



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: August 31, 2017
AGENDA DATE: September 7, 2017
PROJECT: Accessory Dwelling Unit Ordinance
TO: Planning Commission
FROM: Planning Division, (805) 564-5470
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I. RECOMMENDATION

That the Planning Commission initiate an amendment to the Zoning Ordinance to adopt an Accessory Dwelling Unit Ordinance in accordance with the requirements of Senate Bill 1069 (SB 1069) and Assembly Bill 2299 (AB 2299), and forward a recommendation to the City Council for adoption.

II. BACKGROUND

California is facing a state-wide housing crisis, with rising housing costs, and a shortage of affordable housing options. One solution is to encourage accessory dwelling units (ADUs) as a method of increasing the housing supply. To facilitate this approach, state law related to ADUs was amended in September 2016 by the state legislature through adoption of AB 2299 and SB 1069, making significant changes to the manner in which local municipalities are required to regulate such units. AB 2299 and SB 1069 rename “second units” as “accessory dwelling units,” and make significant changes to local authority to regulate these units. The changes fall into four main areas: parking, types and size of units, approval process and timelines, and utility fees.

This amended state law is now in effect and supersedes the City’s former “secondary dwelling unit” and “accessory dwelling unit” ordinances until the City adopts its own ordinance. In the meantime, staff is required to ministerially approve ADUs if the units comply with the Section 65852.2 of the California Government Code. The provisions of the amended state law also applies in the Coastal Zone; however, a proposed ADU may require a Coastal Development Permit (CDP) depending on the type and location of the unit.

Another related bill, AB 2406, gives local governments the option to adopt an ordinance allowing junior accessory dwelling units (JADUs), which are ADUs that have no more than 500 square feet of living area and comprised of existing bedrooms within a single residential unit. City staff has opted not to bring forward an ordinance allowing JADUs at this time in order to first assess the effectiveness of the new ADU regulations and potential demand for this type of accessory dwelling unit. If a demand and need for JADUs is identified after adoption of the ADU ordinance, an ordinance amendment can be considered.

The full text of the state law for ADUs (Section 65852.2 of the Government Code) is included as Attachment A and the provisions of the amended state law is summarized in the table below.

Table 1 - State Law ADU Requirements

Topic	SB 1069/AB 2299 (Gov't Code Section 65852.2)
Processing	Must be processed within 120 days of receiving application
Permitting	Must be considered ministerially without discretionary review or hearing
Floor Area	<ul style="list-style-type: none"> Increased floor area of an attached ADU shall not exceed 50% of the existing living area Total area of a detached ADU shall not exceed 1,200 square feet
Allowed Zones	The lot is zoned for single family or multi-family use
Location	On a lot with an existing or newly constructed single family unit
Types of ADUs Allowed	<p>An ADU is an independent living facility (includes bathroom, kitchen) for one or more persons that generally takes one of the following three forms:</p> <ul style="list-style-type: none"> Detached: The unit is separated from the primary structure Attached: The unit is attached to the primary structure Repurposed Existing Space: Space (e.g. master bedroom) within the primary residence is converted into an independent living unit
Access to ADU	<ul style="list-style-type: none"> No passageway shall be required in conjunction with the ADU ADU within an existing single residential unit or accessory structure require independent exterior access
Setbacks	<ul style="list-style-type: none"> No setback shall be required for a legally permitted existing garage or other accessory building that is converted to an ADU If an ADU is constructed above a new or existing garage, a setback of no more than 5 feet is required from interior lot lines
Parking Exceptions	<p>A local government cannot impose parking standards for an ADU if:</p> <ul style="list-style-type: none"> ADU is within ½ mile of public transit stop; ADU is located within an historic or architecturally significant district; ADU is contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building; ADU is in a Permit Parking Area where on-street parking permits are required but not offered to the occupant(s) of the ADU; or When there is a carshare vehicle located within a walking distance of 500 feet (approximately 1 block) of the ADU.
Parking Location	<ul style="list-style-type: none"> If parking is required, it shall not exceed one space per ADU or bedroom Off-street parking may be permitted in setback areas in locations determined by the City or in a tandem configuration, unless specific findings are made that it is not feasible or permitted anywhere else in the City If existing parking is demolished in conjunction with the ADU and off-street parking is required by the City, the replacement parking may be configured as covered or uncovered, in a tandem configuration, or in a mechanical lift
Utility Fee Requirements	ADUs within the existing space of a single-family residence or accessory structure shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service. Other ADUs may require new or separate utility connections and may be subject to a connection fee or capacity charge that shall be proportionate to the ADU size or number of plumbing fixtures.

Topic	SB 1069/AB 2299 (Gov't Code Section 65852.2)
Fire Sprinklers	Not required if not required for primary residence
Sale/Rental Restrictions	Not allowed, may be rented for >30 days

The amended state law allows local governments to take a variety of actions beyond these statutes that promote ADUs, such as reduction in fees, less restrictive parking requirements or unit sizes, or amending General Plan policies. The City can also adopt a local ordinance to impose development standards provided they do not overly burden the overall development of ADUs. For instance, the City can impose development standards that further regulate parking, height, lot coverage, lot size, and maximum unit size. Also, ADUs can be precluded in areas with health and safety risks, such as high fire hazard areas, due to health and safety concerns for residents and emergency crews.

Existing and Pending Accessory Dwelling Units in the City

The City's Housing Element Policy H15 encourages accessory dwelling units as a means to provide additional rental housing in single family zones (now referred to as residential single unit zones), while continuing to prohibit them in High Fire Hazard Zones to the extent allowed by state law, and recognizing that Santa Barbara has unique characteristics that warrant some additional local oversight of these units. Under the City's former Secondary Dwelling Unit provisions (applicable until January 1, 2017), approximately 16 “secondary dwelling units” were constructed in the City. Under the City's former Accessory Dwelling Unit provisions (applicable from April 2003 to January 1, 2017), which allowed two units on smaller R-2-zoned lots, approximately 18 “accessory dwelling units” were constructed in the City.

Since January 1, 2017, the City has received over 160 building permit applications for ADUs and typically several new applications are submitted every day. This significant interest in permitting ADUs indicates that the City's previous regulations did not encourage or provide enough flexibility to develop an ADU and the relaxed regulations have made it a more feasible option. The majority of the applications received since January 1, 2017 are for conversions of existing garages and accessory structures to ADUs. In some cases, owners of existing non-conforming and illegal accessory units have filed applications to legalize these units under the new state law. The expected outcome on building permit applications in the process is that, absent any other specific direction from City Council, the standards of the City’s ADU Ordinance would apply to building permits issued after the effective date of the ADU Ordinance.

Public Outreach

A page on the City’s website (www.santabarbaraca.gov/ADU) was created for this work effort and has been regularly updated with notification of upcoming meetings and a link for interested parties to provide comments, and request to receive updates and notices of new information or public meetings. Notifications via the City’s Land Development Team e-Bulletin were also sent to alert interested parties when public documents were available for review. Public comments received to date are included as Attachment B.

City staff solicited early input on the proposed ordinance amendments at community meetings with the Allied Neighborhoods Association and American Institute of Architects (AIA) that were attended by a

total of approximately 25 people. The main focus of these community meetings was to gather initial public input on the City's proposed ADU development standards. Following is a summary of the input received at these meetings:

Allied Neighborhoods Association

On July 19, 2017, staff met with representatives of the Allied Neighborhoods Association who provided input on health and safety concerns related to an increase of units (high fire hazard, emergency access, flooding, unstable soils) as well as neighborhood concerns regarding increased traffic, parking demand, and permanence of manufactured housing used as an ADU. Other concerns raised included protection of historic resources, adequacy of existing utility infrastructure and water usage, use of design guidelines and questions about whether the City could require long-term rental agreements and use of the units as local work-force housing.

American Institute of Architects (AIA)

City staff met with representatives of the AIA on July 24, 2017. Generally, the AIA was interested in understanding the intent of the City's proposed ordinance and the rationale behind proposed deviations from state regulations. The following key comments were relayed to staff at the meeting: a) consider allowing ADUs in multi-family zones, b) the ADU floor area should be included in the maximum allowed floor to lot area ratio (FAR), c) the proposed maximum 600 square foot floor area is too small for a well-designed unit, d) consider not excluding all high fire hazard zone areas, e) separate water meter for ADUs is not necessary, f) clarify the purview of the Single Family Design Review Board (SFDB) over projects with ADUs, g) some interest expressed in Junior ADUs, h) provide justification of a proposed minimum 5,000 square foot lot area, and i) provide rationale for the proposed 25 foot height limit.

III. DISCUSSION

Proposed Accessory Dwelling Unit Ordinance

While recently amended state law largely restricts the ability of local municipalities to regulate accessory dwelling units, cities do have the ability to regulate certain aspects of ADUs. The majority of the provisions in the City's proposed ADU ordinance pertain to attached or detached ADUs, as opposed to those provided entirely within existing structures with no construction of additional living area. Further, the proposed standards are designed to ensure that detached and attached ADUs would be subordinate to the primary dwelling in terms of size, location on the lot, and appearance.

The proposed ADU ordinance (Attachment C) was drafted in large part based on direction from Housing Element Policy H15 and Implementation Action H15.1 as follows:

Policy H15: Secondary Dwelling Units. Further encouraging second units (granny units) in single family zones shall be pursued with neighborhood input to gauge level of support, but prohibited in the High Fire Hazard Zones to the extent allowed by the State laws applicable to second units. Second units may be most appropriate within a short walking distance from a main transit corridor and bus stop.

H15.1 Secondary Dwelling Unit Ordinance. Amend the Secondary Dwelling Unit Ordinance to provide more site planning flexibility and affordable-by-design concepts such as:

- Changing the existing size limitations to remove percentage of unit size and allowable addition requirements, and allowing a unit size range (300 – 700 square feet);
- The square footage of the secondary dwelling unit shall be included in the floor-to-area ratio (FAR) for the entire lot and shall be consistent with the Neighborhood Preservation Ordinance FAR;
- Eliminating the attached unit requirement;
- Eliminating or adjusting affordability requirements;
- Allowing tandem parking and easing other parking requirements on a case-by-case basis;
- Allowing one water, gas, and electric meter and a single sewer line, or reviewing requirements for meter placement and configuration to minimize the cost of individual metering of dwelling units; and
- Developing guidelines and prototypes of innovative design solutions.

Elements of the former “secondary dwelling unit” and “accessory dwelling unit” ordinances were included in the draft ADU ordinance as applicable, and staff considered the public comments received at the community meetings, other local municipalities ADU regulations, the City’s High Fire Hazard Areas, protection of designated historic districts and landmarks, and maintenance of the character of existing single family and duplex neighborhoods.

