



# City of Santa Barbara

## STAFF HEARING OFFICER AMENDMENTS

The following is a summary of the key proposed amendments and where they are incorporated into the amended titles of the Municipal Code.

### **Title 22, Environmental Policy and Construction**

Chapters 22.22, Historic Structures and 22.68, Architectural Board of Review, are amended to implement the following:

1. Standardize the noticing required for Planning Commission and Staff Hearing Officer projects including:
  - a. Noticing radius of 300 feet of all property boundaries;
  - b. Noticing of the first design review meeting with subsequent noticing of PC and SHO hearings; and
  - c. On-site posting and other supplemental noticing at staff direction. The present proposal is to require on-site posting for the 10 days prior to any noticed hearing and throughout construction.
2. Clarify the noticing process for Design Review appeals to Council for projects that require other land use approvals from the Planning Commission or SHO.

### **Title 27, Subdivisions**

Chapter 27.03, General Procedural Provisions, is amended to implement the following:

1. Designation of the Staff Hearing Officer as an Advisory Agency to act on:
  - a. Tentative Subdivision Maps for 2-4 lots or condominium units with the following criteria:
    - i. That exist outside the Hillside Design District;
    - ii. That meet the street frontage requirements;
    - iii. That do not abut or include portions of certain named creeks and their tributaries;

Note: Council also adopted Resolution No. 05-094 in order to include the “City of Santa Barbara Creek and Tributaries Map for Tentative Subdivision Maps that Require Planning Commission Action.”

- b. Tentative Subdivision Maps for conversion of 2-4 residential rental units to condominiums;
    - c. Lot line adjustments;

Note: The Subdivision Map Act requires that lot line adjustments of five or more lots be acted on as Tentative Subdivision Maps; therefore, the SHO will act on lot line adjustments involving four or fewer lots.

- d. Time Extensions for all approved Tentative Subdivision Maps;
    - e. New commercial condominiums (up to 3,000 s.f.);
    - f. All commercial condominium conversions.
  2. The establishment of the Planning Commission and the City Council to serve as the appeal boards for Tentative Maps and Lot Line Adjustments.

3. Public hearing procedures for the SHO and Planning Commission and the standardized noticing methods to include:
  - a. Noticing radius of 300 feet of all property boundaries;
  - b. Published notice in a newspaper 10 days before each hearing;
  - c. Noticing of first design review meeting with subsequent noticing of PC and SHO hearings (Design Review noticing at same distance of 300 feet);
  - d. On-site posting and other supplemental noticing at staff direction. The present proposal is to require on-site posting for the 10 days prior to any noticed hearing and throughout construction.

Note: Noticing is being standardized as shown in 3 a-d throughout Titles 27 and 28 for all SHO and Planning Commission projects.

Chapter 27.07, Tentative Maps, is amended to implement the following:

1. Establish the Planning Commission and the SHO as the Advisory Agencies for the City of Santa Barbara.
2. Eliminate the pre-application review (PRT) requirement for Tentative Maps that will be acted on by the SHO.

Note: PRT will continue to be required for Tentative Maps that will be acted on by the Planning Commission and optional for SHO eligible Tentative Maps. PRT is offered for all projects. It is only required for subdivisions, Development Plans greater than 3,000 sq. ft., Conditional Certificates of Compliance and Annexations.

3. Establish the process for review and suspension of SHO-approved projects by the Planning Commission.
4. Allow for extensions of Tentative Map approvals up to three years beyond the initial two-year term in order to be consistent with the Subdivision Map Act.

Chapter 27.13, Residential Condominium Development, is amended to clarify the following:

1. That the number of project dwellings allowed is determined by the zone of the project site.
2. That the outdoor living space for R-2 projects shall comply with R-2 standards and that the outdoor living space for R-3 and R-4 or other non-residential zoned projects where residential uses are allowed shall comply with R-3 standards.

Chapter 27.40, Lot Line Adjustments, is a new chapter being added to establish the procedures for Lot Line Adjustments.

