

Santa Barbara Happenings



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New State Law Enacted to Alter Single-Family Zoning

Governor Gavin Newsom recently signed Senate Bill 9, allowing homeowners throughout California to split their lot zoned for a single-family residence into two residential units with only ministerial approval of local government. Current Accessory Dwelling Unit (“ADU”) laws already allow two ADUs for each residential property. The passage of Senate Bill 9 now means one single-family lot can be developed into up to six total units. The law does not take into account lack of parking, infrastructure upgrades, or the character of Santa Barbara neighborhoods.

The new law eliminates Single-Family Design Board review of projects and requires objective design standards. As a result, Santa Barbara loses all discretionary control in determining what areas can better support high-density housing.

Some cities are planning to raise a legal challenge to the law, but Principal Planner Dan Gullett said Santa Barbara is not currently planning to challenge. The City will likely implement an ordinance to clarify any ambiguities within the new law.

Senate Bill 9 goes into effect January 1, 2022.

48-Unit Apartment Project Proposed on E. Haley and Santa Barbara Street

A proposed four story, 48-unit apartment building on the corner of E. Haley and Santa Barbara Streets was recently presented to the Architectural Board of Review. The proposal includes eight two-bedroom units, eight studio units, and 32 one-bedroom units. A swimming pool and gym are also included in the plans. The proposed building site is currently vacant.

The project is proposed under the City’s Average Unit-Size Density program, which incentivizes developers to build affordable housing in exchange for an increased density allowance. The project was given mixed feedback from the Architectural Board of Review as to whether the building would

fit in with the overall design of the area.

The developers will incorporate the feedback into their formal application to the City.

Santa Barbara Landlord Puts Down Payment on Hopeful Homeless Shelter

Santa Barbara commercial landlord Richard Berti recently put a \$450,000 down payment on the vacant St. Mary’s Seminary on Los Canoas Road in Mission Canyon. Berti hopes the 35 acres of land can be used as a shelter for people living on the streets of Santa Barbara. The existing building already consists of dorm rooms, a commercial-quality kitchen, and a gym.

The property is currently listed at \$14.5 million. Berti’s goal is to gain support from City Hall who can then help purchase the property with the state and federal emergency funding allocated for providing shelter to the homeless population. Berti and his associate also hope that Santa Barbara’s nonprofit community would offer financial support to purchase the property. Berti has 45 days from when his down payment was made to enlist the help of City Hall and/or the nonprofit community to avoid sale to another buyer. It is now up to the City and community members to step up.

California Enacts ‘Silenced No More Act’

In 2018, California enacted the Stand Together Against Non-Disclosures (“STAND”) Act which prohibits a workplace settlement agreement from preventing the disclosure of facts related to claims of sexual assault, sexual harassment, harassment, or discrimination based on sex. Effective January 1, 2022, the ‘Silenced No More Act’ broadens the STAND Act protections to include facts related to any acts of workplace harassment and discrimination, not just those based on sex.

In addition, the Silence No More Act expands on the language in non-disparagement provisions. Current law (Government Code section 12964.5) outlaws employers from requiring employees to sign an agreement prohibiting the disclosure of

Continued on page 33

information about unlawful acts in the workplace. The Silence No More Act clarifies that the restriction on non-disclosure of information includes harassment or discrimination or any other conduct that the employee has reasonable cause to believe is unlawful.

The added protections will apply to agreements entered into on or after January 1, 2022.

Santa Barbara County Accepting Applications for Emergency Rental Assistance

United Way of Santa Barbara County is currently accepting applications for rent and utility assistance for debts accrued during the pandemic. Eligible residents can receive relief for unpaid rent dating back to March 2020. The rental assistance program is open to Santa Barbara County residents with an annual household income at or below 80% of the area median income, residents who experienced a loss of income, or residents at risk of homelessness or housing instability. Payments are made directly to the property owners or managers on behalf of tenants.

Editor's Note: Landlords intending to proceed with evicting tenants for nonpayment of COVID-19 Rental Debt before March 31, 2022 will be required to prove that they applied for rental assistance to cover the debt being demanded from the tenants.

Purchase of Santa Barbara Dispensary Causes Contractual Dispute

In 2018, Santa Barbara Retail Cannabis Store 'Coastal' received one of the three cannabis storefront licenses awarded by the City of Santa Barbara. Coastal is now in the middle of a contractual dispute and over the pending \$56 million sale of the company, expected to be finalized in 2022.

A complaint was filed in September alleging that the terms of the sale benefited some owners but diluted other owners' shares in the Company. It also alleges that the company left some of the owners out of the decision making entirely.

The City of Santa Barbara was unaware of the pending sale of Coastal and, at the time of this writing, has not received an application to transfer the retail license. In the application process, the City of Santa Barbara gave weight to experience within Santa Barbara, but the potential buyer has no local experience. If the sale is finalized, Coastal would be the second of Santa Barbara's three retail storefronts to be sold. The first was Golden State Greens which sold to a Florida Company in 2020.

Santa Barbara Unified School District Staff Mandated to Get Vaccinated

The Santa Barbara Unified Board of Education recently mandated vaccines for all District employees without the option of a frequent testing alternative. The District reported that there are approximately 60 employees seeking an exemption or deferral from the mandate and 5 employees that have requested leave or resignation. Notwithstanding this mandate, the Santa Barbara County Board of Supervisors voted to extend the indoor mask mandate in schools until November 5, 2021.

Governor Newsom announced a vaccine mandate for students attending in-person classes that will go into effect at the start of the next school year or after the vaccines gain full FDA approval for children. It is estimated that this will be July of 2022 for grades 7-12, although it could be as soon as January 2022. The COVID-19 vaccine will be added to the current list of 10 vaccines that students must receive prior to in-person learning. Medical and religious exemptions will be available for students.

Santa Barbara County Board of Supervisors Delay Orcutt Housing Project

Ventura County based Aldersgate Investments has proposed a housing project near the eastern entrance to Orcutt. The proposed development would include 119 single-family residences ranging from 1,100 to 1,600 square feet.

Concerns were raised about how adding substantial multifamily housing would change the overall landscape of Orcutt. Plans for the proposed project also include a nearby shopping center.

Ultimately, the project was delayed due to concerns over the high density, the housing designation at the site, and driving access to leading to the new neighborhood.



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