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November 14, 2021

To: Ordinance Committee

Re: Municipal Code Amendments to Allow Urban Lot Splits and Two-Unit Residential Developments to Implement Senate Bill 9
(November 16, 2021 Agenda)

Dear Chair Jordan and Committee Members,

Allied Neighborhoods 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.

Allied concurs with the Staff Report (pg. 7) that an urgency ordinance at Council will be necessary.

We'd like to provide comments on a few additional topic areas:

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

We completely agree with the description of the conditions in the Foothill and Extreme Foothill HFHAs and conclusions (Staff Report, pg. 4). It is really worth reading twice.

We also agree with the Planning Commission recommendation to exclude the Foothill and Extreme Foothill HFHAs. It's very good to see (Attachment 4, pg. 13) Section 30.185.440, B. 4 (Prohibited Development, High Fire Hazard Area), drafted to reflect this exclusion.

2. Affordability

Affordability is allowed, and we should take advantage of that. We agree with the Planning Commission recommendation to add a provision in Title 30 that an affordability requirement be added for at least one of the primary units at the moderate-income level. This could be another step towards producing moderate-income Affordable housing, that we so desperately need.

Although it would be ideal if the specifics of this were put into ordinance language for the first Council meeting in December, it seems these specifics would not necessarily need to be in complete ordinance language by that Council meeting, as the urgency ordinance could provide additional time to draft the ordinance language.

3. Maximum Number of Units (Attachment 5 and 6).

Attachment 5. Language below is from Attachment 5, Proposed Objective Standards for Urban Lot Splits, pg. 2, Maximum Dwelling Units Per Lot.

> *"2 units per newly created lot (e.g., primary dwellings, accessory dwelling units, or junior accessory dwelling units)"*

Attachment 6. Language below is from Attachment 6, Proposed Objective Standards for Two-Unit Residential Developments, pg. 2, Maximum Dwelling Units Per Lot.

> From State Law column:
>
> *"• ADUs are allowed; however, local agencies are not required to permit an ADU on parcels that propose both a two-unit residential development and an Urban Lot Split.*
>
> *• Objective zoning standards allowed"*
>
> From Proposed SBMC Title 28 and 30 Amendments column:
>
> *"• No more than two primary residential units allowed per lot*
>
> *• One ADU allowed per primary unit on a lot"*

When we got to the SBMC Title 28 and 30 Amendments column, we realized we didn't fully understand how it all works together. What is the maximum number of units allowed by State Law (primary and ADU with an urban lot split, and on a lot without an urban lot split)? And how does that relate to the proposed SBMC Title 28 and 30 Amendments? We request that an Ordinance Committee member ask for clarification on this from Staff, which would also be informative for the public watching the meeting.

4. Accessory Buildings (Attachment 6, pg. 2)

Proposed Objective Standards for Two-Unit Residential Development, State Law column, states, "*Objective zoning standards allowed".*

Accessory buildings floor area maximums in existing Title 30, are proposed to be applied to SB 9 projects. This needs to be re-evaluated.

The Proposed SBMC Title 28 and 30 Amendments column proposes to use existing 30.140.020 for the Inland areas.

J. **Maximum Floor Area:**

1. ***Maximum Total Square Footage Per Lot.***
    a. *Lots less than 5,000 square feet:* 1,000 square feet
    b. *Lots 5,000 square feet up to 9,999 square feet:* 1,300 square feet
    c. *Lots 10,000 square feet up to 14,999 square feet:* 1,500 square feet
    d. *Lots 15,000 square feet up to 19,999:* 1,750 square feet
    e. *Lots 20,000 square feet or larger:* 1,950 square feet

We assume the most common application of these maximum total square footage numbers for accessory buildings in 30.140.020, J.1. is *"…on lots developed with a single residential unit…".* **These maximum total square footage numbers for accessory buildings seem overly generous for SB 9 projects.**

5. Defensible Space in HFHAs needs to be maintained

Per the CWPP (pg. 47/202), defensible space is required in HFHAs:

"2.8.1 Defensive Space and Vegetation Management

As outlined in Chapter 8.04 of the City of Santa Barbara's Municipal Code (adopted by Ordinance #5920), ***all parcels in the City's High Fire Hazard Area are required to meet City-defined defensible space requirements year-round****. (emphasis added) Vegetation within defensible space zones, native or otherwise, must be maintained to create an effective fuel break by thinning dense vegetation and removing dry brush, flammable vegetation, and combustible growth from areas within 30 to 100 feet (depending on High Fire Hazard Area Zone) of all buildings or structures. The following defensible space widths are required by High Fire Hazard Area Zone:*

- *Coastal Interior Zone: 30 to 50 feet of defensible space required from structure*
- *Coastal Zone: 50 to 70 feet defensible space required from structure*
- *Foothill Zone: 100 feet defensible space required from structure*
- *Extreme Foothill Zone: 150 feet defensible space required from structure"*

Defensible space is a very important component of the strategy to help reduce fire risks and severity. Currently, it's kind of hit and miss whether defensible space is maintained, especially as vegetation can grow back quickly. There was public comment to the Planning Commission meeting of October 28th that defensible space is not being maintained.

The Fire Department representative at that PC meeting said there are around 8,000 properties in HFHAs. 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 **two-unit developments be excluded from all High Fire Hazard Areas** (which of course, includes the Coastal and Coastal Interior High Fire Hazard Areas).

Per Staff Report (pg. 6) *"Safety Element policy S33 directs that the City continues 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."*

CWPP pg. 40 of 202, History of Wildfires in the Santa Barbara Area. *"The history of wildfire ignitions in the Santa Barbara area is directly related to human activity."*

CWPP pg. 40 of 202. *"…fires do occur in the coastal area of the City, which can ultimately result in wildfire ignition and spread if not suppressed quickly. SBFD fire call and response data from 2004 to 2020 (including structure fires, vegetation fires, trash fires, and vehicle fires) (SBFD 2020a, SBFD 2020b) indicates that 725 fires have occurred within the coastal area of the City (south of Highway 101 and west of Castillo Street). The locations of these fires is presented in Figure 6."*

Note, if a fire were to start on the western edge of the Coastal HFHA with strong Northwest winds or during a hot, dry sundowner event, it could sweep right across our Coastal and Coastal Interior HFHAs.

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."*

Just like in our other HFHAs, many roads in the Coastal and Coastal Interior HFHAs are also *"…narrow and winding having the potential to cause life threatening traffic congestion during an evacuation as residents try to leave the area and firefighters attempt to enter the area to fight the fire. 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."* (quote from Staff report, pg. 4)

Additionally, per mandated Accessory Dwelling Unit State law, up to two ADUs (an ADU and a Jr. ADU) are now allowed in HFHAs, in additional to the primary unit, in single-unit residential zones. The Fire Department representative at the October 28th PC meeting said the CWPP only considered development existing at the time of the Plan. It did not consider or project additional density from the ADU law, the results which have been successful in producing housing, and recently signed SB 9 and its future impact.

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

P.S. (Staff Report, pg. 2) Requirements include, among others.*"That the urban lot split or proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls (unless a local ordinance so allows);"* Does our local ordinance allow for demolition of more than 25% of existing exterior structural walls?

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