or public trails.
6. **Historic resources.** A principal dwelling unit shall not be located within, attached to, or located on the same lot as a structure listed in, or determined to be eligible for listing in the California Register of Historical Resources or the National Register of Historic Places, or a structure designated, or determined to be eligible

for designation as a County Historic Landmark or County Place of Historic Merit unless the proposed principal dwelling unit follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (U.S. Department of the Interior, National Park Service, 2017) or the Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67, 1990) and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer, 1995), as may be amended. If a detached principal dwelling unit is proposed to be located on the same lot as a historic or potentially historic structure described above, the applicant shall provide a written assessment from a Department-approved historian confirming that the proposed principal dwelling unit shall be in conformance with this requirement.

7. **Archaeological resources and tribal cultural resources.** A new construction attached or detached principal dwelling unit shall be located at least 50 feet from the site boundaries of any archaeological resources or tribal cultural resources, unless a written assessment or a California Native American tribe recommends a greater buffer distance. Applicants shall submit a written assessment of any (1) archaeological resources that may qualify as "historical resources" as defined in CEQA Guidelines Section 15064.5(a), or (2) sites, features, cultural landscapes, sacred places, objects, or resources that may qualify as "tribal cultural resources" as defined in Public Resources Code Section 21074 that are located within 100 feet of the proposed principal dwelling unit. The written assessment shall be prepared by a Department-approved archaeologist or other qualified professional and shall define the characteristics and site boundaries of the archaeological resources or tribal cultural resources.

Section 35-144W.8 Additional Standards.

The following additional standards apply to the construction of up to two principal dwelling units.

1. **Parking requirements. To preserve coastal access, the following parking requirements apply:**
 - a. **Parking spaces.** One off-street parking space per unit is required, except as follows:
 - 1) For parcels outside of Isla Vista located within a quarter-mile of the inland extent of any beach or coastal bluff or south/west of Highway 101, whichever is closer, two off-street parking spaces per unit shall be required and on-site replacement parking space(s) shall be required for any parking space(s) serving the principal dwelling that are removed to accommodate construction of a new unit.
 - 2) For parcels located in Isla Vista south of El Colegio Road, two parking spaces per unit shall be required and on-site replacement parking space(s) shall be required for any parking space(s) serving the principal dwelling that are removed to accommodate construction of a new unit.
 - b. **ADUs and JADUs.** All ADUs and JADUs shall be subject to the applicable parking requirements for ADUs in [Section 35-142 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#).
2. **Adequate services.** Development of up to two principal dwelling units on a parcel and urban lot splits shall demonstrate provision of adequate services, including water, sanitary, and access, including for newly created lots even if no development is currently proposed. Water meters and sewage connections shall be separate for units residing on separate parcels.
3. **Stormwater control.** New development shall comply with applicable National Pollutant Discharge Elimination System (NPDES) stormwater regulations.
4. **Rental restrictions.**

- a. A principal dwelling unit may be used for rentals provided that the length of any rental is longer than 30 consecutive days.
- b. The use of a principal dwelling unit as a Homestay or Short-Term Rental shall be prohibited.

SECTION 2:

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise Subsection 35-169.4.2.c.1 of Section 35-169, Coastal Development Permits to read as follows:

- c. **Decision-maker, hearing requirements and notice requirements.**
 - 1) **Applications for certain solar energy facilities, accessory dwelling units and junior accessory dwelling units, and urban lot splits and two-unit residential development in accordance with Section 35-144W.** Applications for freestanding solar energy facilities that are accessory and incidental to the principal use of the lot that the system is located on and are sized to primarily supply only the principal use that the system is accessory and incidental to, accessory dwelling units and junior accessory dwelling units, and urban lot splits and two-unit residential development in accordance with Section 35-144W shall be processed in compliance with the following:
 - a) Notice of the submittal of the application and pending decision of the Director shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
 - b) The Director shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required.
 - c) The action of the decision-maker is final subject to appeal, including an appeal to the Coastal Commission, in compliance with Section 35-182 (Appeals).