The key elements of the City’s proposed ADU ordinance are shown in the table below. The former secondary dwelling unit and accessory dwelling unit zoning code requirements are included in the table for comparison, even though these regulations were deemed null and void by state law.

Table 2 - Draft ADU Ordinance Requirements

Topic	Draft Accessory Dwelling Unit Ordinance	Former Secondary Unit Regulations	Former Accessory Dwelling Unit Regulations
Allowed Zones	RS (Residential Single Unit) and R2 (Two-Unit Residential) Zones	Single Family Zones only	R2 (Two Unit Residential) Zones only
Special Location Considerations	Not allowed: <ul style="list-style-type: none"> • In High Fire Hazard Areas • On lots with existing accessory dwelling units or caretaker units • In R3, R4, Commercial, or Industrial Zones, and Specific Plans 	Not allowed: <ul style="list-style-type: none"> • In High Fire Hazard Areas • In multi-family, commercial, or industrial zones 	Not allowed: <ul style="list-style-type: none"> • In multi-family, commercial, or industrial zones
Minimum lot size	5,000 square feet	7,000 square feet	Lots between 5,000 and 6,000 square feet
Floor area minimum	150 square feet for studio unit (consistent with state “efficiency unit” definition); 400 square feet for all other ADUs	400 square feet	400 square feet

Topic	Draft Accessory Dwelling Unit Ordinance	Former Secondary Unit Regulations	Former Accessory Dwelling Unit Regulations
Floor area maximum	600 square feet; if attached, not more than 50% of the primary residence floor area	600 square feet; not more than 40% of the floor area; no more than 10% increase to primary dwelling	600 square feet
Room Maximum	No room maximum proposed	Four room maximum, includes kitchen and bathroom	One bedroom maximum
Setbacks	<ul style="list-style-type: none"> Compliance with setback standards applicable to residential units within the single family and two-unit residential zones. For ADU constructed above a new or existing garage, a setback of 5 feet from the interior lot lines is required for the ADU 	Same as primary residence and must be attached	Same as primary residence and may be detached
Height	Maximum two stories and 25 feet. Height limitations for solar access shall apply	Same as primary residence	Same as primary residence
Location	On a lot with one residential unit, or developed in conjunction with a new single family residence on a vacant or redeveloped lot	Same	Same
Access to ADU	ADU shall have exterior access independent from existing primary residential unit	Same	Same
Parking	When required, one covered or uncovered space per ADU or per bedroom, whichever is greater	One covered or uncovered space per secondary dwelling unit	Two covered spaces for primary unit; one uncovered space for accessory unit
Parking Location	<p>Covered parking:</p> <ul style="list-style-type: none"> Comply with setback standards within the zone <p>Uncovered parking:</p> <ul style="list-style-type: none"> Prohibit in front setback Prohibit in front yard unless hidden from public view or adequately screened Allow along the interior lot line with 3-foot wide planting strip (if site constraints exist, the Community Development Director may reduce or waive). Tandem parking allowed 	<ul style="list-style-type: none"> Parking Location is the same, except for the three-foot interior parking setback No garage conversion allowed Tandem reviewed case-by-case 	<ul style="list-style-type: none"> Same (three-foot parking setback allowed everywhere in R-2 Zone) Tandem parking allowed
Parking Exceptions	<p>Automobile parking is not required for ADUs in the following instances:</p> <ul style="list-style-type: none"> ADU is within ½ mile of public transit stop 	No parking exceptions	No parking exceptions

Topic	Draft Accessory Dwelling Unit Ordinance	Former Secondary Unit Regulations	Former Accessory Dwelling Unit Regulations
	<ul style="list-style-type: none"> • ADU is located within an architecturally and historically significant historic district (El Pueblo Viejo Landmark District, Brinkerhoff Avenue Landmark District, and Lower Riviera Special Design District) • ADU is entirely within the permitted floor area of an existing primary residence • When on-street parking permits are required and not offered to occupant(s) of an ADU • When a carshare vehicle is within 500 feet of an ADU. 		
Architectural Review	Administrative (ministerial) architectural review	Discretionary design review required for exterior alterations	Discretionary design review required for exterior alterations
Protection of Historic Resources	ADU shall not be allowed if the proposal would cause a substantial adverse change in the significance of a historic resource listed on the National Register of Historic Places, California Register of Historic Places, or designated as a City of Santa Barbara Landmark or Structure of Merit	Historic Landmarks Commission review if exterior change to primary dwelling is proposed on a lot in El Pueblo Viejo, other landmark district, or primary dwelling is a designated landmark.	Referred to Historic Landmarks Commission for review if lot is in El Pueblo Viejo, other landmark district, or on a lot with a designated landmark.
Sale/Rental Restrictions	Recorded Agreement stating: <ul style="list-style-type: none"> • The ADU shall not be sold separately from primary residence • Either primary residence or ADU shall be owner-occupied • ADU shall be rented for not less than 31 consecutive days 	Recorded Agreement stating: <ul style="list-style-type: none"> • The secondary unit shall not be sold separately • Owner occupancy required 	The accessory unit shall not be sold separately
Utility Fee Requirements	Separate City water meter not required. Privately owned and maintained submeter required when mandated by California Water Code Section 537.1	Separate water meter required	Separate water meter required

Proposed Ordinance Provisions

State law allows local government to designate where ADUs are permitted, including a consideration of health and safety issues such as high fire hazard areas, and apply development standards, such as parking, height, lot coverage, lot size, and maximum unit size. Based on Housing Element Policy direction and other considerations, the City is proposing to designate where ADUs may be permitted based on three primary criteria: 1) allowed zones, 2) high fire hazard area, and 3) minimum lot size. Other design considerations and an analysis of the proposed ADU ordinance provisions in relationship to state law and the former ADU regulations in the City is provided below.

Allowed Zones

The primary intent of the new state law is to allow one ADU on lots containing one single residential unit, in zones that allows residential development. In accordance with state law, the proposed ordinance allows ADUs in RS and R2 zoned lots that contain an existing or proposed single residential unit. Any legally non-conforming RS or R2 zoned lots that currently consist of two or more residential units will not be permitted to construct an additional accessory dwelling unit; however, the owner may apply to make the legally non-conforming or illegally constructed unit into a legal accessory dwelling unit if all the required standards for ADUs can be met.

The city contains a total of 13,935 lots developed with an existing single residential unit that are zoned to allow residential development (includes RS, R2, RM, and RMH Zones). As proposed, the draft ordinance would allow ADUs only on lots zoned either RS or R2, and which contain an existing or proposed primary residential unit. There are currently 11,153 lots with existing single residential units in the RS zone district and 1,573 lots in the R2 zone district, for a total of 12,726 lots that could be eligible for ADUs not accounting for any other special location considerations. Table 3, on the following page, shows the breakdown of all existing single residential units on lots that are zoned to allow residential development.

There are an additional 1,209 lots in the RM (Residential Multi-Unit) and RMH (Residential Multi-Unit and Hotel) zone districts with single residential units that could be considered for ADU development in the local ordinance. However, Housing Element Policy H15 envisioned ADUs on lots in single unit zones and, since lot owners in the RM and RMH zones are currently allowed to build second units under either base density or the Average Unit-Size Density Incentive Program (AUD), these higher density zone districts are not allowed to have ADUs in the proposed ordinance. Additionally, the purpose of the multi-unit zone districts is to encourage redevelopment with higher density developments due to their proximity to mass transit and to support nearby commercial uses. Furthermore, the multi-unit and commercial zones are primarily in the City's grid area, which is the traditional center of Santa Barbara. Within this area, many buildings are nonconforming to setbacks and parking and there is a high concentration of historic structures and districts. Due to the close proximity of buildings to one another and the established urban fabric of the grid, it is important that new development undergo design review to ensure structures are compatible with and compliment the character of the grid.

High Fire Hazard Area

State Government Code Section 65852.2(A) states that cities may "designate areas within the jurisdiction of a local agency where accessory dwelling units may be permitted. The designation of areas may be

based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.”

The City’s first high fire hazard areas were identified after the 1979 Sycamore Canyon Fire based on slope and vegetation. Subsequent municipal codes and ordinances to impose fire and safety requirements were adopted by the City. In 1992, after the Oakland Hills Fire, the state required State Fire agencies to ensure that local fire agencies identified areas vulnerable to wildfire and have those areas designated as very high fire hazard severity zones. The City’s Fire Department reviewed the 1979 high fire hazard areas and determined they met the intent of the state’s legislation. In 1998, the Fire Department reviewed the high fire hazard areas and determined a hazard and risk assessment was necessary to fully analyze the City’s wildland fire threat. The 2004 Wildland Fire Plan is the result of the hazard and risk assessment and redefined the existing high fire hazard areas, separated into four fire hazard zones.

The City’s high fire hazard areas are located in the northern and southwestern portions of the City in areas that are also characterized by steep slopes, narrow and curving streets, and restricted traffic flow. The allowance of ADUs and additional residents to these high risk fire areas would expose more people to this potential hazard. In addition, emergency evacuation of residents during fire events could be complicated by more residents in these areas trying to evacuate at the same time. Therefore, under the proposed ordinance, no new ADUs would be allowed to be constructed on a lot located within a high fire hazard area, as defined in the City’s Wildland Fire Plan, regardless of zoning designation.

Of the 12,726 lots in the RS and R2 zones that could be eligible for ADUs, approximately 3,689 or 29 percent are in the high fire hazard area. Therefore, a total of 9,037 lots would be eligible for ADUs in the RS and R2 zones if the prohibition in high fire hazard areas was applied. This represents approximately 65 percent of all lots zoned for residential use in the City. A map showing the areas where ADUs would be allowed per the proposed ordinance is included as Attachment E.

Table 3 – Existing Single Residential Units in Residential Zones

	Lots with Single Residential Units	Lots with Single Residential Units in High Fire Hazard Area	Lots with Single Residential Units Outside High Fire Hazard Area
RS Zone (Single Unit)	11,153	3,479 (31%)	7,674 (69%)
R2 Zone (Two Unit)	1,573	210 (13%)	1,363 (87%)
Subtotal	12,726	3,689 (29%)	9,037 (71%)
RM Zone (Multi-Unit)	756	22 (3%)	734 (97%)
R-MH Zone (Multi-Unit and Hotel)	453	0	453 (100%)
TOTAL	13,935	3,711	10,244

Minimum Lot Size

A minimum lot size requirement of 5,000 square feet is proposed in the ADU ordinance. This figure is smaller than the minimum lot size required for new lots in the RS and R2 zones; however, the former minimum lot size requirement of 7,000 square feet for secondary dwelling units in single-unit zones was

determined to be overly restrictive, as only approximately 71 percent of RS zoned lots are 7,000 square feet or larger. In addition, in recognition of the 997 lots in the R2 zone that are between 5,000 and 6,000 square feet, the former accessory dwelling unit ordinance (allowed only in the R-2 Zone) provided flexibility to construct a second unit on these undersized lots. The proposed ADU ordinance would continue that incentive by allowing accessory units on lots as small as 5,000 square feet.

