

# Santa Barbara Happenings



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## Santa Barbara City Council Looks to Relax ADU Laws



Santa Barbara is among the top cities in California for ADU production, and, according to staff, that production could increase with the recent zoning ordinance amendments passed by the City Council on Tuesday. The term ADU or 'accessory dwelling unit' usually refers to any secondary dwelling built on a residential lot meant for a single-family home.

Jillian Ferguson, a planner with the city's Community Development Department, presented the proposed changes to the council, which would allow taller ADUs, expand the ability to build "Double" ADUs, and allow property owners to convert the upper floors of mixed-use commercial buildings into residential ADUs.

In the past two years, the city has processed 367 applications, 96 percent of which have been reviewed within the 60-day timeline, and 83 percent of which were reviewed by city staff within 30 days, Ferguson said.

City staff recommended not allowing units on the ground floors in order to support and maintain mixed-use development along commercial corridors. The expansion on height would match state standards, and another new change would allow for ADUs to include a space for bicycle storage or laundry expanded into the open yard.

The open question is whether families can raise kids in ADUs? Without families we are just building structures. Housing without families and kids is not a real community.

## Goleta Council Adopts New Housing Element

The Goleta City Council voted to adopt a revised Housing Element for 2023-31, after the first draft that was sent to the state was returned to the City

with comments and requests from the California Department of Housing and Community Development for changes or more information.



Image Jean Yamamura SBIndependent.com

Goleta is mandated by its Regional Housing Needs Allocation to accommodate 1,837 housing units among all affordability levels. Each city is required by the state to update its Housing Element every eight years, and Goleta's last Housing Element update was in late 2014.

Some of the revisions made to the Housing Element include more information on additional housing projects, such as accessory dwelling units, the Super 8 housing project, potential 3-D printed houses, possible increased focus on fair housing and low-income housing programs, and analysis of special-needs populations.

## 49-Unit Housing Santa Maria Housing Project Approved

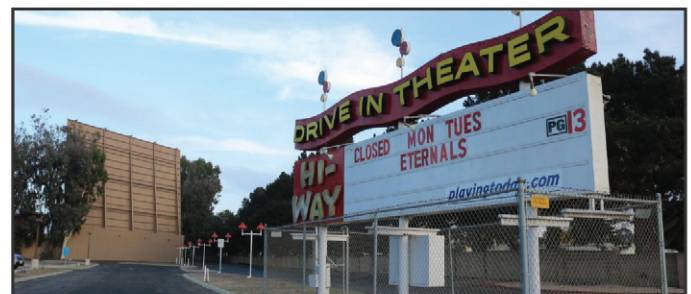


Image santamariatimes.com

A 49-unit affordable housing project at the site of the former drive-in theater in Santa Maria received City Council approval, although lot size, parking and pedestrian access to an adjacent neighborhood raised some concerns from residents. Access to the neighborhood will be off Santa Maria Way.

The applicant sought a project with smaller than minimum lot size, ranging from 5,000 to 9,000

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square feet. That is smaller than the minimum for the zone, which calls for lots of 6,000 square feet.

### **Santa Barbara County Housing Element Difficulties**

Governor Newsom has mandated that Santa Barbara County must build over 5,600 new housing units by 2031 in order to combat the California housing crisis. On top of this, the City of Santa Barbara must build 8,000 new housing units.

The county Board of Supervisors met to discuss sites proposed for the housing units, two of which are located on Hollister Avenue: Glen Annie Golf Course and San Marcos Growers. The rezoning of these two sites could allow enough room for 2,357 housing units to be built but there are concerns. Residents have pointed out that the golf course serves those who cannot afford country clubs, including the Dos Pueblos High golf team. There is also concern that replacing the golf course with housing units would increase traffic in an already busy area.



*Glen Annie Golf Club*



*San Marcos Growers, image smgrowers.com*

The rezoning of agricultural land in general, and San Marcos Growers in particular, would also lead to a loss of jobs for those employed there. The Third District supervisor and the Planning Department are looking at other options in an effort to avoid rezoning such sites. The many challenges have caused the county to miss the February 15th Housing Element deadline.

### **Possible New Housing at Magnolia Shopping Center**

The Magnolia Shopping Center in the Goleta Valley is now on the list of potential housing sites, after Santa Barbara County Second District Supervisor Laura Capps pushed for the property to be included in the county's draft Housing Element.

The state requires the county to update its Housing Element every eight years and find sites that can accommodate new housing. Of the 5,664 new housing units, 4,142 must be in South County, and 1,522 must be in North County.

### **Estate Planning Trusts Cannot Hold Property in the Name of the Trust**

Mark Vinokur and Rimma Boshernitsan attempted to serve notice of termination of a lease to their tenants under the San Francisco Rent Control Ordinance which allows landlords to evict tenants in order to move their family members onto a property. A Superior Court judge, however, ruled in favor of the tenants due to the fact that the property was owned by the Vinokur and Boshernitsan Living Trust which is not a "natural person" as stated in the ordinance.

This decision was then reversed by the Court of Appeals as the deed to the property clearly confirmed that the title was held by the trustees of the trust (Vinokur and Boshernitsan) and not the Trust.

This claim was also supported by the "law of trusts" according to which trusts are not entities that can hold titles to properties. Thus, the title of a property remains under the ownership of the person who transferred it to the trust. For now, the court limited this decision "to the situation in which a landlord is settlor, trustee and beneficiary of a revocable living trust."

Be sure to properly title assets transferred to your estate planning trust.

### **Taxpayer Protection and Government Accountability Act: 2024 Ballot Initiative**

A ballot initiative will appear on the 2024 ballot which proposes the amendment of the California State Constitution so that all levies, charges and fees will be defined as taxes. It would also change the approval requirements for new state and local taxes.

Currently, new state taxes require two-thirds vote in each legislative chamber or a simple majority vote of citizens for approval; new local taxes require two-thirds vote by local governing body as well as a simple majority vote by the local electorate. If the ballot initiative is approved, this would be changed to a requirement of two-thirds legislative vote and voter approval for state taxes and two-thirds vote of the electorate for local taxes.

These changes could lead to lower taxes and also lower state and local revenues. Some tax increases imposed after January 1, 2022 could also be repealed.

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