SECTION 3:

All existing indices, section references, and figure and table numbers contained in Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 4:

Except as amended by this ordinance, Divisions 7 and 11 of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 5:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of

Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 6:

If legislation is enacted that amends Government Code Sections 65852.21 or 66411.7 or other provisions of Senate Bill 9 (2021) which would supersede or preempt any section or subsection of this ordinance then, that the Board of Supervisors deems that section or subsection null and void and this ordinance shall remain in effect without said section or subsection and continue to apply to all Senate Bill 9 development.

SECTION 7:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara Independent*, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 4th day of February, 2025, by the following vote:

AYES: Supervisors Lee, Capps, Hartmann, Nelson and Lavagnino

NOES: None

ABSTAINED: None

ABSENT: None



LAURA CAPPS, CHAIR
BOARD OF SUPERVISORS

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By 
Deputy Clerk

Senate Bill 9, Telecommunication Facilities, and Other Minor Ordinance Amendments
Case No. 24ORD-00015, -16, -17, -18, -19, -20, -24, and -25
Board of Supervisors
Hearing Date: February 4, 2025
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APPROVED AS TO FORM:

RACHEL VAN MULLEM
COUNTY COUNSEL

By 
Deputy County Counsel

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1. Pre-Existing Site Conditions. To be eligible for 2-unit development or an urban lot split under this Section, no portion of the project site shall be located in any of the following:

- a. A historic district or property included on the State Historic Resources Inventory as defined in Section 5020.1 of the Public Resources Code, as may be amended, or within a site that is designated or listed as a County Landmark or Place of Historic Merit.
 - b. A regulatory floodway or within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency unless the project complies with applicable requirements of Chapter 15A and 15B of the County Code.
 - c. Either prime farmland or farmland of statewide importance.
 - d. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - e. Within a high or very high fire hazard severity zone unless the project complies or, through development, gains compliance with applicable fire department development standards, defensible space requirements, access requirements, requirements set forth in the California Code of Regulations, Title 14 Fire Safe Regulations, and includes the use and maintenance of materials and construction methods in compliance with Chapter 7A of the California Building Code.
 - f. A hazardous waste site that is listed pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:
 - i) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resource Control Board for residential use or residential mixed uses.
 - ii) The State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
 - g. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and Chapter 10 (Building Regulations) of the County Code.
 - h. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, habitat conservation plan pursuant to the federal Endangered Species Act of 1973, or other adopted natural resource protection plan.
 - i. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.
 - j. Lands under a conservation easement.
- 2. Demolition or Alteration.** The project does not require demolition or alteration of any of the following:
- a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;

- b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power;
- c. Housing that has been occupied by a tenant in the last 3 years; or
- d. Housing withdrawn from the rental market within the last 15 years (i.e. the project is not on a parcel in which an owner has exercised their rights under the Ellis Act - Chapter 12.75 [commencing with Section 7060] of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date of application).

3. Additional prohibitions for urban lot splits. No non-residential use is permitted on any lot created by an urban lot split in compliance with Government Code Section 66411.7.

Section 35-144W.4 Application and Processing Requirements.