In order to establish a new minimum lot size requirement that is appropriate for the City and consistent with the intent of state law, staff analyzed minimum lot size requirements for ADUs in other municipalities, along with lot characteristics of Santa Barbara, outside of the designated high fire hazard areas. Based on the review of the lot characteristics of the City, a 5,000 square-foot minimum lot size would provide sufficient opportunities for homeowners to construct ADUs since 95 percent of all RS and R2 zoned lots developed with a single residential unit, outside the high fire hazard areas, are 5,000 square feet or larger. Table 4, below, summarizes this data.

Table 4 – Existing Lot Sizes Outside the High Fire Hazard Areas in the RS and R2 Zones

	Lots with Single Residential Units	Lots under 5,000 square feet with Single Residential Units	Lots 5,000 square feet or greater with Single Residential Units
RS Zone	7,674	164 (2%)	7,510 (98%)
R2 Zone	1,363	244 (18%)	1,119 (82%)
Total	9,037	408 (5%)	8,629 (95%)

Configuration and Location of Accessory Dwelling Units

An accessory dwelling unit would be allowed in three different configurations on a legal lot:

- Incorporated entirely within a primary residential unit or accessory building;
- Attached to and increasing the size of a primary residential unit or accessory building; or,
- Detached from and located on the same lot as a primary residential unit. An ADU that is attached by a breezeway or porch would be considered detached.

The ADU would be required to have exterior access independent from the primary residential unit, and no passageway would be required between the two. The area of the ADU should be clearly defined and distinguished from the area of the primary residential unit and any related accessory buildings. Interior access to all portions of the ADU would be required, and no interior access between the ADU and the primary residential unit would be allowed. The ADU would also be required to meet all of the standards for a residential unit in the zoning ordinance (Section §30.140.150, Residential Unit).

The proposed ordinance requires that a detached ADU may not be located in the front yard, unless it is located in a legally permitted garage or other existing accessory building that is converted to an ADU. This provision ensures that the location of the ADU is subordinate to the main residence. Another purpose of this regulation is to ensure that the ADUs are not highly visible from the public right-of-way.

Minimum and Maximum Floor Area

While state law permits local municipalities to allow a maximum size of up to 1,200 square feet for an ADU, the establishment of an appropriate size and scale limitation for ADUs is important in the

context of the City of Santa Barbara as unit size plays an important role in the character of residential neighborhoods and privacy of adjacent lots. Accessory dwelling units are intended to be accessory to the primary residence and should be clearly subordinate to the main home (i.e., size of the unit should be approximately 50 percent of the existing primary dwelling or less).

In compliance with state law, the proposed ordinance states that a studio ADU would require a minimum of 150 square feet of livable floor area, while all other ADUs would require a minimum of 400 square feet of livable floor area. The 150 square foot minimum is considered to be an efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

In the proposed ordinance, the maximum floor area of an ADU would be limited to 600 square feet of livable floor area, consistent with the previous secondary dwelling unit regulations, and within the range of 300 to 700 square feet recommended in Housing Element Implementation Action H15.1. Additionally, the increased floor area of an attached ADU would not be permitted to exceed 50 percent of the existing living area of the primary residential unit. Furthermore, the floor area within an ADU would be included in the floor-to-lot-area ratio (FAR) calculations as recommended by Housing Element Implementation Action H15.1.

Initial input by the AIA included a request for the City to consider increasing the maximum ADU floor area size to 700 - 750 square feet or consider a maximum ADU size proportional to the lot size or the size of the existing primary residence to respect varying neighborhoods. Staff considered this input but found in many instances that a 1,200 square-foot ADU would not be subordinate to the primary structure in Santa Barbara. The majority (approximately 77 percent) of RS- and R2-zoned lots outside of high fire hazard areas of the City consist of an existing primary residential unit that is less than 2,000 square feet. In addition, the median house size for lots located within RS and R2 zones, with a minimum lot size of 5,000 square feet, is approximately 1,500 square feet and 1,170 square feet, respectively. For these reasons, the proposed maximum size of 600 square feet for ADUs, which is approximately 40 percent of the estimated median house size in RS and 51 percent of estimated median house size in R2 zones, is appropriate to ensure that ADUs are subordinate to the primary dwelling.

Height Limit

Primary residences in the RS and R2 zones are limited to a height of 30 feet. The ordinance proposes no height or story limitations for ADUs incorporated entirely within the envelope of an existing building. Detached ADUs shall not exceed the height or number of stories of the primary residential unit, or a maximum of 25 feet in height, whichever is less. An exception to that limitation is allowed for ADUs constructed above a detached garage, outside of the primary front yard; in those cases, the combined height of the garage and ADU shall not exceed two stories and 25 feet in height. Since discretionary design review of ADUs is prohibited by the state law, the lower height limit for detached ADUs is proposed to ensure that they are clearly subordinate to the primary structure in terms of height and scale. However, as required by the proposed ordinance, an ADU that is attached to or is increasing the size of the primary residential unit cannot exceed the height or number of stories of the primary residential unit. Therefore, if an ADU was added to a primary residence that is 30 feet in height, a height limit of up to 30 feet for the ADU would be considered during staff-level administrative architectural review to ensure the design integrity of the primary structure. The height of the ADU may be further limited by the City's Solar Access Ordinance.

Setbacks

Accessory dwelling units are currently required to comply with most of the development standards that apply to the primary residence, including setbacks. While this requirement is reasonable for ADUs that are attached to the primary residence, it may hinder the ability to construct an ADU that is in a converted garage or other accessory structure, or above an existing garage. Therefore, ADUs would need to comply with the setbacks standards applicable to residential structures within the zone where the lot is located, with the exception of the following special rules included in accordance with state law:

- *Garage Conversions.* No setback is required for an existing, legally permitted garage or other accessory building that is converted to an ADU, unless required for fire safety purposes. Any additions to a converted garage or accessory building would need to meet current setback provisions.
- *Accessory Units Constructed Above a Garage.* A setback of five feet is required from an interior lot line for ADUs; however, this would only apply to the second story ADU and not to any improvements on the ground floor.

Parking

Parking for the primary residential unit would be provided as required in compliance with Santa Barbara Municipal Code (SBMC) Chapter 30.175, Parking Regulations. However, if a garage, carport, or other covered parking structure is converted to an ADU, or demolished in conjunction with the construction of an ADU, the displaced parking spaces would be required to be replaced on the same lot as the ADU in order to satisfy the automobile parking requirement of the primary residential unit. The replacement spaces could be covered, uncovered, in a tandem configuration, or provided in a mechanical lift.

Covered parking would be required to comply with the setback standards of the zone in which the lot is located. Uncovered parking would be allowed in an interior setback, provided a minimum three foot wide planting area is provided for the length of the paved parking area along the interior lot line. If existing site constraints prohibit the installation of a three-foot planter, the Community Development Director can reduce or waive this requirement.

Uncovered parking in the front setback would be prohibited, consistent with SBMC Section 30.175.060, Location of Required Automobile and Bicycle Parking. Uncovered parking in the front yard would also be prohibited unless it is screened from public view by a fence, landscaping, or a driveway gate.

Consistent with State law, parking is not required for an ADU that meets any one of the following circumstances:

- ADU is within a walking distance of one-half mile of a public transit stop (e.g. bus stop or train station)
- ADU is located within an architecturally and historically significant historic district (El Pueblo Viejo Landmark District, Brinkerhoff Avenue Landmark District, and Lower Riviera Special Design District) as well as any district deemed to be architecturally and historically significant in the future
- ADU is contained entirely within the permitted floor area of an existing primary residential unit
- When on-street parking permits are required and not offered to occupant(s) of an ADU
- When a carshare vehicle (as defined in SBMC Chapter 10.73) is within 500 feet of an ADU.

Administrative Design Review and Protection for Historic Resources

The proposed ADU ordinance provides a process for staff-level administrative architectural design review. The standards for such review will be incorporated into the Single Family Design Board (SFDB) General Design Guidelines & Meeting Procedures. Furthermore, the City retains discretionary design review authority for any exterior alterations to the site or primary residential unit that are not part of the ADU but are proposed in conjunction with the building permit for the ADU. The City is in the process of developing draft project-specific design standards in the SFDB General Design Guidelines and presented a preliminary draft to the SFDB and Historic Landmarks Commission (HLC) in July 2017. The minutes from those meetings are included in Attachment D.

Protection is provided in the proposed ordinance for historical resources listed on the National Register of Historic Places or the California Register of Historic Places, or designated as a City of Santa Barbara Landmark or Structure of Merit, or located in a designated historic or landmark district. No ADU would be allowed if the proposal would cause a substantial adverse change in the significance of a historical resource. This determination would be made by the City's Urban Historian after reviewing the proposal for compliance with appropriate Secretary of Interior's Standards. Both the former and proposed ADU regulations are designed to protect the integrity of architecturally significant historic resources throughout the City.

Owner Occupancy Requirement

The proposed ordinance includes a provision that either the primary residential unit or accessory dwelling unit be owner-occupied. Additionally, the owner is prohibited from renting or leasing the owner-occupied residence and the ADU simultaneously. Additionally, before obtaining a building permit for an ADU, the lot owner is required to execute and record an agreement containing the following elements:

1. The accessory dwelling unit shall not be sold separately from the primary residential unit;
2. Either the primary residential unit or the accessory unit shall be owner occupied; and
3. The accessory dwelling unit shall be rented for terms of not less than 31 consecutive days.

Water Metering

Under existing SBMC Section 14.08.150, the City has a requirement that each new dwelling unit be served by a separate City water meter. The individual metering requirement dates back to the late 1980s and is recognized as a robust water conservation tool for multi-unit residential properties since it allows direct communication from the City regarding individual dwelling unit water usage and billing, and helps with leak detection efforts in larger buildings with multiple dwelling units.

The amended state law, however, significantly limits the City's ability to require separate City water meters for ADUs. Under Government Code Section 65852.2, the City may require a separate meter only when an ADU is not contained within the existing space of an existing structure. Since new square footage proposed for many ADU projects is minimal, a separate City water meter may be considered a burden for the development of those ADUs that are not entirely within existing space.

Staff is proposing an amendment to Chapter 14.08 of the Municipal Code that would waive the separate City water metering requirement for all ADUs. The proposed amendments to Chapter 14.08 are included for informational purposes as Attachment F. Since the property owner is required to reside onsite, there is more potential for the City to maintain direct communication with the property owner regarding water

usage and billing. In addition, since ADU projects are smaller structures, there is less investigation needed for potential leaks as compared with larger multi-unit structures.

