



**TO:** Mayor and Councilmembers

**FROM:** Peter T. Imhof, Planning and Environmental Review Director

**CONTACT:** Anne Wells, Advance Planning Manager  
Andy Newkirk, Senior Planner

**SUBJECT:** Public Hearing to Consider Extending Urgency Ordinance No. 21-12U for SB 9 Lot Splits and Residential Projects in Single-Family Residential (RS) Zone District (Case No. 21-0006-ORD)

**RECOMMENDATION:**

Adopt on a four-fifths vote Urgency Ordinance No. 22-\_\_\_U, entitled “An Ordinance of the City Council of the City of Goleta, California, Extending Urgency Ordinance No. 21-12U, Determining the Ordinance to be Exempt from CEQA, and Declaring the Urgency Thereof, Case No. 21-0006-ORD.”

**BACKGROUND:**

Recently enacted Senate Bill 9 of 2021 (SB 9) requires cities to both (a) allow single-family lots to be split, roughly into halves, with resulting lots as small as 1,200 square feet and (b) allow up to two single-family dwellings to be developed on each single-family residential lot. The City regulates lot splits through Title 16 (Subdivisions) and development regulations through Title 17 (Zoning) of the Goleta Municipal Code (GMC). A variety of standards in both Titles conflicted with the standards set forth in SB 9. As such, any conflicting provisions and subjective requirements of the GMC were to become null and void on January 1, 2022 for projects that qualify for SB 9 processing.

To address the requirements of SB 9, the City prepared amendments to Titles 5, 16 and 17 of the GMC (Attachment 1). The amendments were prepared as an urgency ordinance and a non-urgency ordinance. The Planning Commission considered the proposed ordinances on December 13, 2021. At that hearing, the Planning Commission recommended the City Council adopt urgency and non-urgency ordinances.

On December 21, 2021, City Council considered the urgency and non-urgency ordinances and unanimously adopted the urgency ordinance (Urgency Ordinance No. 21-12U), with an effective date of January 1, 2022, and introduced and conducted the first reading of the non-urgency ordinance. Urgency Ordinance No. 21-12U is provided as Attachment 2 for reference purposes.

**DISCUSSION:**

Urgency Ordinance No. 21-12U was adopted under the authority of Government Code sections 36937, which applies to all ordinances, and 65858, which applies to zoning regulations. Urgency ordinances passed under Government Code section 65858 are no longer effective 45 days after the date of adoption unless extended by another urgency ordinance. Staff proposes adoption of an urgency ordinance to extend the effectiveness of Urgency Ordinance No. 21-12U.

Under Government Code 65858, Urgency Ordinance No. 21-12U (adopted on December 21, 2021) will currently expire on February 4, 2022. The regular, non-urgency ordinance also adopted on December 21, 2021 goes into effect on the 31<sup>st</sup> day after adoption (second reading). The second reading of the regular, non-urgency SB 9 ordinance is scheduled for January 18, 2022, if it occurs, would render it effective on February 18, 2022. Based on the dates above, currently there will be at least a 14-day gap between the expiration date of Urgency Ordinance No. 21-12U under Government Code section 65858 and the regular ordinance. Consequently, it is necessary to extend Urgency Ordinance No. 21-12U pursuant to Government Code section 65858 in order to eliminate the gap in local regulation of SB 9 projects.

The City Council has the authority to extend the urgency ordinance for up to 22 months and 15 days but must do so at a public hearing with a four-fifths vote and with an urgency finding. The staff recommendation is to extend Urgency Ordinance No. 21-12U for the full time period allowed under State law. However, it should be noted that included in the non-urgency ordinance, in Section E, is the repeal of Urgency Ordinance No. 21-12U. Consequently, once the regular, non-urgency ordinance is adopted and goes into effect, Urgency Ordinance No. 21-12U will cease to be valid.

Pursuant to Government Code Section 65858(d), ten days prior to the extension of an urgency ordinance, the City Council must issue a written report describing the measures taken to alleviate the condition which led to the adoption of the Urgency Ordinance. This staff report, with Council's ratification, satisfies this reporting requirement.

It is necessary to extend Urgency Ordinance No. 21-12U because there is a current and immediate threat to the public health, safety, or welfare based on the passage of SB 9. If the City does not have appropriate objective standards for SB 9 qualifying urban lot splits and residential projects as of January 1, 2022, the City would be limited to applying the objective standards that existed in the Goleta Municipal Code and City policies and regulations at the time that SB 9 was adopted, which did not anticipate and were not enacted with SB 9 provisions in mind. The approval of urban lot splits and projects under SB 9 based solely on the City's default standards, without appropriate regulations governing unit size, height, setback, landscaping, design, among other things, would threaten the character of existing neighborhoods, and negatively impact property values and personal privacy. Urgency Ordinance No. 21-12U is necessary for the immediate preservation and protection of the public peace, health and safety in that the Urgency Ordinance No. 21-12U requires sewer hookups, design requirements for neighborhood compatibility and protection of privacy for neighboring residential uses,

including maximum unit sizes and heights to address neighborhood compatibility, limiting what persons and/or entities may apply for projects, and creating clear procedures for project review and approvals that ensure consistent application of the City's objective subdivision and zoning requirements. The continuation of the above-mentioned threats to public safety, health and welfare justified the adoption of Urgency Ordinance No. 21-12U and now its extension.