**Title 28, The Zoning Ordinance**

Chapter 28.05, Administrative Permit Review, is added to implement the SHO, Public Hearing, Noticing and Appeal process for:

1. Modifications that do not require other actions by the Planning Commission;
2. Performance Standard Permits. New categories were added to the Performance Standard Permits including small public works facilities of 500- 1,000 square feet in certain zones and under certain conditions, rehabilitation of existing water storage reservoirs or sludge basins, and additional dwelling units;

3. Development Plan Approvals (up to 3,000 s.f.); and
4. Coastal Development Permits for SHO eligible projects and certain small residential projects in the appealable zone;

Chapter 28.15, One Family Residence Zone, is amended to:

1. Allow small public works treatment, distribution, and collection facilities of less than 500 square feet in all zones subject to standard construction conditions.

Chapter 28.87, General Provisions, is amended to:

2. Establish the SHO ability to grant certain Development Plans for small additions;
3. Spell out the standard noticing required consistent with the recommended noticing for all SHO and PC projects;
4. Spell out the appeal process to incorporate those projects that will be acted on by the SHO;
5. Extend the validity of approvals for Conditional Use Permits (CUPs), Variances, Performance Standard Permits and Modifications from one year to two years;
6. Permit administrative approvals of time extensions for Modifications, CUPs, Variances, and Development Plans; and
7. Codify the administrative practice for the expiration date on multiple discretionary applications to correspond with the longest expiration date specified by any discretionary application.

Chapter 28.88, Conversion of Dwelling Units to Condominiums, Hotels, or Similar Uses, is amended to establish the SHO as the advisory agency to act on condominium conversions.

Chapter 28.92, Variances, Modifications, and Zone Changes, is repealed in its entirety and readopted to amend:

1. The noticing and appeal processes for variances, modifications and zone changes; and
2. To authorize the SHO to act on modifications.

Chapter 28.93, Performance Standard Permits, is amended to:

1. Grant the SHO the ability to act on Performance Standard Permits (PSPs);
2. Establish the appeal process for PSPs;
3. Allow for community care facilities, residential care facilities for the elderly and hospices serving 7 to 12 individuals in the single family, two-family and multi-family zones and non residential zones where residential is allowed with a PSP;
4. Allow for small public works treatment, distribution, and collection facilities of 500 square feet to 1,000 square feet with a PSP. Recommended performance standards are incorporated;
5. Allow for the rehabilitation of existing water storage reservoirs or sludge basins in any zone that are owned and operated by the City with a PSP provided that certain performance standards are met; and
6. Allow for the approval of additional dwelling units in the single family zones with a PSP.

Chapter 28.94, Conditional Use Permits, is amended to:

1. Remove community care facilities, residential care facilities for the elderly and hospices serving 7 to 12 individuals in the single family, two-family and multi-family zones and non-residential zones where residential is allowed from the Conditional Use Permit (CUP) section because they will qualify for a PSP;
2. Clarify that not all public and quasi-public facilities will require a CUP if they are expressly permitted in the zone; and
3. Remove additional dwelling units from the CUP section because they will qualify for a PSP.