While the proposed Chapter 14.08 amendment waives the separate City water meter requirement for ADUs, there are separate metering requirements for all newly constructed multi-family residential structures under California Water Code Section 537.1. To meet the requirements of the Water Code, the amendments propose a separate privately owned and maintained water submeter to be installed for all newly constructed ADU structures. In these cases, the City will not be responsible for the installation, certification, maintenance, reading, billing, or testing of the privately owned and maintained water submeter, but it would provide the property owner information regarding water usage of the primary and accessory dwelling units.

In any case, property owners will need to evaluate if their City water meter is accurately sized to accommodate the ADU improvements per the California Plumbing Code. In addition, property owners may voluntarily apply for a City water meter for their ADU. If a separate City meter is installed for the ADU, the amended State law has certain requirements regarding City connection or capacity fees that may be assessed. Staff are currently working on updates to the City's water and sewer capacity fee resolution, with a tentative schedule to discuss with Water Commission and City Council in September and October 2017, respectively. The updates to the resolution will consider the capacity fees that may be charged for ADUs under the amended State law.

Necessary Amendments to Other Aspects of the Zoning Ordinance

The New Zoning Ordinance (NZO), adopted by City Council on July 25, 2017, will become effective October 1, 2017. The scope of NZO did not include ADUs and instead included a general statement that ADUs shall be located, developed, and occupied pursuant to Government Code Section 65852.2. In addition to amending SBMC Section 30.185.040 to include local development standards for ADUs, several other minor amendments to Title 30 will be required for consistency in use of terms and development standards. These amendments are included in Attachment C.

IV. ENVIRONMENTAL REVIEW

Under California Public Resources Code (CPRC) Section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 of the Government Code, which is the State Accessory Dwelling Unit law. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the state accessory dwelling unit law.

V. NEXT STEPS

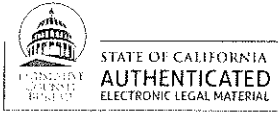
Following Planning Commission review of the proposed draft Accessory Dwelling Unit ordinance, the following steps are anticipated:

- a. Single Family Design Board review of amendments to the General Design Guidelines & Meeting Procedures
- b. City Council Ordinance Committee

- c. City Council Introduction and Adoption
- d. Submittal to the State Department of Housing and Community Development (within 6 weeks of City Council adoption)

Attachments:

- A. Section 65852.2 of the Government Code – Accessory Dwelling Units
- B. Public Comments received to date
- C. Proposed Amendments to SBMC Title 30 Related to Accessory Dwelling Units
- D. Approved Meeting Minutes Single Family Design Board July 24, 2017 and Historic Landmarks Commission July 26, 2017.
- E. Accessory Dwelling Units Allowed Zones and Excluded High Fire Hazard Areas
- F. Proposed Amendments to SBMC Title 14 Related to Accessory Dwelling Units



State of California

GOVERNMENT CODE

Section 65852.2

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(Amended by Stats. 2016, Ch. 735, Sec. 1.5. (AB 2299) Effective January 1, 2017.)

*Helen Couclelis
2138 Ridge Lane
Santa Barbara, CA 93103*

June 27, 2017

George Buell
Community Development Director
City of Santa Barbara
Planning Division
PO Box 1990
Santa Barbara, CA 93102-1990

Re: ADUs on the Riviera

Dear Mr. Buell:

I was pleased to hear that after a delay of several months, the City is taking steps to develop an ordinance regulating ADUs in Santa Barbara, in accordance with California State Bill (SB) 1069 and Assembly Bill (AB) 2299. I am writing as both a resident of the Riviera neighborhood and as a professional. I have lived in this neighborhood for twenty-nine years, and have served on the Board of the Riviera Homeowners Association for six. Professionally, I am a certified urban planner in Europe, and I have taught urban planning and urban geography in the UCSB Geography department since 1982. In this capacity I have also participated in published research pertaining to emergency response and emergency evacuation of urban areas.

I would like to be reassured that in preparing the new ADU Ordinance, the City is fully mindful of the special natural and manmade conditions on the Riviera that make the neighborhood an exceptionally vulnerable urban area.

- (a) It is well-known that the Riviera is a high-fire-risk area that still retains traces on the NE side from the Tea Fire of nine years ago. We are told to expect more, not fewer wildfires in the coming years.
- (b) The California Earthquake Authority has recently added ZIP Code 93103 to the list of high-seismic-risk areas in the State, based on the updated USGS earthquake-hazard map for California. Several structures on the Riviera are pre-1925, and many more are pre-1950s.
- (c) Due to the hilly terrain and early-20th-C development, the Riviera's road network largely consists of steep, narrow, winding roads affording very limited visibility around curves, and is clearly insufficient for today's population and automobile densities. It is sobering to think of x% additional, new to the area resident drivers (and their visitors, and service personnel), trying to navigate out of the Riviera in an emergency.

- (d) The Riviera's hills are themselves a threat to its road network in an earthquake or a major storm. Just a few months ago, the very steep slopes in the N. Franceschi Park area produced a rock- and mud-slide that closed one lane of Mission Ridge Road (of "Mission Ridge fault" fame), which is the neighborhood's main artery, for several days. Similar very steep slopes exist along Mountain Drive, along Route 192, and elsewhere.
- (e) The average age of the Riviera residents (excluding the parts of ZIP Code 93103 below the Riviera) is much higher than the City average. A high percentage of this older population can be expected to be mobility- and/or partially visually impaired. Most of these seniors can and do drive safely - in light traffic, and on clear days.
- (f) As elsewhere, there is a number of illegal second dwelling units on Riviera residential properties (typically converted garages). Some of these property owners will very likely seek permits for additional, legal units. The first case known to me is a couple of minutes' walk from my house, and another car is now regularly parked on the street.
- (g) The West Riviera in particular is home to several CUP facilities, including an industrial park, a movie theater, a hotel, and a school (not counting Roosevelt Elementary). I am not sure about the current state of the on-again, off-again Franceschi House saga, but whether as a ruin or (especially) as a restored mansion hosting 'events', that structure is an additional environmental liability.
- (h) Several Riviera properties have large open yards that may offer shelter of last resort to the homeowners and their immediate neighbors. Losing these accessible shelter-in-place possibilities to ADUs is an uncomfortable thought for some. This may be a minor point compared to all the others, but it was mentioned to me by a Riviera resident and is worth repeating.

As a planning professional, I am sure you appreciate these facts. Indeed, the City's General Plan explicitly mentioned several of these constraints present on hillside neighborhoods, also in connection with ADUs.¹ Considering the Riviera's cumulative vulnerabilities, it is fair to say that every additional dwelling and driver, and every additional car parked on Riviera streets increases the likelihood of a nightmare evacuation scenario in case of wildfire (especially if it starts in or near the populated area), or in case of an earthquake (especially if it renders some the already insufficient streets impassable). This kind of scenario is equally dire for the evacuating population and for the first responders trying to enter the area. In this context, it is instructive to remember "the Oakland firestorm of 1991 that occurred on the hillsides of northern Oakland, California and southeastern Berkeley over the weekend of October 19–20, 1991...The fire ultimately killed 25 people and injured 150 others. The 1,520 acres destroyed included 2,843 single-family dwellings and 437 apartment and condominium units. The economic loss has been estimated at \$1.5 billion."² When such disasters hit developed urban areas, 'Mother Nature' is seldom alone to blame.

I am heartened to see that other California cities have taken environmental safety and quality of life very seriously and have substantially restricted or prohibited ADUs in high-risk areas. The contractor working

¹ City of SB General Plan, 2015 Housing Element, p.84, 94; City of SB General Plan, 2011 Land Use Element, p. 32.

² https://en.wikipedia.org/wiki/Oakland_firestorm_of_1991.

on the new Ordinance for Santa Barbara will carry out the necessary research. Here are just a couple of quick examples known to me.

1. **City of Los Angeles.** The LA City's ADU Ordinance was available in draft form in November 2016, less than two months after the CA legislation was finalized. The final version became effective January 1 2017. The related informational document states: *"No ADUs in Hillside areas, except when located within a half mile of public transit and adjoining a standard street."* ³
2. **City of San Francisco.** *"A need exists in San Francisco for additional affordable housing... However, to allow second units without restriction in all areas currently zoned RH-1(D) and RH-1 would adversely affect the health, safety and welfare of the public by permitting the conversion of an undue number of single-family houses to multi-family units; by eliminating low-density residential areas in the City and thereby depriving those who desire to live in the City without the stress of living in higher-density areas of their opportunity to do so; and by permitting second units to be added in areas where undue traffic congestion and the attendant difficulties described above [narrow streets, winding roads, and other topographical features which make access by vehicles difficult], will occur."* ⁴

However, as implied in the above quote, this all is not 'just' about life and property. The Riviera neighborhood is also unique in its combination of recognized environmental, scenic, aesthetic, historical, and architectural values. Thanks partly to its numerous majestic, well-maintained century-old trees, it contributes greatly to the beauty of the panoramic views of Santa Barbara, admired by tourists and locals alike. As a Riviera homeowner, I could surely use some unanticipated rental income as happily as the next person, but there are things more important than extra money that must be safeguarded and preserved.

I appreciate that the development of the Santa Barbara Ordinance on ADUs will reflect many different interests and inputs. I hope that professional considerations regarding environmental quality and safety on the Riviera will prevail, and that any compromises will be fair, reasonable, necessary, and above all, mindful of life and property.

Sincerely,



Helen M Couclelis

cc. Paul Casey, City Administrator

Paul Casey, City Administrator

³ <https://planning.lacity.org/ordinances/docs/ADU/InformationSheet.pdf> See p. 2, first item under "Key Provisions of the Ordinance".

⁴ <http://planning.sanfranciscocode.org/2/207.2/> #13

Email Attachment Notes from Allied Neighborhood Association Meeting 7/20/17

Items, issues and concerns regarding the ADU

Is the high fire map accurate and current and should it be looked at to make sure it is ok?

Protection of city historical structures and sites.

Have provisions that the staff can consult with boards before making decisions. Consent calendar.

Consider the population mix in areas and the ability to exit the area in an emergency. Hidden Valley with 2 retirement homes/hospitals is bound by Modoc Rd. and congested intersections. The Riviera only has 2 ways down.

Is flooding a concern?

Is the local sewer line adequate?

Consider the traffic flow potential from the areas. Freeway access and exit.

Do we have adequate water for these projects?

Consider our air quality with additional units and cars.

Consider parking constraints that do not result in parking up the neighborhood or creating parking in the front yard areas.

Will there be separate water, gas and electric meters?

Can the units be sold separately?

Consider the slope density and unstable soil areas of the city.

Will the city have an active enforcement of any conditions placed on projects?