**ENVIRONMENTAL REVIEW**

Under California Government Code Sections 65852.21(j) and 66411.7(n), the adoption of an ordinance by a city or county implementing the provisions of SB 9 is not a project and therefore exempt from the requirements of the California Environmental Quality Act (CEQA). A draft Notice of Exemption is provided as Attachment 3.

**FISCAL IMPACTS:**

There is no direct fiscal impact for this item. Funding for Planning and Environmental Review staff time to prepare the extension, and associated environmental documentation, is included in the adopted FY 2021–22 Budget under Program 4300 of the Advance Planning Division.

**ALTERNATIVES:**

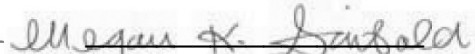
The City Council could choose to not extend Ordinance No. 21-12U. However, by doing so, the City would lose the ability to impose any local regulations or procedures relating to SB 9 qualifying project until the time in which a permanent SB 9 ordinance goes into effect.


**Reviewed By:**

**Legal Review By:**

**Approved By:**

  
Kristine Schmidt  
Assistant City Manager

  
Megan Garibaldi  
City Attorney

  
Michelle Greene  
City Manager

**ATTACHMENTS:**

1. Urgency Ordinance No. 22-\_\_U entitled, "An Ordinance of the City Council of the City of Goleta, California, Extending Urgency Ordinance No. 21-12U, Determining the Ordinance to be Exempt from CEQA, and Declaring the Urgency Thereof, Case No. 21-0006-ORD"
2. Urgency Ordinance No. 21-12U entitled, "An Ordinance of the City Council of the City of Goleta, California, Amending Titles 5, 16, and 17 of the Goleta Municipal Code to Provide Procedures and Regulations for Lot Splits and New Housing Development Pursuance to Senate Bill 9 (2021), Case No. 21-0006-ORD, Determining the Ordinance to be Exempt from CEQA, and Declaring the Urgency Thereof"
3. Draft Notice of Exemption

## **Attachment 1**

Urgency Ordinance No. 22-\_\_U entitled, “An Ordinance of the City Council of the City of Goleta, California, Extending Urgency Ordinance No. 21-12U, Determining the Ordinance to be Exempt from CEQA, and Declaring the Urgency Thereof, Case No. 21-0006-ORD”

## URGENCY ORDINANCE NO. 22-\_\_U

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, EXTENDING URGENCY ORDINANCE NO. 21-12U, DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA, AND DECLARING URGENCY THEREOF, CASE NO. 21-0006- ORD

#### **Section A. Recitals**

1. On December 21, 2021, the City Council adopted Urgency Ordinance No. 21-12U to provide regulations and procedures for urban lot splits and residential projects pursuant to Senate Bill (SB) 9 (2021); and
2. Pursuant to California Government Code Section 65858, Urgency Ordinance No. 21-12U expires 45 days after December 21, 2021; and
3. All of the findings cited in Urgency Ordinance No. 21-12U concerning the existence of an immediate and current threat to the public peace, health, safety, and welfare, based on the passage of SB 9 continue to be valid and are incorporated herein by reference because, if the City did not adopt appropriate objective standards for SB 9 qualifying Urban Lot Splits and SB 9 Residential Projects as of January 1, 2022, the City would thereafter be limited to applying the objective standards that already in the Goleta Municipal Code, which did not anticipate and were not enacted with SB 9 provisions in mind; and the approval of Urban Lot Splits and SB Residential Projects subject to SB 9 based solely on the City's default standards, without appropriate regulations governing unit size, height, setback, landscaping, design, among other things, would threaten the character of existing neighborhoods, and negatively impact property values and personal privacy; and
4. The City, in enacting this urgency ordinance, issued a written report on January 7, 2022, pursuant to Government Code Section 65858(d), describing the measures taken to alleviate the conditions which led to the adoption of Urgency Ordinance No. 21-12U and the City Council hereby ratifies the written report; and
5. On January 18, 2022, the City Council of the City of Goleta conducted a noticed public hearing, at which time all interested parties were heard.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION B. Recitals**

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

**SECTION C. Environmental Review**

Under California Government Code Sections 65852.21(j) and 66411.7(n), the adoption of an ordinance by a city or county implementing the provisions of Government Code Sections 66411.7 and 65852.21 is not a project and therefore exempt from the requirements of the California Environmental Quality Act (CEQA). Therefore, the extension of Urgency Ordinance No. 21-12U is exempt from CEQA in that the proposed extension continues to implement these new laws enacted by SB 9.