**PROCESS CHANGES FOR DISCRETIONARY PROJECTS**

*(Changes to Process in Italics)*

<b>APPLICATION TYPE</b>	<b>STAFF HEARING OFFICER (SHO)</b>	<b>PLANNING COMMISSION</b>
<b>Amendments to Project Conditions of Approval</b>	<i>Yes(those not significant enough to warrant PC)</i>	Yes
<b>Annexations</b>	NO	Yes
<b>Appeals</b>	NO	Staff Hearing Officer Actions
<b>Coastal Development Permits<sup>1</sup></b>	<ul style="list-style-type: none"> <li>• <i>SHO eligible projects in Coastal Zone</i></li> <li>• <i>In appealable, residential additions of 10% to 500 s.f.; one story; and north of 50 feet bluff setback and 75 year seaciff retreat line</i></li> <li>• <i>Secondary Dwelling Units (w/out Public Hearing)</i></li> </ul>	Yes (for all other discretionary projects)
<b>Commercial Condos</b>	<i>≤ 3,000 s.f.</i>	> 3,000 s.f.
<b>Conditional Use Permits</b>	NO	All CUP Projects
<b>Condominium Conversions</b>	<i>4 units or less</i>	5 units or more
<b>Development Plans</b>	<ul style="list-style-type: none"> <li>• <i>Small Additions of 1,000 to 3,000 s.f.</i> <ul style="list-style-type: none"> <li>➢ <i>Where no other approval required from PC</i></li> <li>➢ <i>Where an EIR has not been prepared</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Small Additions of 3,001 s.f. and greater</li> <li>• All in P-D and C-X Zones</li> <li>• Buildings greater than 10,000 s.f. in C-P Zone</li> <li>• Others as currently required</li> </ul>
<b>EIR Certification</b>	NO	Yes
<b>General Plan Amendment</b>	NO	Yes
<b>Local Coastal Plan Amendments</b>	NO	Yes
<b>Lot Line Adjustments</b>	<i>Involving 4 Lots or Less</i>	N/A (5 + lots require TSM)
<b>Modifications</b>	<i>Where no other approval required from PC</i>	Where PC action required on project
<b>Neighborhood Preservation Ordinance Findings<sup>2</sup></b>	NO	<ul style="list-style-type: none"> <li>• Where EIR required</li> <li>• In Hillside Design District and &gt; 6,500 s.f.</li> <li>• Grading in excess of 500 cubic yards</li> </ul>
<b>Negative Declaration Adoption</b>	<i>Yes (for projects SHO approves)</i>	Yes (for projects PC approves)

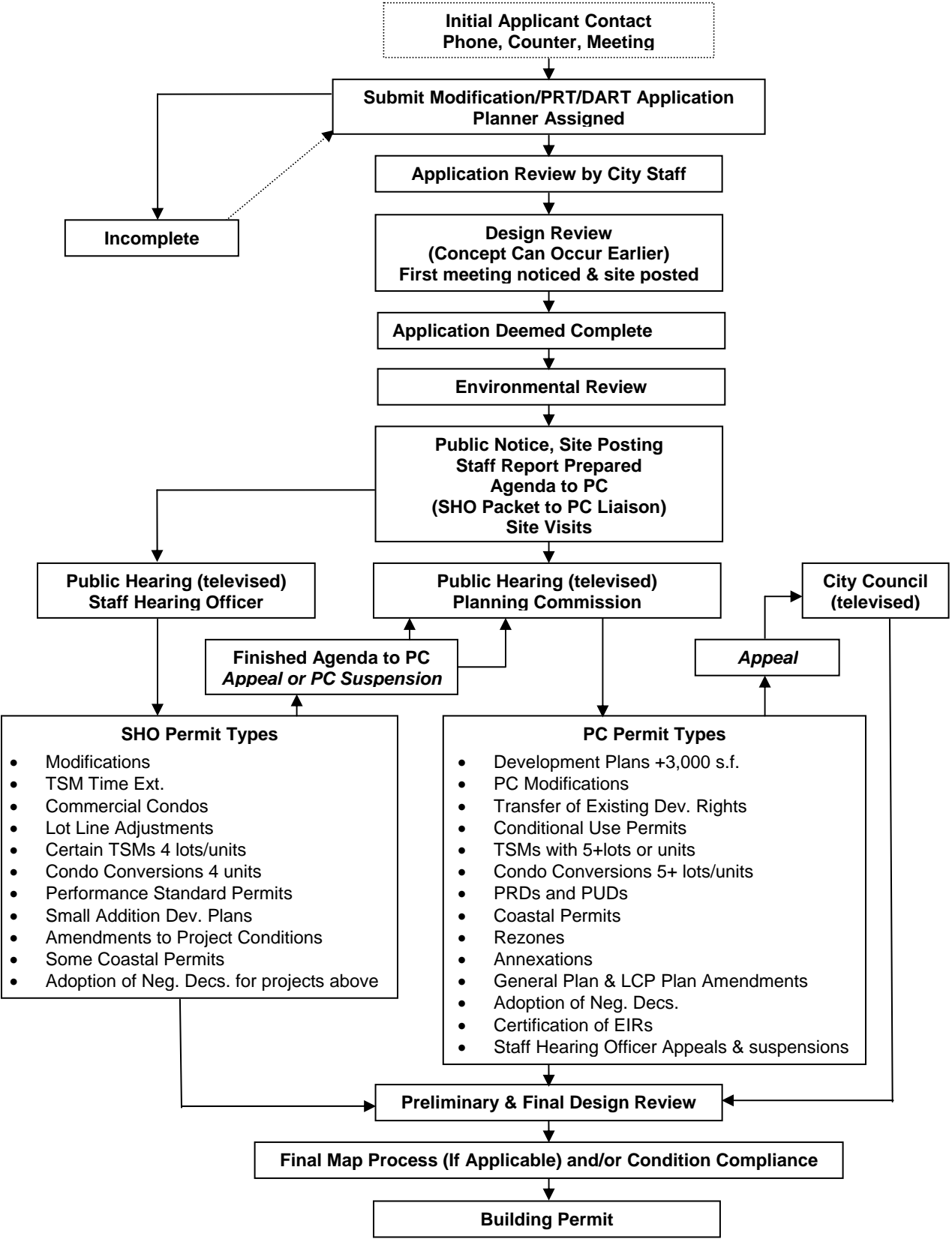
<sup>1</sup> Pending California Coastal Commission LCP Amendment Certification.