Does manufactured housing mean trailers with wheels or do they have to be on the ground?

Is the owner required to live on the site?

Consider a rent limit on units.

Will there be a time limit on the rental unit of at least 120 days?

If there is an extension on the house by the ADU and then the owner does not rent it but lives in it. Will this be a means to get an expansion to the house without review?

Will an agreement be signed regarding a long term rental with the owner?

Will the design guidelines be used? Material and style.

Can they be required to be work force housing?

From: [Dennis Thompson](#)
To: [Rosie Dyste](#)
Cc: ["Dennis Thompson"](#); ["Jeff King"](#); ["Kim Sven-Brown"](#); ["Rodrigo Gimenez"](#); ["Susette Naylor"](#)
Subject: ADU meeting
Date: Tuesday, July 25, 2017 12:12:05 PM

Additional comment: Senate Bill 7 that goes into effect next year allows landlords to use submeters in multi-family housing.

Rosemary-

Thank you for inviting part of the design community in to comment on the proposed ordinance today. Obviously this is a hot topic, with some of the issues being political and some legal.

To restate my concerns of others from my office:

1. Allow Junior ADUs
2. Don't require separate water meters
3. Don't require parking to be screened when it's not practical
4. If the city is going to dictate cooking appliance requirements, then they should be proportional to the size of the unit
5. Don't require setbacks for second stories

Thank you,

Dennis Thompson, FAIA, LEED AP
Thompson Naylor Architects
900 Philinda Ave., Santa Barbara, CA 93103
(805) 966-9807 ext.1
[website](#) [facebook](#) [houzz](#)

From: [Liz](#)
To: [Accessory Dwelling Units](#)
Subject: ADU Ordinance
Date: Monday, August 14, 2017 3:01:37 PM

I am writing to offer input on the upcoming Accessory Dwelling Unit ordinance. I am in favor of the State's requirements and ask that you do not reduce the maximum unit size to the seemingly arbitrary 600 square feet. We are working on building a granny unit at my mother-in-law's home in San Roque, so that my husband, son, and I will live in the main house, and my mother-in-law will move into the 'granny' unit. With her current home's size of approximately 1,500 square feet, we are planning on building an attached 745 square foot ADU above the garage. While 150 square feet doesn't seem like a large difference, it is important to her to have a comfortable home and ample space. Also, as she ages and potentially becomes less mobile, we would be moving upstairs so she can be on the ground level, and would like more space than a typical two car garage.

I believe that the volume of applications you have seen since January shows how needed this State law is, and Santa Barbara residents are excited to be able to have multi-generational living with some privacy and space, or to have some rental income in our very expensive area. The City's AUD Incentive program has allowed developers to build hundreds of smaller apartments with limited parking, and not everyone wants to live in tiny apartments, particularly not young and growing families. Please do not prevent homeowners from fully participating in this program as the State allows.

Thank you,
Elizabeth Smith

Division II: Zone Regulations
 Part 1: Base Zones

Chapter 30.20 Residential Zones

TABLE 30.20.020: LAND USE REGULATIONS–RESIDENTIAL ZONES					
“A” Allowed Use “PSP” Performance Standard Permit Required “CUP” Conditional Use Permit Required			“–” Use Not Allowed “(#)” Specific Limitations at the end of the table		
Use Classification	RS	R-2	R-M	R-MH	Additional Regulations
Residential Uses					
Residential Housing Types					
Single-Unit Residential	A	A	A	A	§30.185.040, Accessory Dwelling Unit
Two-Unit Residential	–	A	A	A	
Multi-Unit Residential	–	A(1)	A	A	
Special Residential Unit Types					
<u>Accessory Dwelling Unit</u>	A	A	–	–	§30.185.040, Accessory Dwelling Unit
Additional Residential Unit	PSP	–	–	–	§30.185.050, Additional Residential Unit

30.20.030.A Additional Residential Zone Development Regulations

A. Maximum Floor Area (Floor to Lot Area Ratio).

1. ***Floor Area, Precluded Development–RS Zones.*** No application for a Building Permit may be approved for a project in an RS Zone that will: (1) result in an increase of the floor area on the lot, (2) change the location of any floor area on the second or higher story of any structure on the lot, or (3) increase the height of any portion of a structure on the lot to 17 feet or higher if any of the following will occur:
 - a. The floor area will exceed the allowable maximum floor area for the lot, or
 - b. The floor area will exceed 85 percent of the allowable maximum floor area and any of the following apply:
 - i. The average slope of the lot or the building site is 30 percent or greater;
 - ii. The height of any structure on the lot is more than 25 feet; or
 - iii. The lot is located in the Hillside Design District and 500 or more cubic yards of grading is proposed to occur outside the footprint of the main or accessory buildings. Soil located within five feet of an exterior wall of a main or accessory building that is excavated and re-compacted shall not be included in the calculation of the volume of grading outside the building footprint.

Proposed Amendments to SBMC Title 30 Related to Accessory Dwelling Units
 Planning Commission Draft – 8/31/17

2. **Measuring Floor Area Pursuant to this Section.** In determining floor area pursuant to this Section see Section 30.15.070, Measuring Floor Area, and the following:
- a. *Below Grade Excluded.* On any floor which is partly below and partly above grade, such as a basement, cellar, or understory, the total floor area of that floor may be excluded from the Floor to Lot Area Ratio (FAR) if no more than a cumulative total width of 12 feet per elevation has a distance from finished grade to ceiling greater than four feet.
 - b. *Partially Below Grade Reduced.* On any floor which is partly below and partly above grade, such as a basement, cellar or understory, the total floor area of that floor may be reduced by 50 percent from the Floor to Lot Area Ratio (FAR) if more than 12 feet, but less than one half the entire length of the perimeter has a distance from grade to ceiling greater than four feet.
 - c. *All Other Floor Area Included.* If more than one half the entire length of the perimeter of any floor has a distance from grade to ceiling greater than four feet, it is included in the Floor to Lot Area Ratio (FAR).
 - d. *Accessory Dwelling Unit ~~Excluded~~ Included.* Floor area within a portion of a structure designed and permitted as an Accessory Dwelling Unit is ~~not~~ included.

TABLE 30.20.030.B: DEVELOPMENT STANDARDS—TWO-UNIT AND MULTI-UNIT ZONES			
<i>Zone</i>	<i>R-2</i>	<i>R-M</i>	<i>R-MH</i>
Lot Size and Street Frontage			
Minimum Net Lot Area for Newly Created Lots (sq. ft.)			
<i>Average Slope less than 10%</i>	7,000	14,000	14,000
<i>Average Slope 10% to 20%</i>	10,500		
<i>Average Slope over 20% to 30%</i>	14,000		
<i>Average Slope over 30%</i>	21,000		
	60	60	60
Minimum Public Street Frontage (ft.)	See §30.140.190, Street Frontage and Access; and §30.140.130, Location of Lot Lines		
Maximum Base Residential Density			
Less than 5,000 sq. ft. Net Lot Area	1 unit	1 unit	
5,000 to 6,999 sq. ft. Net Lot Area	2 units if Average Slope less than 10%, 1 unit otherwise 1 unit	2 units	
7,000 and more sq. ft. Net Lot Area			
<i>Average Slope less than 10%</i>	1 unit/3,500 sq. ft. of net lot area	3 units, or 1 unit/3,500 sq. ft. of net lot area, whichever is greater	

Proposed Amendments to SBMC Title 30 Related to Accessory Dwelling Units
 Planning Commission Draft – 8/31/17

TABLE 30.20.030.B: DEVELOPMENT STANDARDS–TWO-UNIT AND MULTI-UNIT ZONES			
Zone	R-2	R-M	R-MH
Average Slope 10% to 20%	1 unit/5,250 sq. ft. of net lot area		
Average Slope over 20% to 30%	1 unit/7,000 sq. ft. of net lot area		
Average Slope over 30%	1 unit/10,500 sq. ft. of net lot area		
Additional Residential Density Allowances			
All lots, in compliance with the applicable section	See §30.140.220, Variable Density in Certain Zones See Chapter 30.150, Average Unit-Size Density Incentive Program See Chapter 30.145, Affordable Housing and Density Bonus and Development Incentives		
<u>Lots with 5,000 sq. ft. or more Net Lot Area</u>	<u>1 unit plus 1 Accessory Dwelling Unit, See §30.185.040, Accessory Dwelling Unit</u>	N/A	

Chapter 30.25 Commercial and Office Zones

TABLE 30.25.020: LAND USE REGULATIONS–COMMERCIAL AND OFFICE ZONES					
“A” Allowed Use “PSP” Performance Standard Permit Required “CUP” Conditional Use Permit Required			“–“ Use Not Allowed “(##)” Specific Limitations at the end of the table		
Use Classification	O-R	O-M	C-R	C-G	Additional Regulations
Residential Uses					
Residential Housing Types					
Single-Unit Residential	A	A	A	A	§30.185.040, Accessory Dwelling Unit
Two-Unit Residential	A	A	A	A	
Multi-Unit Residential	A	A	A	A	

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TABLE 30.30.020: LAND USE REGULATIONS–MANUFACTURING ZONES			
“A” Allowed Use “PSP” Performance Standard Permit Required “CUP” Conditional Use Permit Required		“–“ Use Not Allowed “(##)” Specific Limitations at the end of the table	
Use Classification	M-C	M-I	Additional Regulations
Residential Uses			
Residential Housing Types			
Single-Unit Residential	A	–	§30.185.040, Accessory Dwelling Unit
Two-Unit Residential	A	–	
Multi-Unit Residential	A	–	

Chapter 30.35 Coastal-Oriented Zones

TABLE 30.35.020: LAND USE REGULATIONS–COASTAL-ORIENTED ZONES						
“A” Allowed Use “PSP” Performance Standard Permit Required “CUP” Conditional Use Permit Required				“–“ Use Not Allowed “(##)” Specific Limitations at the end of the table		
Use Classification	CO-HR	CO-HV	CO-H	CO-CAR	CO-MI	Additional Regulations
Residential Uses						
Residential Uses	–	A	–	A	–	§30.185.360, Residential Uses in the CO-HV and CO-CAR Zones §30.185.040, Accessory Dwelling Unit

Division III: Citywide Regulations

Chapter 30.140 General Site Regulations

30.140.020 Accessory Buildings

- A. **Applicability.** The provisions of this Section apply to all attached and detached covered parking, and all other detached accessory buildings and structures having a solid roof supported by columns or walls located on lots developed with Residential, Agriculture, Community Garden, or Market Garden uses. Attached accessory buildings consistent with Section 30.140.030, Building Attachment, are not subject to this Section, and are considered part of the main building subject to all of the standards and regulations of the main building.
- B. **Types of Accessory Buildings.** Accessory buildings may include, but are not limited to, nonlivable buildings used as garages, carports, workshops, barns, greenhouses, agricultural

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buildings, pens, stables, sheds, and storage rooms; and livable floor area such as detached Accessory Dwelling Units, bedrooms, playrooms, or guestrooms.