**SECTION D. Finding Required Pursuant to Government Code Section 65858(b) and Government Code Section 36937(b)**

The City Council makes the following finding for this Ordinance to extend Urgency Ordinance No. 21-12U:

There is a current and immediate threat to the public health, safety, or welfare based on the passage of SB 9 because, if the City does not have appropriate objective standards for SB 9 qualifying urban lot splits and residential projects as of January 1, 2022, the City would be limited to applying the objective standards that already in the Goleta Municipal Code and City policies and regulations, which did not anticipate and were not enacted with SB 9 provisions in mind. The approval of urban lot splits and projects under SB 9 based solely on the City's default standards, without appropriate regulations governing unit size, height, setback, landscaping, design, among other things, would threaten the character of existing neighborhoods, and negatively impact property values and personal privacy. The Ordinance is necessary for the immediate preservation and protection of the public peace, health and safety in that the Ordinance requires sewer hookups, design requirements for neighborhood compatibility and protection of privacy for neighboring residential uses, including maximum unit sizes and heights to address neighborhood compatibility, limiting what persons and/or entities may apply for projects, and creating clear procedures for project review and approvals that ensure consistent application of the City's objective subdivision and zoning requirements. The continuation of the above-mentioned threats to public safety, health and welfare justify adoption of this Ordinance.

**SECTION E. Extension of Urgency Ordinance No. 21-12U**

Urgency Ordinance No. 21-12U is hereby extended by 22 months and 15 days.

**SECTION F. Severability**

If any provision of this Ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council does hereby declare that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

**SECTION G. Certification of City Clerk**

This Extension of Urgency Ordinance No. 21-12U is adopted by a four-fifths majority vote of the City Council.

The City Clerk shall certify to the adoption of this Ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

**SECTION H. Effective Date**

This Ordinance shall take effect immediately.



**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_  
2022.

\_\_\_\_\_  
PAULA PEROTTE, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
DEBORAH S. LOPEZ  
CITY CLERK

\_\_\_\_\_  
MEGAN GARIBALDI  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SANTA BARBARA ) ss.  
CITY OF GOLETA )

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Urgency Ordinance No. 22-\_\_ was introduced on \_\_\_\_\_, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the \_\_\_\_\_, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

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DEBORAH S. LOPEZ  
CITY CLERK

## **Attachment 2**

Urgency Ordinance No. 21-12U entitled, “An Ordinance of the City Council of the City of Goleta, California, Amending Titles 5, 16, and 17 of the Goleta Municipal Code to Provide Procedures and Regulations for Lot Splits and New Housing Development Pursuance to Senate Bill 9 (2021), Case No. 21-0006-ORD, Determining the Ordinance to be Exempt from CEQA, and Declaring the Urgency Thereof”

## URGENCY ORDINANCE NO. 21-12 U

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, AMENDING TITLES 5, 16, AND 17 OF THE GOLETA MUNICIPAL CODE TO PROVIDE PROCEDURES AND REGULATIONS FOR LOT SPLITS AND NEW HOUSING DEVELOPMENT PURSUANT TO SENATE BILL 9 (2021), CASE NO. 21-0006-ORD, DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA, AND DECLARING URGENCY THEREOF**

### **Section A. Recitals**

1. In 2021, the California Legislature approved, and the Governor signed into law, Senate Bill 9 (SB 9), which, among other things, adds Government Code Sections 65852.21 and 66411.7 to impose new limits on local authority to regulate (i) Urban Lot Splits (as defined below) and (ii) certain residential projects that can add up to two principal dwelling units on a single-family residential lot (SB 9 Residential Projects); and
2. SB 9 allows local agencies to adopt objective design, development, and subdivision standards for urban lot splits and certain residential projects; and
3. SB 9 takes effect on January 1, 2022 and preempts any conflicting City regulations; and
4. The City desires to amend Titles 5, 16, and 17 to comply with Government Code Sections 66411.7 and 65852.21 and to appropriately regulate projects under SB 9 (Ordinance); and
5. There is a current and immediate threat to the public health, safety, or welfare based on the passage of SB 9 because if the City does not adopt appropriate objective standards for SB 9 qualifying Urban Lot Splits and SB 9 Residential Projects as of January 1, 2022, the City would thereafter be limited to applying the objective standards that already in the Goleta Municipal Code, which did not anticipate and were not enacted with SB 9 provisions in mind; and
6. The approval of Urban Lot Splits and SB Residential Projects subject to SB 9 based solely on the City's default standards, without appropriate regulations governing unit size, height, setback, landscaping, design, among other things, would threaten the

character of existing neighborhoods, and negatively impact property values and personal privacy. These threats to public safety, health, and welfare justify adoption of this Ordinance as an urgency ordinance to be effective immediately upon adoption by a four-fifths vote of the City Council; and

7. To protect the public safety, health and welfare, the City Council may adopt this Ordinance as an urgency measure in accordance with Government Code Section 36937(b) and Government Code section 65858; and
8. On December 13, 2021, the Planning Commission conducted a noticed public hearing, at which time all interested parties were heard, and the Planning Commission recommended that the City Council adopt the both the urgency and non-urgency ordinances; and
9. On December 21, 2021, the City Council of the City of Goleta conducted a noticed public hearing, at which time all interested parties where heard.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION B. Recitals**

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

**SECTION C. Environmental Review**

Under California Government Code Sections 65852.21(j) and 66411.7(n), the adoption of an ordinance by a city or county implementing the provisions of Government Code Sections 66411.7 and 65852.21 is not a project and therefore exempt from the requirements of the California Environmental Quality Act (CEQA). Therefore, the Ordinance is exempt from CEQA in that the proposed Ordinance implements these new laws enacted by SB 9.

