

CALIFORNIA COASTAL COMMISSION

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

W11b

Prepared January 19, 2023 for February 8, 2023 Hearing

To: Commissioners and Interested Persons

From: Steve Hudson, Deputy Director
Barbara Carey, District Manager
Denise Gonzalez, Coastal Program Analyst

Subject: De Minimis Amendment Determination for City of Santa Barbara LCP
Amendment Number LCP-4-SBC-22-0042-1 (Senate Bill 9)

Proposed Amendment

The City of Santa Barbara is proposing to amend the Implementation Plan (IP) component of the Local Coastal Program (LCP) to modify existing standards and to add new standards relating to two-residential unit development to implement the provisions of Senate Bill 9 (SB 9)¹ in the coastal zone. Senate Bill 9 seeks to intensify the amount of allowed residential development within urbanized areas zoned for single-family residential use. Specifically, lots that previously allowed only one single-family residence may now be subdivided into two lots, and each subsequent lot can be built with up to two single-family residences per SB 9, thereby potentially increasing the amount of development on a particular lot from its current limit of one residence to up to four, if applicable criteria are met.

The proposed LCP amendment would add a new chapter to the certified IP to add development and design standards, including parking standards, to regulate two-residential unit development within single-family zones and on lots approved for an urban lot split². The proposed regulations require that at least one of the units in a two-residential unit development be affordable and consistent with the City's density bonus program. The City's proposed SB 9-related provisions largely track the requirements specified in the State law itself, including prohibiting two-residential units within historic properties and high-fire hazard areas and including protections for existing affordable housing units. The amendment also includes revisions to existing definitions, adds two-residential unit development to the list of permitted accessory buildings in One-Family Residence Zones, requires two off-street parking spaces per residential unit, and clarifies that two-residential unit developments and urban lot splits are exempt from the public hearing requirements.

¹ SB 9, which went into effect January 1, 2022, amends Government Code Section 66452.6 and adds Government Code Sections 65852.21 and 66411.7.

² Urban lot split means the subdivision of an existing legal parcel located within single-family residential zones in designated urban areas when certain criteria are met (Government Code Section 66411.7).

See [Exhibit 1](#) for the text of proposed amendment showing proposed changes in ~~strikethrough~~/underline.

De Minimis LCP Amendment Determination

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is “de minimis.” In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, specifying the dates and places where comments will be accepted, by one of the following methods: posting on-site and off-site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and
3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more Commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more Commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP ten days after the date of the Commission meeting (in this case, on February 18, 2023).

The purpose of this notice is to advise interested parties of the Executive Director’s determination that the proposed LCP amendment is de minimis. Each of the de minimis criteria is discussed below:

1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act: The proposed amendment would modify existing standards and add new standards relating to two-residential unit development to facilitate the provision of additional affordable housing units in single-family residential areas and to bring the City’s regulations into conformance with recent changes to State law. The proposed amendment requires two-residential unit development to conform with the policies and provisions of the LCP, including all other applicable requirements of the underlying zoning district in which they are allowed.

Much of the City of Santa Barbara’s coastal zone consists of already-developed residential areas with adequate public services that may be appropriate for in-fill two-residential unit development, both inside and outside of the coastal zone. Within the coastal zone, there are also substantial areas within the City where two-residential units could likely be developed with no impacts to coastal resources. Thus, at a broad level,

the proposed amendment will help achieve the streamlining objectives of the state housing legislation while helping further the City's own housing goals as specified in the LCP. In areas where there are potential coastal resource issues, the LCP, as proposed to be amended, will foster two-residential unit development construction while simultaneously ensuring that impacts to resources are avoided and impacts to life and property from hazards are minimized. For example, in Santa Barbara, there are certain areas where coastal resource issues may limit two-residential unit development, such as bluffs and beaches (e.g., a location that would require shoreline armoring), in environmentally sensitive habitat areas, in wetlands, or in areas where a residence's structural stability may be compromised by bluff erosion, flooding, or wave uprush over its lifetime, etc., in the same way that resource protection would limit any other type of development. The proposed amendment makes clear that the coastal resource protection requirements of the certified LCP will apply to two-residential unit development, and therefore, implementation of SB 9 in the City of Santa Barbara is not expected to have direct or indirect impacts to coastal resources.

In conclusion, the City has carefully crafted SB 9 provisions that reflect the City's unique coastal zone attributes and, at the same time, relax standards for two-residential unit development overall to help incentivize and facilitate their construction. The result is a set of provisions that should adequately protect coastal resources as required by the LCP while increasing housing stock in the City's coastal zone. Commission staff has determined that the proposed amendment will not adversely affect coastal resources and that the proposed amendment is consistent with the policies of Chapter 3 of the Coastal Act.

2. Provision of public notice: The City provided public notice in advance of the Planning Commission hearing that was held on October 28, 2021, as well as in advance of the City Council hearing, which was held on December 7, 2021. Newspaper notices were printed in advance of both hearings. Additionally, in advance of both hearings, email and written notice were sent to individuals, agencies, and local jurisdictions, and review drafts were made available on the City of Santa Barbara Planning Division webpage in advance of the hearings. The subject amendment was received by the Commission on September 30, 2022 and filed complete on November 16, 2022; therefore, the 21-day noticing requirement for a de minimis LCPA has been satisfied.

3. No change in use of land or allowable use of property: No change in use is proposed by the subject amendment, as residential development is currently allowed within the City's residential zone districts. The subject amendment establishes specific provisions for the processing and approval of two-residential unit development consistent with current state law.

California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. The City exempted the proposed amendment from environmental review under CEQA. This report has

discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

Coastal Commission Concurrence

The Executive Director will report this de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its February 8, 2023 meeting to be held online as a virtual meeting and teleconference. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Denise Gonzalez at the South Central Coast District Office in Ventura. If you wish to comment on and/or object to the proposed de minimis LCP amendment determination, please do so by 5:00 p.m. on February 3, 2023.

Exhibits

[Exhibit 1 – Proposed Implementation Plan Amendment Text](#)