- C. **Residential Units in Accessory Buildings.** Unauthorized or unpermitted Residential Building Elements listed in Subsection 30.140.150.E Determination of Residential Unit shall not be installed in an accessory building without first obtaining all required City approvals and permits. Bathing facilities, or more than one sink, or a kitchen are prohibited unless approved as a residential unit, or pursuant to Subsection 30.140.020.D, Additional Residential Building Elements, below, and a Performance Standard Permit, Chapter 30.255.
- D. **Additional Residential Building Elements.** The additional residential building elements that may be considered for a Performance Standard Permit, are limited to those which in the determination of the Community Development Director would not result in separate residential occupancy. The Performance Standard Permit shall include a Recorded Agreement providing for the automatic expiration of limited term approvals, or rescission of the permit or approval, if the City determines there is evidence of separate residential occupancy.
- E. **Relation to Existing Structures.** A detached accessory building may only be constructed on a lot on which there is a permitted main building to which the accessory building is related, with the exception of accessory buildings used for Agriculture, Community Garden, or Market Garden uses, pursuant to Section 30.185.070, Agriculture, and Section 30.185.130, Community and Market Gardens.
- F. **Setbacks.** Accessory buildings shall comply with the minimum setback requirements of the zone. Accessory buildings used for the care and keeping of animals shall be subject to the distance limitations in Title 6 of the Santa Barbara Municipal Code.
- G. **Maximum Height.** Accessory buildings shall not exceed two stories and 30 feet in height.
- H. **Front Yard Limitation.** Detached accessory buildings, except covered parking, are prohibited in a front yard.
- I. **Design Review Required.** Design review approval by the appropriate Design Review body pursuant to Title 22 of the Santa Barbara Municipal Code shall be required for new accessory buildings, and additions or exterior alterations to existing buildings for the following, with the exception of any floor area proposed for use as an Accessory Dwelling Unit approved under Section 30.185.040:
 - 1. Detached accessory buildings greater than 500 square feet, or
 - 2. Buildings, or portions of buildings, providing covered parking, resulting in three or more covered parking spaces on the lot.
- J. **Maximum Floor Area.** In all zones, on lots developed with a single residential unit, Agriculture pursuant to Section 30.185.070, or Community and Market Gardens pursuant to Section 30.185.130, the maximum floor area for attached or detached covered parking and other detached accessory buildings is as follows:
 - 1. **Maximum Total Square Footage Per Lot.**
 - a. *Lots less than 20,000 square feet:* 1,000 square feet
 - b. *Lots 20,000 square feet up to one acre:* 1,250 square feet
 - c. *Lots one acre up to three acres:* 1,500 square feet

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- d. *Lots three acres or larger:* 1,750 square feet
- 2. **Covered Parking.** Detached accessory buildings in excess of 500 square feet shall not be permitted unless the total amount of required covered parking is provided per Chapter 30.175, Parking Regulations.
- 3. **Maximum in a Single Building.** The maximum floor area in any single detached building shall not exceed 1,250 square feet.
- 4. **Maximum Livable Floor Area.** The maximum detached livable floor area per lot shall not exceed ~~500~~600 square feet.

30.140.150 Residential Unit

- A. **Applicability.** The standards of this Section apply to all Residential Use Classifications except the following:
 - 1. Group Residential.
 - 2. Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices (See Section 30.185.140).
- B. **Minimum Size.** Each studio residential unit shall contain a minimum of 220 square feet of livable floor area and all other residential units shall contain a minimum of 400 square feet of livable floor area. Accessory buildings shall not be included in the minimum unit size.
 - 1. **Exception for Affordable Efficiency Units.** An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, with a minimum floor area of 150 square feet, may be permitted; provided that the efficiency unit is provided for occupancy by persons who qualify as either low-income or very low-income households, as defined in the City's Affordable Housing Policies and Procedures, at the time of their initial occupancy, or permitted as an studio Accessory Dwelling Unit, approved under Section 30.185.040, Accessory Dwelling Unit.
- C. **Required Features.** Each residential unit shall contain, at a minimum:
 - 1. A kitchen, consisting of a sink, range or built-in stove-top and oven, and refrigeration facilities a minimum of 6 cubic feet capacity and height of 55”.
 - 2. A separate bathroom consisting of a toilet, sink, and bathtub or shower.
 - 3. A separate living room.
 - 4. A separate sleeping room, except in studio residential units, where a living room is considered a sleeping room.
 - 5. Exterior access to the unit, with no interior access between abutting residential units.

Chapter 30.185 Standards for Specific Uses and Activities

30.185.040 Accessory Dwelling Unit

Accessory dwelling units shall be located, developed, and occupied subject to the following provisions:

A. **Purpose.** The purpose of this section is to:

1. Expand opportunities in the City to create small rental units, outside the multi-unit housing areas, to suit the spectrum of individual lifestyles and space needs, allow more efficient use of existing housing stock and public infrastructure, and provide a range of housing opportunities while continuing to limit residential density in High Fire Hazard Areas consistent with the General Plan.
2. Allow accessory dwelling units as an accessory use to single residential units, consistent with California Government Code Section 65852.2.
3. Promote accessory dwelling units with high-quality designs that are compatible with the surrounding neighborhood, preserve the City's visual resources, promote long-term sustainability, and contribute to a desirable living environment.
4. Ensure that accessory dwelling units are compatible with and sensitive to historic resources and historic districts.

B. **Definitions.** For the purposes of this Section, the following words and phrases shall have the following meanings:

1. **Accessory Dwelling Unit.** An attached or a detached single residential unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-unit is situated. An accessory dwelling unit also includes the following:
 - a. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
 - b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
2. **Principal Place of Residence.** The place where a property owner actually lives for the greater part of time, or the place where the property owner remains when not called elsewhere for some special or temporary purpose and to which the property owner returns frequently and periodically, as from work or vacation. There may be only one "principal place of residence," and where more than one residence is maintained or owned, the burden shall be on the property owner to show that the primary residential unit is his or her principal place of residence as evidenced by qualifying for the homeowner's tax exemption, voter registration, vehicle registration, or similar means.
3. **Passageway.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

C. **Allowed Zones.** Accessory dwelling units may be constructed within the RS or R-2 Zones.

D. **Minimum Lot Size.** The lot on which an accessory dwelling unit is constructed shall have no less than 5,000 square feet of lot area.

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- E. **Not Located in a High Fire Hazard Area.** No accessory dwelling unit shall be constructed on a lot located within a High Fire Hazard Area as defined in the City’s Wildland Fire Plan.
- F. **Located on a Lot Developed with a Single Residential Unit.** An accessory dwelling unit shall only be constructed on a lot that is developed with one single residential unit and related accessory buildings or constructed on the lot in conjunction with the construction of the single residential unit.
- G. **Prohibited on a Lot Developed with Additional Units.** Accessory dwelling units shall be prohibited on a lot with an Additional Residential Unit, approved under Section 30.185.050, Additional Residential Unit, or a Caretaker Unit, approved under Section 30.185.120, Caretaker Unit, or similar use.
- H. **Number of Units.** Only one accessory dwelling unit shall be constructed on a lot in addition to one single residential unit. For purposes of this Section, the single residential unit on a lot on which an accessory dwelling unit is constructed may be referred to as the primary residential unit.
- I. **Not to be Sold Separately.** An accessory dwelling unit shall not be sold separately from the primary residential unit, but may be rented for terms of not less than 31 consecutive calendar days.
- J. **Owner Occupied.** The property owner shall reside in and maintain either the Primary Dwelling Unit or the Accessory Dwelling Unit as the property owner’s principal place of residence (“Owner’s Unit”). Owner may re-designate the Primary Dwelling Unit or the Accessory Dwelling Unit as the Owner’s Unit upon written notice to the Community Development Director and written approval of the re-designation by the Community Development Director, which approval shall not be denied unreasonably. The property owner shall not rent or lease both the Primary Dwelling Unit and the Accessory Dwelling Unit simultaneously. Any simultaneous rental of the Primary Dwelling Unit and the Accessory Dwelling Unit shall constitute a violation of this ordinance.
- K. **Configuration.**
 - 1. An accessory dwelling unit may be constructed in the following configurations:
 - a. Incorporated entirely within an existing primary residential unit or existing accessory building located on the same lot as the single residential unit;
 - b. Attached to or increasing the size of a primary residential unit or accessory building located on the same lot as the single residential unit; or
 - c. Detached from and located on the same lot as a primary residential unit. An accessory dwelling unit that is attached to another detached accessory building, but not the primary residential unit, or is attached by a breezeway or porch is considered detached.
 - 2. The accessory dwelling unit shall have exterior access that is independent from the primary residential unit.
 - 3. The accessory dwelling unit shall meet all of the standards for a residential unit, pursuant to Section 30.140.150, Residential Unit.

L. **Floor Area.**

1. An accessory dwelling unit that is configured as a studio, as defined in Section 30.300.190, Studio, shall contain a minimum of 150 square feet of livable floor area. All other accessory dwelling units shall contain a minimum of 400 square feet of livable floor area.
2. The maximum floor area of an accessory dwelling unit shall not exceed 600 square feet.
3. The floor area of an attached accessory dwelling unit shall not exceed 50 percent of the living area of the primary residential unit, with a maximum floor area of 600 square feet.
4. The combined total net floor area of a detached accessory dwelling unit and any other detached accessory buildings on a lot shall not exceed the maximum total square footage allowed per lot for accessory buildings, pursuant to Section 30.140.020, Accessory Buildings.

M. **Setbacks for Structures.** Except for the special rules stated in this Subsection, the accessory dwelling unit shall comply with the setback standards applicable to residential structures within the zone in which the lot is located.

1. *Special Rule for Garage Conversions.* No setback shall be required for an existing, legally permitted, garage or other accessory building that is converted to an accessory dwelling unit unless it is required to provide sufficient fire safety. However, no addition shall be constructed to the converted garage or accessory building that increases the encroachment into the setback.
2. *Special Rule for an Accessory Dwelling Unit Constructed Above a Garage.* When an accessory dwelling unit is constructed above a new or existing attached or detached garage, a setback of five feet from the interior lot lines shall be required for the accessory dwelling unit. The five foot setback applies only to the upper story portions of the accessory dwelling unit, and not to ground floor additions to the building.
3. *Setback Encroachments.* Setback encroachments allowed pursuant to Section 30.140.090, Encroachments into Setbacks and Open Yards, may be permitted for accessory dwelling units.