**SECTION D. Finding Required Pursuant to Government Code Section 65858 and Government Code Section 36937(b)**

The City Council makes the following finding for this Ordinance to adopt an Urgency Ordinance:

There is a current and immediate threat to the public health, safety, or welfare based on the passage of SB 9 because if the City does not adopt appropriate objective standards for SB 9 qualifying urban lot splits and residential projects as of January 1, 2022, the City would thereafter be limited to applying the objective standards that already in the Goleta Municipal Code and City policies and regulations, which did not anticipate and were not enacted with SB 9 provisions in mind. The approval of urban lot splits and projects under SB 9 based solely on the City's default standards, without appropriate regulations governing unit size, height, setback, landscaping, design, among other things, would threaten the character of existing neighborhoods, and negatively impact property values and personal privacy. The Ordinance is necessary for the immediate preservation and protection of the public peace, health and safety in that the Ordinance requires sewer hookups, design requirements for neighborhood compatibility and protection of privacy for neighboring residential uses, including maximum unit sizes and heights to address neighborhood compatibility, limiting what persons and/or entities may apply for projects, and creating clear procedures for project review and approvals that ensure consistent application of the City's objective subdivision and zoning requirements. The above mentioned threats to public safety, health and welfare justify adoption of this Ordinance.

#### **SECTION E. Required Findings for the Title 17 Amendment**

Pursuant to subsection 17.66.050(B) of the Goleta Municipal Code, the City Council makes the following findings regarding the amendments to Title 17 included in the Ordinance:

- 1. The amendment is consistent with the General Plan, the requirements of State planning and zoning laws, and Title 17 of the Goleta Municipal Code.**

The Ordinance, which amends the Goleta Municipal Code Title 17, is consistent with provisions of the City's General Plan that relate to housing development and the City policies that have not been preempted by SB 9. Specifically, this Ordinance furthers General Plan policies by limiting building height, floor area, unit size, and screening views (see subpolicies LU 1.8 and 2.3); requiring parking including garages where consistent with SB 9 (see subpolicy TE 9.3); and encouraging a diverse range of new housing (see subpolicy HE 2.1). The proposed Ordinance, which brings all City regulations into compliance with SB 9, is deemed consistent with the General Plan, the requirements of State planning and zoning laws, and Title 17 of the Goleta Municipal Code

- 2. The amendment is in the interests of the general community welfare.**

The Ordinance will allow the City to regulate SB 9 projects where allowed under the new State law by, among other things, limiting new principal dwelling unit sizes as allowed under SB 9 and height and requiring sewer hookups, design and landscaping requirements to protect privacy of adjoining residential lots and providing clear procedures under which a project could be denied because of a specific adverse impact to public health and safety or the physical environment.

Therefore, the Ordinance is in the interest of the general community welfare.

**3. The amendment is consistent with good zoning and planning practices.**

The Ordinance will help the City continue to implement the community goals, objectives, and policies of the General Plan to the greatest extent possible given the immediacy of changes in State law. By adopting this local Ordinance to implement SB 9, the City is ensuring that local control is achieved to the best of the City's ability with consideration for neighborhood impacts and preservation of local land use patterns and preserve the character of existing neighborhoods and prevent negative impacts to property values and personal privacy.

Therefore, the Ordinance is consistent with good zoning and planning practices.

**SECTION F. Amendment to Title 5 of the Goleta Municipal Code**

**Subsection 5.08.080(1) of the Goleta Municipal Code is amended to read as follows:**

Upon receipt of an application for a permit required by this chapter, the permit administrator will review the application and supporting documents, and will approve and issue a permit to the owner or owners of the property or properties that are the subject(s) of the application that authorizes the use and occupancy of such property as a short-term vacation rental, if the permit administrator finds that the required application fee has been paid and that the nuisance response plan and surety bond submitted with the application conform to the requirements of this chapter. A permit may be denied if a short-term vacation rental permit issued to the applicant or for the property has been suspended or revoked in the prior 24 months. A permit shall be denied if the residential dwelling unit proposed as a short-term vacation rental was established through Goleta Municipal Code subsection 17.07.040(B).

**SECTION G. Amendments to Title 16 the Goleta Municipal Code**

**1. Subsection 16.01.060(A)(1) is amended to read as follows:**

Tentative parcel maps that are determined by the City to be exempt from environmental review, except for urban lot splits as they are defined in Chapter 16.18;

**2. Subsection 16.01.060(A)(6) is added to read as follows:**

The provisions of this Title shall apply to subdivisions so long as they do not conflict with Government Code Section 66411.7 on urban lot splits.

**3. Subsection 16.01.060(D) is amended to add 16.01.060(D)(3) to read as follows:**

Serve as decision-maker for non-discretionary tentative parcel maps for urban lot splits, as they are defined and regulated by Chapter 16.18.

