



Neighborhood
University
Relations
Committee
(NURC)

February 10, 2020



Zoning Code Update



Outreach To Date

- Old Quad Outreach—7 meetings beginning June 2018 on single family design, parking, historic criteria, & minidorms
- Community Workshops—Feb 13 & Feb 28 2019
- Online Survey—Summer 2019
- Outreach on Uses in Single Family Districts—April 29, May 16, & May 29, 2019
- Joint City Council & Planning Commission Study Sessions--3 meetings
 - short term rentals, uses in single family districts; assisted living & safe parking; single family standards, placemaking & live entertainment



Next Steps

- Release of Public Draft of Zoning Code—Late Spring
- Planning Commission Study Session—Summer
- Planning Commission & City Council consideration--Fall



Uses in Single Family Districts/MiniDorms



Legal Ground Rules

Regulatory Framework

- All City laws must be consistent with Federal Fair Housing Laws
 - Cannot create laws that discriminate
 - Cannot define family



**EQUAL HOUSING
OPPORTUNITY**



City of Santa Barbara v. Adamson (1980)

- Santa Barbara ordinance's definition of family as either related persons living together as a single household unit in a dwelling unit or as a group of not to exceed five persons, living together as single housekeeping unit in a dwelling unit violated State Constitution.
- Santa Clara cannot place numerical limits on groups of unrelated people living as single housekeeping units that are different from limits on related households.



Single Family Districts

Potential Approaches

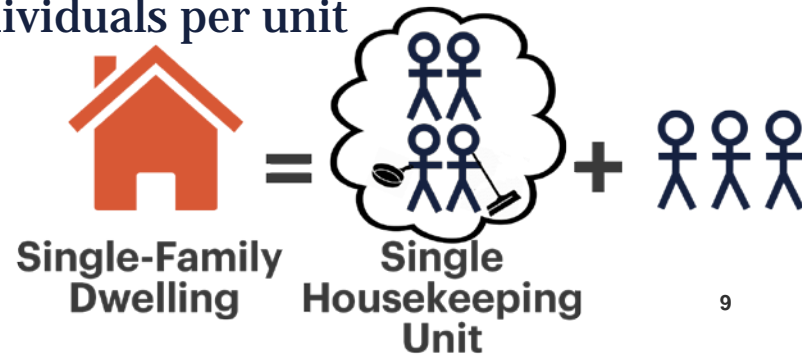
- **Replace** the Zoning Code term 'boarding house' with more precise regulations that allow for effective enforcement:
 - Establish a maximum number of individuals who can occupy a residence in addition to the single housekeeping unit/single household
 - Add standards requiring “common habitable area” in single-family residences



Single Family Districts

Occupancy in a Residence

- Create a cap on the number of individuals who may reside long-term based on unit type (in addition to the single housekeeping unit/single household):
 - Single-Family Dwelling = three additional individuals
 - Duplex = two additional individuals per unit
 - Multiple Dwelling Unit = two additional individuals per unit
- Number of individuals within a single household/housekeeping unit would **not** be regulated/limited





Single Family Districts

Common Habitable Area

- Applicable to new construction Single-Family Residences and Duplexes
- Creating a minimum percentage (%) of habitable floor area available to all for common use (ex: dining room, living room, kitchen)
 - Garages and hallways are not considered common use areas
- Minimum common habitable area must be **25%** of total habitable area for single-family residences



Single Family Districts

Research on Referred Attorney General Opinion

- Lompoc in 2003 requested opinion on whether operation of boarding or rooming housing business in a single family home in a single family residential district can be limited or prohibited.
- The Attorney General's verdict is that a city may prohibit a boarding house business
- However this opinion does not undermine City of Santa Barbara v. Adamson case
 - Cities cannot define family. If a group of individuals live as a single housekeeping unit, Santa Clara cannot put numerical limits on the single housekeeping unit.



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BACK UP SLIDES

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Single Family Districts

Current Zoning Definitions

- **“Boarding house or rooming house”** means a dwelling, other than a hotel, where lodging or lodging and meals for two or more persons is provided for compensation. 18.06.010(b)
- **“Housekeeping unit”** means an individual or group of persons occupying a dwelling unit that has a single kitchen. 18.06.010(h)



Single Family Districts

Proposed Changes to the Definitions

- **Revise** definition of “**Single Housekeeping unit.**” Means an individual or group of persons occupying a dwelling unit used as a common living arrangement. Evidence of a common living arrangement may include some or all of the following: sharing living expenses, such as rent or mortgage payments, food and utility costs, a single lease, or shared chores. that has a single kitchen.
- The primary single housekeeping unit can either be renters or owners of the unit/house



Single Family Districts

Proposed Changes to the Definitions

- **Challenges with “Boarding House or Rooming House”**
 - Any rental to two or more persons is defined as a boarding house
 - Current definition prevents consistent enforcement
 - Today, leasing a single-family residence to two persons is considered consistent with uses anticipated in single-family districts
 - 10 persons that are not sharing a household may not be consistent with a single-family district