N. **Nonconforming Structures.** Additions, alterations, or demolition and replacement of existing nonconforming structures converted to an accessory dwelling unit shall comply with Chapter 30.165.

O. **Building Height.** The construction of an accessory dwelling unit shall comply with the height limitations listed below. The height limitations in Chapter 30.140.180 for the protection and enhancement of solar access shall apply to the construction of an accessory dwelling unit.

1. *Incorporated Accessory Dwelling Unit.* There are no height or story limitations for accessory dwelling units that are incorporated entirely within an existing primary residential unit, or existing accessory building.
2. *Detached Accessory Dwelling Unit.* The construction of an accessory dwelling unit that is detached from the primary residential unit shall not exceed the height or number

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of stories of the primary residential unit, or a maximum of two stories and 25 feet in height, whichever is less, except as provided below.

- a. *Exception for Accessory Dwelling Unit Above a Detached Garage.* An accessory dwelling unit located above a new or existing detached garage may exceed the height or number of stories of the primary residential unit, provided that it is located outside the primary front yard and does not exceed two stories and 25 feet in height.
3. ***Attached Accessory Dwelling Unit.*** The construction of an accessory dwelling unit that is attached to or increasing the size of a primary residential unit shall not exceed the height or number of stories of the primary residential unit.
- P. **No Passageway Required.** No passageway is required in conjunction with the construction of an accessory dwelling unit.
- Q. **Permanent Foundation Required.** The accessory dwelling unit shall be constructed with an approved permanent foundation.
- R. **Front Yard.** An accessory dwelling unit that is detached from the primary residential unit shall not be located in the front yard. However, an existing legally permitted garage or other accessory building that is located in the front yard may be converted to an accessory dwelling unit, provided there is no increase in the size, height, volume, or floor area of the existing structure.
- S. **Open Yard.** An open yard conforming to Section 30.140.140.C, Open Yards for Single Unit Residential Development, shall be provided on the lot. An accessory dwelling unit may be constructed on a lot which is nonconforming to the open yard standards specified in Section 30.140.140.C as long as the nonconformance of the open yard is not increased by the construction of the accessory dwelling unit.
- T. **Automobile Parking.** Notwithstanding the provisions of Chapter 30.175, Parking Regulations, automobile parking for lots developed with accessory dwelling units shall be provided as follows:
 1. ***Parking for the Primary Residential Unit.*** Automobile parking for the primary residential unit shall be provided in compliance with Chapter 30.175, Parking Regulations, except as provided below.
 - a. *Special Procedures for Conversion or Demolition of Existing Covered Parking to Accessory Dwelling Unit.* When a garage, carport, or other covered parking structure is converted to an accessory dwelling unit or demolished in conjunction with the construction of an accessory dwelling unit, the required covered parking spaces that were displaced shall comply with the same location requirements as the Accessory Dwelling Unit, pursuant to subsection 30.185.040.T.2.b, Location of Parking, and be replaced on the same lot as the primary residential unit in order to satisfy the automobile parking requirement of the primary residential unit. The replacement spaces may be covered, uncovered, in a tandem configuration, or in a mechanical lift.
 2. ***Parking for the Accessory Dwelling Unit.*** Automobile parking for the accessory dwelling unit shall be provided as follows:

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- a. Required Parking. One automobile parking space shall be provided for the accessory dwelling unit, unless the accessory dwelling unit has two or more bedrooms, in which case one automobile parking space shall be provided for each bedroom.
- b. Location of Parking.
 - i. Covered parking shall comply with the setback standards applicable within the zone in which the lot is located.
 - ii. Uncovered parking may be allowed in an interior setback, provided a minimum of three feet in width of planting area is provided for the length of the paved parking area along the interior lot line, and permeable paving material is used on any new paved areas as feasible. If existing site constraints prohibit the installation of a three foot planting area, the Community Development Director may reduce or waive this requirement.
 - iii. Uncovered parking in the front setback is prohibited.
 - iv. Uncovered parking in the front yard is prohibited unless it is hidden from public view with a fence, landscaping, or driveway gate. This requirement may be reduced or waived by the Community Development Director if the uncovered vehicle area is determined to be adequately screened pursuant to Section 30.15.120, Screening, including consideration of existing site constraints or to achieve a superior aesthetic or environmental design.
- c. Parking Exceptions for Certain Accessory Dwelling Units. Automobile parking is not required for an accessory dwelling unit in any of the following instances:
 - i. The accessory dwelling unit is located within a walking distance of one-half mile of a public transit stop, such as a bus stop or train station.
 - ii. The accessory dwelling unit is located within an architecturally and historically significant historic district. For purposes of this provision, El Pueblo Viejo Landmark District, Brinkerhoff Avenue Landmark District, and the Lower Riviera Special Design District constitute architecturally and historically significant historic districts within the City and any district hereafter created deemed to be architecturally and historically significant.
 - iii. The accessory dwelling unit is contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building.
 - iv. When on-street parking permits are required but not offered to the occupant(s) of the accessory dwelling unit.
 - v. When there is a “carshare vehicle” as defined in Chapter 10.73 of this Code, located within a walking distance of 500 feet of the accessory dwelling unit.
- U. Utility Connection or Meter. Provision of utility connection or meter shall comply with Title 14, Section 14.08.150.

V. **Special Procedures for Accessory Dwelling Units Constructed Entirely Within Existing Structures.** Notwithstanding any other provision of this Section, the City shall ministerially approve an application for a building permit to create an accessory dwelling unit if all of the following requirements are satisfied:

1. The lot is located within an RS or R-2 Zone,
2. The construction will result in no more than one primary residential unit and one accessory dwelling unit on the lot,
3. The proposed accessory dwelling unit will be contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building on the same lot as the primary residential unit,
4. The proposed accessory dwelling unit meets all of the configuration standards provided in Section 30.185.040.K, Configuration,
5. When a garage, carport, or other covered parking structure is converted to an accessory dwelling unit or demolished in conjunction with the construction of an accessory dwelling unit, the required covered parking spaces that were displaced shall comply with the same location requirements as the Accessory Dwelling Unit, pursuant to subsection 30.185.040.T.2.b, Location of Parking, and be replaced on the same lot as the primary residential unit in order to satisfy the automobile parking requirement of the primary residential unit. The replacement spaces may be covered, uncovered, in a tandem configuration, or in a mechanical lift.
6. The interior setbacks of all structures on the lot are sufficient for fire safety, and
7. Accessory dwelling units constructed pursuant to this Subsection shall not be required to provide fire sprinklers if they are not required for the primary residential unit.

For purposes of this Subsection, in order to be considered an existing primary residential unit or an existing accessory building, the structure must be a legally permitted structure constructed on the site with a Final Inspection or Certificate of Occupancy as of January 1, 2017, and conforms to current zoning or is legal nonconforming as to current zoning.

W. **Architectural Review.** The construction of an accessory dwelling unit shall be subject to administrative architectural review. The Community Development Director will review the proposal to ensure that the design of the accessory dwelling unit is compatible with the surrounding neighborhood and consistent with the design and appearance of the existing structures on the lot, pursuant to the Single Family Design Board General Design Guidelines & Meeting Procedures regarding Administrative Staff Review Standards.

Discretionary design review is required for any exterior alterations to the site or primary residential unit that are not a part of the accessory dwelling unit, but are proposed in conjunction with the accessory dwelling unit, pursuant to Chapters 22.22, 22.68 or 22.69 of this Code.

X. **Protection for Historic Resources.** No accessory dwelling unit shall be constructed if the proposal would cause a substantial adverse change in the significance of a historical resource listed on the National Register of Historic Places or the California Register of Historic Places, or designated as a City of Santa Barbara Landmark or Structure of Merit, or located in a designated historic or landmark district. The Community Development Director shall make

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this determination by reviewing the proposal for compliance with appropriate Secretary of Interior's Standards.

- Y. **Recorded Agreement.** Before obtaining a building permit for an accessory dwelling unit, the property owner shall execute and record an agreement, pursuant to Chapter 30.260, Recorded Agreements, containing a reference to the deed under which the property was acquired by the present owner and stating that:
1. The accessory dwelling unit shall not be sold separately from the primary residential unit.
 2. Either the primary residential unit or the accessory dwelling unit shall be owner occupied.
 3. The accessory dwelling unit shall be rented for terms of not less than 31 consecutive days.
- Z. **Residential Density.** An accessory dwelling unit is a residential use that is consistent with the existing General Plan and zoning designations for lots within the allowable residential zones. Any accessory dwelling unit constructed pursuant to this Section does not exceed the allowable density for the lot upon which the accessory dwelling unit is located.

DISCUSSION ITEM

7. ACCESSORY DWELLING UNIT (ADU) ORDINANCE

(2:30)

Staff:

Rosie Dyste, Project Planner

(Staff discussion of the state's requirements for Accessory Dwelling Units (ADUs), the City's consideration of ADU standards related to design review, and the City's proposed project-specific design standards for administrative approval. Release of the Draft ADU Ordinance for public and Planning Commission review is anticipated in late summer 2017.)

Actual time: 3:04 p.m.

Present: Rosie Dyste, Project Planner and Renee Brooke, City Planner, City of Santa Barbara

Public comment opened at 3:17 p.m.

Kellam de Forest asked if protection of historic resources could include potential historic resources. He also expressed concern about preservation of significant plantings, especially trees; decks; notification to neighbors; and second stories on garages.

Public comment closed at 3:19 p.m.

Public comment re-opened at 3:49 p.m.

Sheila Lodge, Planning Commission liaison, stated that there will be an ADU discussion with State Senator Bob Wieckowski on August 11, 10 a.m.-12:00 p.m., at the New Vic Theatre.

Public comment closed at 3:51 p.m.

Discussion held.

Commission comments:

1. Commissioner Drury: Expressed confidence in staff addressing HLC concerns, though a subcommittee may be worthwhile at some point.
2. Commissioner Mahan: There are complexities to building these units that the legislature may not have considered. Suggested that in lieu of discretionary review, design professionals could offer advice.
3. Commissioner La Voie: Emphasized the importance of a desirable living environment. Identify what makes Santa Barbara special, and achieve a balance with that and providing housing. Consider safety, infrastructure, and natural resources.
4. Commissioner Suding: We need to address this crisis in a sensitive and thoughtful way, attending to all the details, to preserve Santa Barbara.
5. Commissioner Orias: Check to make sure fire hazard map is up to date. Expressed serious concern about resident safety and circulation of residents in an emergency. Also questioned if infrastructure is sufficient to support additional buildings. Emphasized that units should be compatible with the neighborhood; heights of buildings should be sympathetic to each other. Make the language of the ordinance specific and clear. Would like proposed language to return to HLC for discussion.