**4. Subsection 16.10.030(E) is added to read as follows:**

Remedies. If a subdivision violates any part of the State Subdivision Map Act, the City's subdivision regulations, including this section, or any other legal requirement:

1. The buyer or grantee of a lot that is created has all the remedies available under the State Subdivision Map Act, including but not limited to an action for damages or to void the deed, sale, or contract.
2. The City has all the remedies available to it under the State Subdivision Map Act, including but not limited to the following:
  - a. An action to enjoin any attempt to sell, lease, or finance the property.
  - b. An action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
  - c. Criminal prosecution, punishable by imprisonment in County jail or State prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
  - d. Record a notice of violation.
  - e. Withhold any or all future permits and approvals.
5. **Chapter 16.18, entitled "Government Code Section 66411.7 Urban Lot Splits," is added and to read in its entirety:**



### **Section 16.18.010 Purpose and Applicability**

The purpose of this section is to allow and appropriately regulate urban lot splits in accordance with Government Code section 66411.7. This Chapter only applies to projects under Government Code section 66411.7.

### **Section 16.18.020 Definitions**

Pursuant solely to this Chapter, the following definitions apply:

- A. **Urban lot split.** The subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of this Chapter.
  
- B. **Individual property owner.** Either:
  - 1. A natural person holding fee title individually or jointly in the person's own name, whose primary residence at the time of application submittal (to the extent the proposed urban lot split requires demolition or alteration of any dwelling unit on the property) is on the subject property, or
  - 2. A trustor and/or trustee of a trust that holds fee title to the property, and which at the time of application submittal (to the extent the proposed urban lot split requires demolition or alteration of any dwelling unit on the property), either the trustor or beneficiary uses the subject property as its primary residence. Individual property owner does not include any corporation or corporate person of any kind except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).

### **Section 16.18.030 Application**

The following apply to urban lot split applications:

- A. Only individual property owners may apply for urban lot splits.
  
- B. The individual property owner must submit an application for a tentative parcel map in compliance with Section 16.02.010.
  
- C. An application for an urban lot split must be submitted on the City's approved form. Only a complete application will be considered. The

City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.

- D. The individual property owner must agree, as part of the application, to hold the city harmless from all claims and damages related to the approval of a subdivision under this Chapter, and its subject matter and reimburse the City for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this Chapter.

## **Section 16.18.040 Approval Process**

### **A. Tentative Parcel Map.**

1. **Decision-Maker.** The tentative parcel map shall be approved or denied ministerially, by the Director of Planning and Environmental Review, without discretionary review. If approved, the tentative parcel map shall not be recorded.
2. **Findings Required.** The Planning and Environmental Review Director must make the following findings to approve a tentative parcel map for an urban lot split:
  - a. The urban lot split conforms to all applicable objective requirements of the Subdivision Map Act (Government Code Section 66410 et. seq.), including implementing requirements in this Title and Chapter, except as otherwise expressly provided in this Chapter.
  - b. In concurrence with the Building Official, the urban lot split would not have a specific, adverse impact, as defined in California Government Code Section 65589.5(d)(2), on either public health and safety or on the physical environment or, if there is such an impact, there is a feasible method to satisfactorily mitigate or avoid the specific adverse impact.
3. **Finding for Denial.** If the Director fails to make the finding in subsection (2)(b) above, the denial shall include a finding from the Building Official that, based on a preponderance of the evidence, there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact and the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

- B. **Final Map.** Approval of a Final Parcel Map shall be processed consistent with Chapter 16.02

### **Section 16.18.050 Urban Lot Split Requirements**

An urban lot split must satisfy each of the following requirements:

- A. **Off-Site Improvements.** Notwithstanding Government Code Section 66411.1, no dedication of rights-of-way or construction of offsite improvements is required.
- B. **Zone.** The lot to be split is in the RS Zone District.
- C. **Lot Characteristics.** The parcel being subdivided satisfies the requirements of Government Code Section 66411.7(a)(3)(C) (referencing Government Code Section 65913.4(a)(6)(B-K)).
- D. **Historic Resources.** The lot to be split must not be either:
1. A historic property or within a historic district that is included on the State Historic Resources Inventory, or
  2. Within a site that is designated by ordinance as a City or county landmark or as a historic property or district.
- E. **No Prior Urban Lot Split.**
1. The lot to be split was not established through a prior urban lot split.
  2. The lot to be split is not adjacent to any lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.
- F. **No Impact on Protected Housing.** The urban lot split must not require or include the demolition or alteration of any of the following types of housing:
1. Housing that is income-restricted for households of moderate, low, or very low income.
  2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

3. Housing that has been occupied by a tenant in the last three years.

**G. Lot Size.**

1. The lot to be split must be at least 2,400 square feet.
2. The resulting lots must each be at least 1,200 square feet.
3. Each of the resulting lots must be between 60 percent and 40 percent of the original lot area.

**H. Easements.**

1. The owner must enter into an easement agreement with each public-service provider, as needed, to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots. Onsite wastewater treatment systems are not allowed.
  2. Each easement must be shown on the tentative parcel map.
  3. Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final map may be approved.
- I. **Lot Access.** Each resulting lot must have access to, provide access to, or adjoin the public right-of-way.
1. **Parking Access.** Lots not adjoining the public right-of-way must have parking access, where parking is required pursuant to Goleta Municipal Code subsection 17.07.040(B)(8)(i).

- J. **Nonconforming Conditions.** Nonconforming zoning conditions need not be corrected prior to or as a condition of approval of an urban lot split. This provision shall not apply to illegal zoning conditions.