- 1. Requirements for approval.** Up to two principal dwelling units and/or an urban lot split is eligible for a Coastal Development Permit if the project complies with the applicable requirements specified in this Section 35-144W and Chapter 21 of the County Code. An application for a Coastal Development Permit shall be submitted in compliance with Section 35-57A (Application Preparation and filing), and the Coastal Development Permit shall be issued in compliance with Section 35-169 (Coastal Development Permits).
- 2. No Hearing Required.** An application for a Coastal Development Permit for up to two principal dwelling units and/or an urban lot split shall be considered without a public hearing.
- 3. Additional requirements for urban lot splits.**
 - a. Future lot splits on parcels created through SB 9 shall be prohibited unless approved in accordance with adopted zoning and land use designations.
 - b. Urban lot splits on adjacent parcels by the same owner(s) or someone acting in concert with the owners(s) shall be prohibited.
 - c. The individual property owner must submit an application for a tentative parcel map in accordance with Chapter 21, Section 21.7(d) (Submission of Tentative Maps including Parcel Maps) of the County Code.
 - d. No Prior Urban Lot Split. The parcel being subdivided was not established through prior exercise of an urban lot split. In addition, neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using the urban lot split process as provided for in this Section.
- 4. Map requirements.** An application for an urban lot split shall be subject to applicable standard conditions and approval requirements in Chapter 21, Section 21-8 (Form of Tentative Map including Tentative Parcel Maps and Requirements for Approval) of the County Code.
- 5. Development impact mitigation fees.** The applicant shall pay development impact mitigation fees in compliance with ordinances and/or resolutions in effect at the time the fees are paid. The amount of the required fee shall be determined by adopted fee resolutions and ordinance and applicable law in effect when paid, provided that the fee is charged proportionately in relation to the square footage of the principal dwelling unit(s).
- 6. Nonconforming zoning conditions.** The correction of nonconforming conditions shall not be required as a condition of approval of a principal dwelling unit developed in accordance with this Section or urban lot split approved in accordance with Chapter 21 of the County Code.

- 7. Variances and modifications.** Variances and modifications shall not be granted for principal dwelling unit(s) developed pursuant to this Section.
- 8. Accessory dwelling units and junior accessory dwelling units.** Accessory dwelling units and junior accessory dwelling units shall count towards the maximum unit allowance per lot and/or urban lot split in accordance with Government Code Section 65852.21 and 66411.7.
- 9. Unpermitted existing development.** For purposes of this Section 35-144W, improvements to unpermitted existing development to accommodate a principal dwelling unit shall be considered new development.
- 10. Affordability requirement.** At least one of the units in each two-unit residential development, or at least one unit on any lot created pursuant to an urban lot split, must be constructed and offered for sale or for rent as a moderate, low, or very low-income unit, restricted for occupancy by a moderate, low or very low-income household, as defined in and pursuant to applicable requirements of Chapter 46, Affordable Housing Enforcement, of the County Code.
- 11. Findings and denial.** An eligible project proposed under this Section may only be denied if the County Building Official makes a written finding, based on a preponderance of evidence, that the project would have a specific, adverse impact, as defined, and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Section 35-144W.5 General standards.

This Subsection 35-144W.5 provides standards for up to two principal dwelling units in accordance with Government Code Section 65852.21. Up to two principal dwelling units that comply with all of the following standards, as applicable, may be allowed with a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits), Building Permit and any other necessary approvals. Projects shall be subject to all other applicable objective standards of this Article. If conflicts exist, the provisions of this Section shall prevail. Except as provided below, where there are conflicts between the standards in this Section and other objective standards of this Article that protect coastal resources, the requirements that are most protective of coastal resources shall prevail. The following development standards shall apply to all principal dwelling units allowed in compliance with this Section 35-144W:

- 1. Maximum floor area and unit size.** The following standards shall apply to up to two principal dwelling units allowed in compliance with this Subsection 35-144W.5, provided these standards can accommodate up to two 800 square foot principal dwelling units.
 - a. Floor area/unit size.** The principal dwelling unit shall be subject to a maximum unit size as identified in the table below, provided the combined unit size for two principal dwelling units (existing and/or proposed) shall not exceed a 0.4 floor area ratio or 5,000 gross square feet, whichever is less. For projects in the Summerland Community Plan Overlay, the maximum floor area limits established in Section 35-191.5 shall continue to apply to the lot as a whole.