DISCUSSION ITEM

1. ACCESSORY DWELLING UNIT (ADU) ORDINANCE

(3:10) Staff: Rosie Dyste, Project Planner

(Staff discussion of the state's requirements for Accessory Dwelling Units (ADUs), the City's consideration of ADU standards related to design review, and the City's proposed project-specific design standards for administrative approval. Release of the Draft ADU Ordinance for public and Planning Commission review is anticipated in late summer 2017.)

Actual time: 3:08 p.m.

Present: Rosie Dyste, Project Planner; and Renee Brooke, City Planner

Public comment opened at 3:27 p.m.

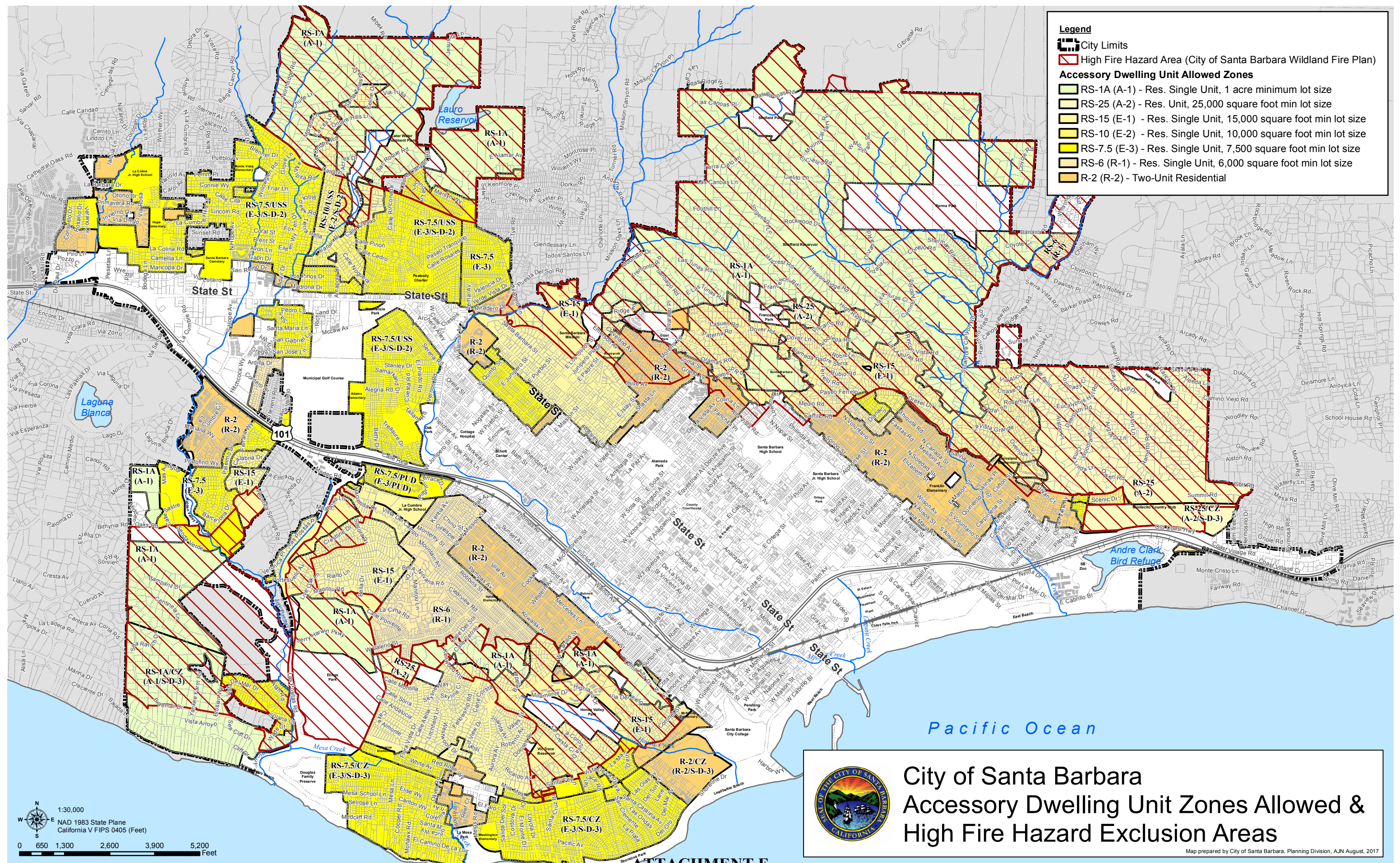
Nancy Mulholland stated there is a need for less unduly burdened affordable housing, and the restrictions on ADUs in lots zoned R-3 or R-4 and under 5,000 square feet are in violation of the state law and should be eliminated.

Public comment closed at 3:30 p.m.

Discussion held.

Board comments:

1. Board Member Miller requested clarification on screening regulations applicable to ADUs or non-ADUs, with staff to clarify at a later time.
2. Board Member Moticha requested clarification on the Board's purview of single locations around the City. He also commented on existing ADUs regarding the expense and compliance involved with new ADUs.
3. Board Member James requested clarification on regulating ADUs with regard to floor-to-lot area ratios (FARs) and if accessory dwelling units, decks, etc. would count toward the FAR calculation of project square footage, and Ms. Brooke confirmed that certain ADUs would count toward the FAR calculation. Board Member James also requested staff clarification of the Housing Element Plan (H-15) regarding site plans and flexibility.
4. Board Member Miller had concerns regarding high density units and impacts to quality of life, traffic, and public transportation.
5. Chair Sweeney commented that local architects were recognized at the most recent ADU meeting. He also requested staff clarification on square footage, additions such as decks, neighborhood compatibility, and what denotes a "neighborhood" for ADU projects.



Legend

- City Limits
- High Fire Hazard Area (City of Santa Barbara Wildland Fire Plan)
- Accessory Dwelling Unit Allowed Zones**
- RS-1A (A-1) - Res. Single Unit, 1 acre minimum lot size
- RS-25 (A-2) - Res. Unit, 25,000 square foot min lot size
- RS-15 (E-1) - Res. Single Unit, 15,000 square foot min lot size
- RS-10 (E-2) - Res. Single Unit, 10,000 square foot min lot size
- RS-7.5 (E-3) - Res. Single Unit, 7,500 square foot min lot size
- RS-6 (R-1) - Res. Single Unit, 6,000 square foot min lot size
- R-2 (R-2) - Two-Unit Residential

1:30,000
 NAD 1983 State Plane
 California V FIPS 0405 (Feet)



City of Santa Barbara Accessory Dwelling Unit Zones Allowed & High Fire Hazard Exclusion Areas

Map prepared by City of Santa Barbara, Planning Division, AJN August, 2017

Path: R:\GIS\WORK\anrcmap\PlanSB Implementation\ADU Maps\High Fire and ADUZones 11x17 Aug 2017.mxd

Chapter 14.08 Connections, Rates and Charges

14.08.150 New Dwelling Units - Metering Requirements.

A. GENERAL RULE. Every new dwelling unit, including condominium units and, apartment units, ~~and accessory dwelling units~~, shall be served by a separate meter. ~~However, if a new accessory dwelling unit is located within a single-family residential zone, contained within the existing space of a single-family residence or an existing accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety, the new accessory dwelling unit is not required to be served by a separate meter.~~

B. PROJECTS OF FOUR OR FEWER UNITS. For projects adding four (4) or fewer new dwelling units, common area uses on the lots or parcels within the project including, but not limited to, irrigation, water features (pools, spas, fountains), and shared laundry facilities, may be served by the meter or meters measuring the water supplied to the dwelling units or may be served by a separate meter or meters. For purposes of this subsection, if a project demolishes an existing dwelling unit and constructs a new dwelling unit in its place, the resulting unit shall be considered a new dwelling unit.

C. PROJECTS OF FIVE OR MORE UNITS. For projects adding five (5) or more dwelling units, the meters measuring the water supplied to the interior of the dwelling units shall only measure the water use within the dwelling units. All other uses on the lots or parcels within the project, including, but not limited to, irrigation, water features (pools, spas, fountains), and shared laundry facilities, shall be served by one or more meters separate from the meters measuring the water supplied to the dwelling units. For purposes of this subsection, if a project demolishes an existing dwelling unit and constructs a new dwelling unit in its place, the resulting unit shall be considered a new dwelling unit.

D. LOW INCOME HOUSING PROJECTS. For developments in which 100% of the units are rental units which are affordable to very low or low income households, one water meter may serve six (6) residential dwelling units if the following conditions are met:

(1) A covenant is recorded in the Official Records of the County of Santa Barbara against the title which states: (a) all of the residential units on the Real Property shall be rented to very low or low income households; (b) the maximum rent and the maximum household income of tenants shall be determined as set forth in the Affordable Housing Policies and Procedures Manual of the City of Santa Barbara, which is adopted by City Council Resolution from time to time; and (c) the maximum rent shall be controlled through recorded documents to assure continued affordability for a term that is 6 consistent with the City's Affordable Housing Policies and Procedures Manual. The City shall be a party to the covenant; and

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(2) A covenant is recorded in the Official Records of the County of Santa Barbara against the title which states that the development has received a reduction in the number of water meters required because it is a project with 100% affordable units. In the event that the Real Property, or any portion thereof, is not or cannot be used solely for very low or low income rental housing, either: (i) the structure(s) shall be redesigned and possibly reconstructed and the number of residential units shall be reduced so that there is compliance with the City's water metering requirements then in effect, or (ii) the owner shall provide additional water meters as needed in order to comply with the City's water metering requirements then in effect and owner pay any applicable installation and/or capacity-based fees or costs associated with the additional water meters. The City shall be a party to the covenant. 14.08.160 Conversion of Dwelling Unit to Nonresidential Use. If an existing dwelling unit, or a portion thereof, is converted to a nonresidential use, that nonresidential use shall be metered separately from any existing or proposed dwelling unit(s).

E. ACCESSORY DWELLING UNITS. Accessory dwelling units, as defined under Government Code Section 65852.2, are not required to have a separate water connection directly between the accessory dwelling unit and the water utility. However, where an accessory dwelling unit is either: (1) located in a detached structure that is newly constructed from the ground up, or (2) part of new development on the lot where the primary residence and the accessory dwelling unit (either attached or detached) are both newly constructed from the ground up, the water service to the accessory dwelling unit shall be measured by a separate meter or a private submeter in accordance with Water Code Section 537.1. If a property owner elects to have a separate water connection directly between the accessory dwelling unit and the water utility, the water service shall be measured by a City water meter and the property owner shall be responsible for any applicable connection fees or capacity charges. The privately owned and maintained water submeter shall be capable being accessed and read by the tenant of the dwelling unit and read by the landlord without entering the dwelling unit. The City will not be responsible for the installation, certification, maintenance, reading, billing, or testing of the privately owned and maintained water submeter nor associated onsite plumbing.