**K. Separate Conveyance.**

1. **Within a resulting lot.**

- a. Principal dwelling units on a lot that is created by an urban lot split shall not be owned or conveyed separately from each other.
  - b. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.
  - c. All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners.
2. **Between resulting lots.** Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record all documentation necessary to allocate rights and responsibility between the owners of the two lots.
- L. **Non-Residential Use Prohibition.** No non-residential use is permitted on any lot created by urban lot split.
- M. **Owner Occupancy.** The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved unless the applicant is a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).
- N. **Deed Restriction.** The owner must record a deed restriction, acceptable to the City, that does each of the following:
1. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
  2. Expressly prohibits any non-residential use of the lots created by the urban lot split.

3. Expressly prohibits any separate conveyance of a principal dwelling on the property, any separate fee interest, and any common interest development within the lot.
4. States that the property is formed by an urban lot split and is therefore subject to the City's urban lot split and zoning regulations, including all applicable limits on dwelling size and development found in Goleta Municipal Code subsection 17.07.040(B).

#### **SECTION H. Amendments to Title 17 of the Goleta Municipal Code**

1. **Table 17.07.030 is amended to add the following in the "Additional Regulations" column for the "Minimum Lot Area (sq. ft.)" row:**

See subsection 17.07.040(B) for exceptions in RS.

2. **Table 17.07.030 is amended to add the following in the "Additional Regulations" column for the "Minimum Lot Width (ft.)" row:**

See subsection 17.07.040(B) for exceptions in RS.

3. **Subsection 17.07.040(B), entitled "Government Code Section 65821.21 Projects and Projects on Lots Created Through Urban Lot Splits," is added to read as follows:**

1. **Purpose.** The purpose of this subsection is to allow and appropriately regulate through a ministerial, objective process housing development projects containing no more than two residential units within a lot in a single-family residential zone in accordance with Government Code Sections 65852.21 and 66411.7.
2. **Applicability.** This subsection only applies to qualifying projects pursuant to Government Code Section 65852.21 and to all housing proposals on lots created through an urban lot split pursuant to Chapter 16.18, Urban Lot Splits. Objective City standards not found in this subsection apply unless there is a conflict with a standard in this subsection in which case the standard in this subsection applies.
3. **Definition.** As used in this subsection, "Individual property owner" means either:

- a. A natural person holding fee title individually or jointly in the person's own name, whose primary residence at the time of application submittal (to the extent the proposed project requires demolition or alteration of any dwelling unit on the property) is on the subject property, or
  - b. A trustor and/or trustee of a trust that holds fee title to the property, and which at the time of application submittal (to the extent the proposed project requires demolition or alteration of any dwelling unit on the property), either the trustor or beneficiary uses the subject property as its primary residence. Individual property owner does not include any corporation or corporate person of any kind except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).
4. **Applicant.** Only individual property owners may apply for a development project pursuant to this Section.
- a. The individual property owner must agree, as part of the application, to hold the city harmless from all claims and damages related to the approval and its subject matter and reimburse the city for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this Chapter.
5. **Permit Required.**
- a. *Inland Area.* Within the inland area of the City, ministerial review, approval, and issuance of a Land Use Permit by the Director is required for construction of a project pursuant to this subsection.
  - b. *Coastal Zone.* Within the Coastal Zone of the City, review, approval, and issuance of a Coastal Development Permit by the California Coastal Commission is required for construction of a project pursuant to this subsection.
6. **Required Findings.** The required findings for a Land Use Permit under this subsection are limited to the following findings:
- a. The proposed project is consistent with the standards in subsection 17.07.040(B).

- b. The proposed project conforms to all other objective standards within this Title and the General Plan to the extent that such objective standards do not conflict within any requirements or standards within subsection 17.07.040(B).
- c. Any zoning nonconformities on the subject parcel has been resolved as permitted by law.
- d. The proposed development is located on a legally created lot.
- e. In concurrence with the Building Official, the proposed project would not have a specific, adverse impact, as defined in California Government Code Section 65589.5(d)(2), on either public health and safety or on the physical environment or, if there is such an impact, there is a feasible method to satisfactorily mitigate or avoid the specific adverse impact.

No additional findings are required for a project processed pursuant to subsection 17.07.040(B), notwithstanding any other provisions of this Title.

- 7. ***Finding for Denial.*** If the Director fails to make the finding in subsection (6)(e) above, the denial shall include a finding from the Building Official that, based on a preponderance of the evidence, there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact and the basis for the rejection of potential feasible alternatives of preventing the adverse impact.
- 8. ***Development Standards.*** A project must meet the following requirements.
  - a. ***Development Location.*** Development must be located consistent with the requirements of Government Code Section 65852.21(a)(2) (referencing Government Code Section 65913.4(a)(6)(B-K)).
  - b. ***Historic Resources.*** The development must not be within:
    - i. A historic property or historic district that is included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1; or
    - ii. A site that is designated by ordinance as a city or county landmark or as a historic property or district



- c. *Protected Housing.* The project shall not require or include the demolition or alteration of any of the following types of housing:
  - i. 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;
  - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; or
  - iii. Housing that has been occupied by a tenant in the last three years.
  