<u>Lot Area (Net)</u>	<u>Maximum Unit Size</u>
<u>up to 4,000 square feet</u>	<u>800 gross square feet</u>
<u>4,001– 6,999 square feet</u>	<u>1,200 gross square feet</u>
<u>7,000 – 9,999 square feet</u>	<u>1,400 gross square feet</u>

<u>10,000 – 19,999 square feet</u>	<u>1,600 gross square feet</u>
<u>20,000 square feet or more</u>	<u>2,000 gross square feet</u>

- b. **Converted unit.** A new unit that is incorporated entirely within an existing residential unit, or within an existing accessory building, is not limited in size except that it shall not exceed the footprint of the existing structure.
- c. **Attached Unit.** Notwithstanding the maximum floor area provided above, a new unit that is attached to, and increases the size of, an existing residential unit shall not exceed the floor area of the existing residential unit.
- d. **Attached garage or carport.** Up to 400 additional square feet may be permitted for an attached garage or carport, compliant with standard setbacks and with the same architectural design. Any other accessory development (e.g. pools, detached garages, cabanas, etc.) shall be subject to standard permit requirements.
- e. **Attached architectural feature.** An attached, un-inhabitable architectural feature (e.g., covered entry, covered patio, deck, balcony, etc.) may be allowed in addition to the floor area of the new dwelling unit. The architectural feature(s) shall be subordinate to the new dwelling unit and limited to a cumulative square footage total of 25% of the floor area of the new dwelling unit. The square footage calculation shall be measured as the roof area (covered) or the footprint (uncovered).

2. **Setbacks and building configuration.**

- a. **Side and rear setbacks.** Principal dwelling units developed pursuant to this Section shall comply with the standard setbacks for the applicable zone, with the following exceptions:
 - 1) **Side and rear setbacks may be reduced to a minimum of four feet for single story development up to a maximum of 16 feet in height or if necessary to accommodate up to two 800 square foot principal dwelling units.**
 - 2) **Interior lots.** Standard interior lot setbacks apply unless they preclude the development of up to two 800 square foot units with minimum four-foot setbacks, in which case the total setback area shall equal that of a standard lot.
 - 3) **Setbacks shall be clear from ground to sky.**
 - 4) **No setback modification or variable setback shall be permitted.**
 - 5) **No setback is required to convert an existing permitted structure to a new principal dwelling. However, the side and rear setbacks shall be sufficient for fire and safety purposes in compliance with the California Fire Code and the California Building Code, as may be amended.**

3. **Maximum height.** All new principal dwellings shall comply with the requirements below and all other applicable height regulations of Section 35-127 (Height). Where conflicts exist between the height limits below and other sections of this Article, the more restrictive height regulations shall prevail.

- a. **New attached units.** New attached dwelling units shall not exceed the height of any existing principal dwelling unit on the parcel, or 25 feet and a maximum of two stories, whichever is greater.
- b. **New detached units.** New detached dwelling units shall not exceed a height of 25 feet and a maximum of two stories.

4. **Building separation.** No building separation between principal dwelling unit(s), accessory dwelling unit(s) and other structures shall be required as long as all the structures meet minimum Building Code safety standards and allow for separate access.

Section 35-144W.6 Building Design.

New construction, additions, and building conversions involving exterior alterations to create a new principal dwelling unit shall comply with the following objective design standards. Projects that comply with these standards shall not be subject to separate Design Review approval under Section 35-184 (Board of Architectural Review). Department staff may consult with a Board of Architectural Review Chair, designee, or other design professional to assist in determining a project's compliance with the objective design standards contained in this Section. A project that does not comply with these objective design standards may be permitted under this Section, if approved by the applicable Board of Architectural Review under Section 35-184 (Board of Architectural Review), provided that the applicant requests a delay and tolls the required processing time period until final design review approval.

