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December 5, 2021

To: City Council

Re: Municipal Code Amendments To Allow Urban Lot Splits And Two-Unit Residential Developments to Implement Senate Bill 9 (December 7, 2021, Agenda, Item #17)

Dear Mayor Murillo and Council Members,

Allied Neighborhood Association appreciates the opportunity to comment on the above agenda item.

We need to respond to SB 9 by doing what we can to minimize impacts, especially in High Fire Hazard Areas (HFHAs). An emphasis in the City's Legislative Platform is retaining local control, and although limited in SB 9, now is our opportunity to do that within the allowed parameters. Some of the decisions in these implementation amendments are very consequential to the health and safety of our residents.

Allied would like to provide comment on a few topic areas:

1. Prohibit SB 9 Development in the Foothill and Extreme Foothill High Fire Hazard Areas

We agree with the Planning Commission, Ordinance Committee, and the Council Agenda Report (CAR) that the Foothill and Extreme Foothill High Fire Hazard Areas be excluded from SB 9 development. This is a very important decision you will be making. Exclusion will help minimize as much as possible additional negative health and safety impacts to residents in these areas, and also help reduce fire risk to the entire City. The Foothill and Extreme Foothill HFHAs are our important urban/wildland interface with the Los Padres National Forest.

Much has been said about health and safety concerns and challenges in the Foothill and Extreme Foothill HFHAs in the Ordinance Committee Staff Report, the CAR, the CWPP, public comment both written and oral at the Planning Commission and Ordinance Committee meetings (especially from residents living in these areas), discussions with Interim Fire Marshall DiGuilio at those meetings, and

in his 11/18/21 Memorandum (Attachment 5). *"…there is no feasible way to improve evacuation routes that would sufficiently mitigate the threat to the public's safety due to increased density during an evacuation."* (CAR, pg.4)

It is important to remember the CWPP is just a snapshot in time of existing conditions and did not consider or project additional density from recent ADU law, nor recent SB 9 legislation. From the CAR (pg. 4), "*Allowing additional density in these areas at the levels proposed through SB 9 would result in a threat to the health and safety of the residents in that area."*

2. Affordability

Affordability is allowed, and we should take advantage of that. As we all know, **we have an affordability crisis in Santa Barbara,** and it's only gotten much worse in the past few years**.**

We agree with the Planning Commission and Ordinance Committee that Title 30 be amended to require at least **one primary unit be at a level affordable to Moderate Income households (80 to 120% AMI).** This would be another step towards producing moderate-income Affordable housing, that we so desperately need.

One primary unit in a SB 9 urban lot split project would be Affordable, or one primary unit in a two-unit residential SB 9 project (non-lot split situation) would be Affordable. (This does not mean one's current home would need to be Affordable, as stated by a public commenter at the Ordinance Committee hearing. The Affordable unit can be a new primary unit.)

3. Urgency Ordinance

The CAR (pg. 8) describes the timing situation**. It is critical that Council adopt an urgency ordinance on December 14th**. It is through these SB 9 implementation ordinance amendments that the City of Santa Barbara can retain some local control.

4. Standard For Review

We agree with staff (CAR, pg. 6) *"...the proposed ordinances attempt to strike a balance between complying with the new state law and protecting the health and safety of our residents and the city's historic and environmental resources."*

(CAR, pg. 3) *"If approved, proposed amendments to SBMC Titles 27, 28 and 30 would implement the new state law citywide, with additional objective standards to reflect the unique geographical characteristics and environmental and historical resources of the city and health and safety impacts inherent in an urban/wildland interface."*

Doing nothing (i.e., not adopting implementation ordinance amendments) **should not be considered an option.** These amendments are much closer to our General Plan policies than State SB 9 legislation standards (which is where we'll be if we don't adopt local amendments).

5. Defensible Space in HFHAs needs to be maintained

In our letters to PC and to Ordinance Committee (both cc'd to Council) we provided detailed information regarding defensible space requirements, and CWPP and SBMC references. The bottom line is "***all parcels in the City's High Fire Hazard Area are required to meet City-defined defensible space requirements year-round****."* (CWPP, pg. 47 of 202)

Unfortunately, defensible space is not being maintained as required – and this is a safety concern. As we heard from Interim Fire Marshal DiGuilio at the PC hearing, there are around 8,000 properties in HFHAs in the City. He also said the additional staff person approved in the FY 22 budget was coming on board, so there will be three Wildland Fire Service Specialists, but we don't have the staff to actually go out and see if every property is in compliance.

6. Coastal and Coastal Interior High Fire Hazard Areas

We agree with the Planning Commission recommendation that **SB 9 development be excluded from all High Fire Hazard Areas** (which of course includes the Coastal and the Coastal Interior High Fire Hazard Areas).

"Safety Element policy S33 directs that the City continue to implement programs that reduce the risk of wildland and structure fires and that minimize the short- and long-term effects of fires, including limiting residential development in high fire hazard areas and continuing vegetation fuels management and vegetation chipping." (CAR, pg. 7)

From the CWPP (pg. 26 of 202, section 2.3.1 Climate Change), *"… California faces a dramatic increase in the number and severity of wildfires, with 10 of the most destructive fires occurring since 2015 (CAL FIRE 2019a). The state's major study on climate impacts, the Fourth Climate Assessment (OPR et al. 2019), projects that California's wildfire burn area is likely to increase by 77% by the end of the century."*

The Loma Fire happened in the Coastal Interior HFHA. During the Loma Fire, we witnessed how fast conditions can change. Thick vegetation and steep slopes became potentially disastrous when this human-caused fire ignited, during a strong (50 MPH) dry hot sundowner wind event.

Coastal and Coastal Interior High Fire Hazard Areas need to also be excluded from SB 9 development.

In closing, we appreciate your consideration of our comments.

Sincerely,

Allied Neighborhoods Association

Cc: Renee Brooke, Elias Isaacson, Daniel Gullett, Ariel Calonne, Tava Ostrenger, Rebecca Bjork