- d. *Number of Dwelling Units.*
  - i. No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "dwelling unit" includes, but is not limited to, a principal dwelling unit, a unit created under this Section, an ADU, or a JADU.
  - ii. A lot that is not created by an urban lot split may have up to a two-unit project under this section, plus any ADU or JADU that must be allowed pursuant to Section 17.41.030, Accessory Dwelling Units (ADUs).
  
- e. *Dwelling Unit Size.*
  - i. The maximum floor area of each new primary dwelling is 800 square feet.
  - ii. A principal dwelling that was legally established on the lot prior to the project and that is larger than 800 square feet is limited to the lawful floor area at the time of the project. The dwelling unit may not be expanded.
  - iii. A principal dwelling that was legally established prior to the project and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the project.
  
- f. *Height Restrictions.*

- i. On a lot that is larger than 2,000 square feet, no new principal dwelling unit may exceed a single story or 16 feet in height.
  - ii. On a lot 2,000 square feet or smaller, any portion of a new principal dwelling that exceeds one story must be stepped back by an additional four feet from the ground floor; no balcony deck or other portion of the second story may project into the setback.
- g. *Limit on Demolition.* The development may not involve the demolition of more than 25 percent of the existing exterior structural walls of an existing dwelling unit, unless the site has not been occupied by a tenant in the last three years.
- h. *Setbacks for Existing Structures.* No setback is required for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
- i. *Parking.* Each new principal dwelling unit must have at least one off-street parking space in a garage. The square footage of the garage does not count toward any maximum floor area for principal dwellings pursuant to subsection 17.07.040(B)(8)(e).
- i. Exception. No parking is required if one of the following applies:
- (1) The lot is located within one-half mile walking distance of either:
    - i. A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours, or
    - ii. A site that contains either:
      - 1. An existing rail or bus rapid transit station, or
      - 2. The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

(2) The site is located within one block of a car-share vehicle location.

j. *Design.*

- i. If there is a principal dwelling on the lot that was established before the project, any new principal dwelling unit must match the existing principal dwelling unit in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
- ii. If there is no principal dwelling on the lot before the project, and if two principal dwellings are developed on the lot, the dwellings must match each other in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
- iii. No window or door of a principal dwelling that is constructed on the lot may have a direct line of sight to, or be within 10 feet of, an adjoining residential property without screening. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
- iv. No new rooftop deck is permitted on any new or remodeled dwelling unit or structure on a lot with a proposed project.

k. *Landscaping.* Landscaping is required for each principal dwelling as follows:

- i. At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24-inch box size plant shall be provided for every 10 linear feet of exterior wall.
- ii. New landscaping must use water-efficient species only.

9. ***Nonconforming Conditions.*** A project may only be approved if all nonconforming zoning conditions on the lot are corrected.

10. ***Utilities.***

- a. Each principal dwelling unit on the resulting lots must have its own direct utility connection to all utility service providers.
- b. Onsite wastewater treatment systems are not allowed.

11. **Building Code Requirements.** All structures built on the lot must comply with Title 15 of the Goleta Municipal Code.

12. **Separate Conveyance.**

- a. Principal dwelling units on the lot shall not be owned or conveyed separately from each other.
- b. Condominium airspace divisions and common interest developments are not permitted within the lot.
- c. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.

13. **Short-Term Vacation Rentals.** No dwelling unit on the lot may be rented as a short-term vacation rental, as the term is defined in Goleta Municipal Code Section 5.08.010.

14. **Owner Occupancy.** Unless the lot was formed by an urban lot split, the individual property owner (or the beneficiary of a trust that is an individual property owner) of a lot with a proposed project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.

15. **Deed Restriction.** The owner must record a deed restriction, acceptable to the City, that does each of the following:

- a. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days, unless already included in a deed restriction.
- b. Expressly prohibits any separate conveyance of a principal dwelling on the property, any separate fee interest, and any common interest development within the lot.
- c. If the lot is not created by an urban lot split: Expressly requires the individual property owners (or the beneficiary of a trust that is an individual property owner) to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.

16. **General Exception.** The standards imposed by subsection 17.07.040(B) and this Title must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area.

a. *Setback Exception.* An exception to the General Exception applies such that no structure shall be less than four feet from a side or rear property line.

4. **Table 17.38.040(A) is amended to change the text in the “Required Parking Spaces and Additional Regulations” column for the “Single-Unit Dwelling” to read as follows:**

See subsection 17.07.040(B) for exceptions in RS.

5. **Subsection 17.41.030(E)(9) is added to read as follows:**

The ADU or JADU is not on a lot created through an urban lot split pursuant to Chapter 16.18, Urban Lot Splits that has two existing dwelling units.

6. **Subsection 17.58.020(A) is amended to add 17.58.020(A)(6) to read as follows:**

Housing development projects pursuant to subsection 17.07.040(B).

#### **SECTION I. Codification**

The City Clerk shall cause this amendment to be appropriately renumbered and codified in Titles 5, 16, and 17 of the Goleta Municipal Code on the effective date of this Ordinance.