1. Appearance and style.

- a. Attached dwelling unit.** On a site already developed with an existing principal dwelling unit, the construction of a new attached principal dwelling unit shall be designed and constructed to match the architectural style, colors, exterior building materials, and finishes, including, but not limited to, siding, windows, doors, roofing, light fixtures, hardware and railings.
- b. Building articulation.** Buildings shall be designed and articulated with consistent details, articulation, materials, and elements on all sides, and shall comply with the following:
 - 1) Building elevations visible from the abutting primary street more than 30 feet in length shall include either an architectural element or a two-foot variation in depth in the wall plane. Architectural elements include: front porches, balconies, upper-story setbacks, projections, and recessions, such as stoops, bay windows, overhangs, and trellises.**
- c. Door and window openings.** All entrances shall have either a projected sheltering element or be recessed from the main elevation; the projection or recess shall have a minimum depth of 24 inches. Windows shall either be recessed at least three inches from the plane of the surrounding exterior wall or shall have a trim or windowsill detail where appropriate with the architectural style.

2. Materials and colors.

- a. Wall materials.** The primary exterior siding material for buildings shall be wood, composite wood, stone, brick, plaster (stucco), fiber cement, or metal. The use of exposed plywood or glass curtain walls is prohibited.
- b. Building Colors.** Building exteriors shall include at least two colors; at least one for the main base wall material and another for architectural trim/details.
- c. Window style consistency.** Consistent window frame style and proportions shall be used on all elevations.
- d. Material and color transition.** Changes in material or color shall occur at inside corners of intersecting walls or at architectural features that break up the wall plane, such as columns.
- e. Roof articulation.** In order to create architectural interest, provide at least two different roof elevations for hierarchy (a primary and secondary) or extend the primary roofline over the building entrance by at least four feet to enhance building entrances.

- f. Reflective materials.** New roofing and siding materials that are reflective, mirror-like, or of a glossy metallic finish are prohibited. Flat or low sloped roofs shall be constructed with a gray or tan color to reduce reflectivity. Light Reflective Value percentage shall be below .84 with a matte finish.

 - 1) Glass guardrails.** New glass guardrails are prohibited, unless necessary to match the glass guardrails of an existing residential unit and treated with a non-reflective coating and must remain non-reflective throughout the life of the guardrail.
- g. Lighting.** Any exterior lighting shall comply with the applicable outdoor lighting requirements as set forth in Section 35-139 (Exterior Lighting).
- 3. Privacy standards (units greater than 16 feet in height).** Where portions of the proposed construction of a principal dwelling unit is either two stories tall or greater than 16 feet in building height, the principal dwelling shall comply with the following:

 - a. Upper story unenclosed landings, decks, and balconies greater than 20 square feet, that face or overlook an adjoining property, shall be located a minimum of 15 feet from the side and rear lot lines and interior lot lines and landscape screening shall be provided along the perimeter areas visible from the landing, deck or balcony.**
 - b. Upper story windows located within 15 feet of a side or rear lot line or interior lot line that face or overlook an adjoining property shall be installed a minimum of 42 inches above finish floor and either landscape screening shall be provided or any exposed glass below 60 inches shall be non-transparent or obscured.**

Section 35-144W.7 Site Standards.

The following site standards apply to the construction of a principal dwelling unit provided that these standards permit up to two principal dwelling units of 800 square feet with minimum four-foot side and rear setbacks to be constructed on the lot in compliance with all other applicable standards of this Section 35-144W.

- 1. Grading.** Grading directly associated with principal dwelling unit shall be limited to 250 cubic yards and the dwelling unit shall be located on slopes of 20 percent or less.
- 2. Open space.** Private open space shall be provided for each principal residential unit at a ratio of at least 250 square feet for units that provide two or less bedrooms. Each bedroom in excess of two shall require an increase of private open space by 50 square feet per additional bedroom. The open space must be directly accessible to the dwelling it serves. Up to 50% of the required front yard setback area may be used to satisfy the open space requirement; additionally, side and rear setback areas may be utilized in full. Balconies, patios, decks, unenclosed porches, and usable landscaped areas may be used towards the open space requirement. The minimum width of the private open space area shall not be less than ten feet.
- 3. Landscaping.** Existing or proposed landscaping shall be provided at a ratio of at least 20% of the lot area and shall include a mixture of trees, groundcover, and shrubs for screening.