<sup>2</sup> This is subject to change with Neighborhood Preservation Ordinance Update currently underway.

APPLICATION TYPE	STAFF HEARING OFFICER (SHO)	PLANNING COMMISSION
<b>Performance Standard Permits</b>	<ul style="list-style-type: none"> <li>• All projects where PSP currently required (e.g., certain State Licensed Large Family Daycare, Community Care &amp; Residential Care Facilities</li> <li>• <i>Additional dwelling units in single family zones</i></li> <li>• <i>New Public Works Sewer Lift Stations and Water Pump Stations and similar utility structures 500 s.f.- 1,000 s.f. in multi-family zones or less restrictive</i></li> <li>• <i>Rehabilitation of Existing Water Storage Reservoirs</i></li> </ul>	NO
<b>Planned Residence Developments (PRDs)</b>	NO	Yes
<b>Planned Unit Development (PUDs)</b>	NO	Yes
<b>Rezoning of Properties</b>	NO	Yes
<b>TSMs (Subdivisions and New Condominiums)</b>	<ul style="list-style-type: none"> <li>• <i>4 Lots/Units or Less</i> <ul style="list-style-type: none"> <li>➤ <i>Outside Hillside Design District</i></li> <li>➤ <i>Meets Public Street Frontage Requirements (no waiver required)</i></li> <li>➤ <i>Not abutting or intercepting certain creeks</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <i>5 Lots/Units or More</i></li> <li>• <i>All TSMs In Hillside Design District</i></li> <li>• <i>All TSMs Need a Public Street Frontage Waiver</i></li> <li>• <i>All TSMs abutting or intercepting certain creeks</i></li> </ul>
<b>Tentative Subdivision Map Time Extensions<sup>3</sup></b>	Yes	No
<b>Transfer of Existing Development Rights</b>	NO	Yes
<b>Variances</b>	NO	Yes

<sup>3</sup> All other time extensions are proposed to be granted administratively by Staff.

**TYPICAL LOCAL DISCRETIONARY REVIEW PROCESS FOR SHO AND PC PROJECTS**



*Disclaimer: This is a basic outline of the process for Staff Hearing Officer and Planning Commission review of projects. Some projects, especially those that include annexations, General Plan Amendments or Zone Changes and those that require California Coastal Commission approval, will include additional steps. Also depending on the type of environmental documentation required, additional steps may be necessary.*