#### **SECTION J. Severability**

If any provision of this Ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council does hereby declare that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

#### **SECTION K. Certification of City Clerk**

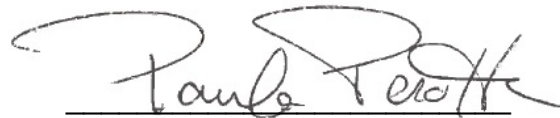
This Urgency Ordinance is adopted by a four-fifths majority vote of the City Council.

The City Clerk shall certify to the adoption of this Ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

**SECTION L. Effective Date**

This Ordinance shall take effect on January 1, 2022.

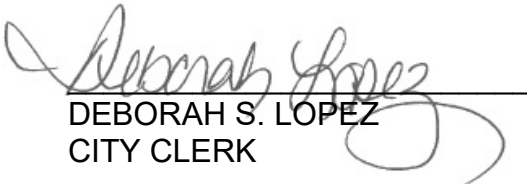
**PASSED, APPROVED, AND ADOPTED** this 21<sup>st</sup> day of December 2021.



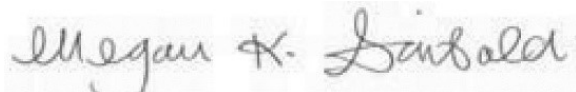
PAULA PEROTTE  
MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**



DEBORAH S. LOPEZ  
CITY CLERK



MEGAN GARIBALDI  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SANTA BARBARA ) ss.  
CITY OF GOLETA )

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 21-12U was introduced on December 21, 2021, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the 21<sup>st</sup> day of December, by the following roll-call vote, to wit:

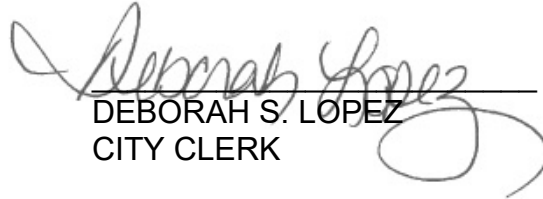
AYES: MAYOR PEROTTE, MAYOR PRO TEMPORE  
KASDIN, COUNCILMEMBERS ACEVES, KYRIACO  
AND RICHARDS

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE

(SEAL)

  
DEBORAH S. LOPEZ  
CITY CLERK

## **Attachment 3**

Draft Notice of Exemption



## NOTICE OF EXEMPTION (NOE)

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**To:**  Office of Planning and Research  
P.O. Box 3044, 1400 Tenth St. Rm. 212  
Sacramento, CA 95812-3044

**From:** City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117

Clerk of the Board of Supervisors  
County of Santa Barbara  
105 E. Anapamu Street, Room 407  
Santa Barbara, CA 93101



**Subject:** Filing of Notice of Exemption

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**Project Title:** Extension of Urgency Ordinance No. 21-12U, An Urgency Ordinance to Regulate SB 9 Lot Splits and Residential Projects in the Single-Family Residential (RS) Zone District (Case No. 21-0006-ORD)

**Project Applicant:** City of Goleta

**Project Location (Address and APN):** Citywide

**Description of Nature, Purpose and Beneficiaries of Project:**

On December 21, 2021, City Council adopted Urgency Ordinance No. 21-12U, with an effective date of January 1, 2022 pursuant to Government Code sections 36937 and 65858. Urgency Ordinance No. 21-12U included amendments to Title 5 (Business Licenses and Regulations), Title 16 (Subdivisions), and Title 17 (Zoning) of the Goleta Municipal Code (GMC) to ensure that City's regulations comply with SB 9 and to maintain City authority to regulate SB 9 projects where possible. SB 9 becomes law on January 1, 2022. Under Government Code section 65858, an urgency ordinance shall be in no further effect 45 days after the date of adoption. As such, Urgency Ordinance No. 21-12U (adopted on December 21, 2021) will currently expire on February 4, 2022. The proposed urgency ordinance will extend Urgency Ordinance No. 21-12U to ensure that the City has regulations in place for SB 9 projects.

**Name of Public Agency Approving the Project:** City of Goleta

**Name of Person or Agency Carrying Out the Project:** City of Goleta

**Exempt Status:** *(check one)*

- Ministerial (Sec. 15268)
- Declared Emergency (Sec. 15269 (a))
- Emergency Project (Sec. 15269 (b) (c))
- Categorical Exemption
- Statutory Exemption
- Other: California Government Code Sections 65852.21(j) and 66411.7(n) (not a project under CEQA)

**NOTICE OF EXEMPTION (NOE)**

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**Reason(s) why the project is exempt:**

The ordinance extends urgency regulation of new housing development and lot splits pursuant to SB 9, which among other things, adds Government Code Section 65852.21 and 66411.7 to impose new limits on local authority to regulate urban lot splits and certain residential projects

Under California Government Code Sections 65852.21(j) and 66411.7(n), the adoption of an ordinance by a city or county implementing the provisions of Government Code Sections 66411.7 and 65852.21 is not a project and therefore exempt from the requirements of the California Environmental Quality Act (CEQA). Therefore, the proposed urgency ordinance is exempt from CEQA in that the proposed ordinance implements these new laws enacted by SB 9.

**City of Goleta Contact Person:**

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Peter Imhof

Director, Planning & Environmental Review

Date