 - a. Montecito Community Plan Overlay.** Perimeter hedging shall be planted to achieve a height of at least six feet after two years.
 - b. Water Efficient Landscape Ordinance (WELO).** If landscaping is proposed, the owner/applicant shall submit a complete landscaping and irrigation plan and comply with the State and County's WELO requirements as applicable.

4. Tree protection. A new construction attached or detached principal dwelling unit shall comply with the following standards or applicable community plan requirement, whichever is more protective:

a. All development associated with the construction of an attached or detached principal dwelling unit shall avoid the removal of or damage to all protected trees. For the purposes of this Section 35-144W, protected trees are defined for the purpose of this policy as (1) mature and/or (2) roosting/nesting trees that do not pose a threat to health and safety. Non-native, invasive species are not protected if they are not roosting/nesting trees. Protected trees include:

- 1) Oaks (*Quercus agrifolia*).
- 2) Sycamores (*Platanus racemosa*).
- 3) Willow (*Salix sp.*).
- 4) Maples (*Acer macrophyllum*).
- 5) California Bay Laurels (*Umbellularia californica*).
- 6) Cottonwood (*Populus fremontii* and *Populus balsamifera*).
- 7) White Alder (*Alnus rhombifolia*).
- 8) California Walnut (*Juglans californica*).
- 9) Any tree serving as known or discovered raptor nesting and/or raptor roosting sites.
- 10) Any trees serving as Monarch butterfly habitat, including aggregation sites.

b. No grading, paving, or other site disturbance shall occur within the area six feet outside of the dripline of the tree(s), unless the conclusion of a report submitted by the applicant and prepared by a licensed arborist states that the proposed grading, paving, or other site disturbance will not damage or harm the tree(s).

c. Where removal of protected trees cannot be avoided through the implementation of project alternatives that accommodate an attached or detached principal dwelling unit of up to 800 square feet, or where development encroachments into the area within six feet of the dripline of protected trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees (native trees only) on-site, if suitable area exists on the project site, at a ratio of 10 replacement trees for every one tree. Where on-site mitigation is not feasible, the most proximal off-site mitigation shall be required.

5. Coastal resource protection.

a. Environmentally sensitive habitat areas. The development of a principal dwelling unit shall comply with the objective requirements of Section 35-97 (ESH - Environmentally Sensitive Habitat Area Overlay District) and all applicable ESH policies and provisions of the certified Local Coastal Program.

b. The principal dwelling unit shall not significantly obstruct public views from any public roads or from a public recreation area to, and along, the coast.

c. The principal dwelling unit shall not obstruct public access to and along the coast or public trails.

6. Historic resources. A principal dwelling unit shall not be located within, attached to, or located on the same lot as a structure listed in, or determined to be eligible for listing in the California Register of Historical Resources or the National Register of Historic Places, or a structure designated, or determined to be eligible

for designation as a County Historic Landmark or County Place of Historic Merit unless the proposed principal dwelling unit follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (U.S. Department of the Interior, National Park Service, 2017) or the Secretary of the Interior’s Standards for Rehabilitation (36 CFR Part 67, 1990) and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer, 1995), as may be amended. If a detached principal dwelling unit is proposed to be located on the same lot as a historic or potentially historic structure described above, the applicant shall provide a written assessment from a Department-approved historian confirming that the proposed principal dwelling unit shall be in conformance with this requirement.

- 7. Archaeological resources and tribal cultural resources.** A new construction attached or detached principal dwelling unit shall be located at least 50 feet from the site boundaries of any archaeological resources or tribal cultural resources, unless a written assessment or a California Native American tribe recommends a greater buffer distance. Applicants shall submit a written assessment of any (1) archaeological resources that may qualify as “historical resources” as defined in CEQA Guidelines Section 15064.5(a), or (2) sites, features, cultural landscapes, sacred places, objects, or resources that may qualify as “tribal cultural resources” as defined in Public Resources Code Section 21074 that are located within 100 feet of the proposed principal dwelling unit. The written assessment shall be prepared by a Department-approved archaeologist or other qualified professional and shall define the characteristics and site boundaries of the archaeological resources or tribal cultural resources.

Section 35-144W.8 Additional Standards.

The following additional standards apply to the construction of up to two principal dwelling units.

- 1. Parking requirements. To preserve coastal access, the following parking requirements apply:**
- a. Parking spaces.** One off-street parking space per unit is required, except as follows:
- 1) For parcels outside of Isla Vista located within a quarter-mile of the inland extent of any beach or coastal bluff or south/west of Highway 101, whichever is closer, two off-street parking spaces per unit shall be required and on-site replacement parking space(s) shall be required for any parking space(s) serving the principal dwelling that are removed to accommodate construction of a new unit.**
 - 2) For parcels located in Isla Vista south of El Colegio Road, two parking spaces per unit shall be required and on-site replacement parking space(s) shall be required for any parking space(s) serving the principal dwelling that are removed to accommodate construction of a new unit.**
- b. ADUs and JADUs.** All ADUs and JADUs shall be subject to the applicable parking requirements for ADUs in [Section 35-142 \(Accessory Dwelling Units and Junior Accessory Dwelling Units\)](#).
- 2. Adequate services.** Development of up to two principal dwelling units on a parcel and urban lot splits shall demonstrate provision of adequate services, including water, sanitary, and access, including for newly created lots even if no development is currently proposed. Water meters and sewage connections shall be separate for units residing on separate parcels.
- 3. Stormwater control.** New development shall comply with applicable National Pollutant Discharge Elimination System (NPDES) stormwater regulations.
- 4. Rental restrictions.**

- a. A principal dwelling unit may be used for rentals provided that the length of any rental is longer than 30 consecutive days.
- b. The use of a principal dwelling unit as a Homestay or Short-Term Rental shall be prohibited.

SECTION 2:

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise Subsection 35-169.4.2.c.1 of Section 35-169, Coastal Development Permits to read as follows:

- c. **Decision-maker, hearing requirements and notice requirements.**
 - 1) **Applications for certain solar energy facilities, ~~and~~ accessory dwelling units and junior accessory dwelling units, and urban lot splits and two-unit residential development in accordance with Section 35-144W.** Applications for freestanding solar energy facilities that are accessory and incidental to the principal use of the lot that the system is located on and are sized to primarily supply only the principal use that the system is accessory and incidental to, accessory dwelling units, and junior accessory dwelling units, and urban lot splits and two-unit residential development in accordance with Section 35-144W shall be processed in compliance with the following:
 - a) Notice of the submittal of the application and pending decision of the Director shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
 - b) The Director shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required.
 - c) The action of the decision-maker is final subject to appeal, including an appeal to the Coastal Commission, in compliance with Section 35-182 (Appeals).

SECTION 3:

All existing indices, section references, and figure and table numbers contained in Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 4:

Except as amended by this ordinance, Divisions 7 and 11 of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 5:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of

Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 6:

If legislation is enacted that amends Government Code Sections 65852.21 or 66411.7 or other provisions of Senate Bill 9 (2021) which would supersede or preempt any section or subsection of this ordinance then, that the Board of Supervisors deems that section or subsection null and void and this ordinance shall remain in effect without said section or subsection and continue to apply to all Senate Bill 9 development.

SECTION 7:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara Independent*, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 4th day of February, 2025, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

LAURA CAPPS, CHAIR
BOARD OF SUPERVISORS

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

Senate Bill 9, Telecommunication Facilities, and Other Minor Ordinance Amendments
Case No. 24ORD-00015, -16, -17, -18, -19, -20, -24, and -25
Board of Supervisors
Hearing Date: February 4, 2025
Attachment G-1: CZO Amendment with Changes Shown
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APPROVED AS TO FORM:

RACHEL VAN MULLEM
COUNTY COUNSEL

By _____

Deputy County Counsel