



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 24, 2017

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Zoning Ordinance Amendment For Accessory Dwelling Units

RECOMMENDATION: That Council:

- A. Hold a public hearing and provide direction to staff related to development regulations for Accessory Dwelling Units;
- B. Initiate an amendment to Titles 28 and 30 of the Santa Barbara Municipal Code, the Zoning Ordinance, establishing regulations for Accessory Dwelling Units; and
- C. Direct staff to return and introduce an ordinance amending Title 14, Water and Sewer Ordinance, of the Santa Barbara Municipal Code ahead of any amendments to Title 28 and 30.

DISCUSSION:

New state requirements regarding local government regulation of accessory dwelling units (ADUs) became effective on January 1, 2017. Assembly Bill 2299 and Senate Bill 1069 amended Government Code 65852.2, making significant changes to the manner by which local governments can regulate ADUs, primarily with respect to parking, types and size of ADUs, approval process and timelines, and utility fees.

This amended state law 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 Section 65852.2 of the California Government Code.

On April 6, 2017, a joint work session was held with Council and the Planning Commission to discuss Planning Division major work efforts and make any needed adjustments. The amended state law for ADUs was discussed. While acknowledging workload issues, Council directed staff to prioritize work on developing an ordinance to regulate ADUs.

On a separate but related path, the City's Water Commission held a discussion on September 21, 2017 regarding water metering requirements for Accessory Dwelling Units. The Water Commission supported staff's recommendation that the Ordinance Committee, and subsequently Council, adopt proposed changes to Title 14, Water and Sewer Ordinance, of the Santa Barbara Municipal Code to exempt all Accessory Dwelling Units from installing a direct connection to the City's water system. Staff is requesting direction from Council to return and introduce the Title 14 ordinance amendment ahead of any amendments to Title 28 and 30.

Draft ADU Ordinance

Though the amended state law restricts certain aspects of local regulations for ADUs, cities can impose reasonable development standards to address replacement 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 concerns for residents and emergency crews.

Following Council direction to draft a local ordinance for ADUs, Planning Division staff began working on a draft ordinance and entered into a contract with Rincon Consultants to review the draft ordinance for compliance with state law and consistency with General Plan policies and the Zoning Ordinance. The consultant is also responsible for coordination with the California Department of Housing and Community Development (HCD), as needed, to ensure compliance with state law.

The Draft ADU Ordinance (see Attachment 1, C. Proposed Amendments to SBMC Title 30 Related to Accessory Dwelling Units) was based in large part on the 2015 Housing Element policy directing an amendment to the City's Secondary Dwelling Unit Ordinance to provide more site planning flexibility and affordable-by-design concepts while prohibiting secondary units in the High Fire Hazard Zones to the extent allowed by state law. Staff also considered public comments received at two community meetings, other local governments' ADU regulations, protection of the City's designated historic districts and landmarks, and maintenance of the character of the existing single-family and duplex neighborhoods.

Planning Commission Hearing

On September 7, 2017, a Planning Commission hearing was held to initiate an amendment to the Zoning Ordinance to regulate ADUs, review a Draft ADU Ordinance, and forward a recommendation to City Council for adoption (see Attachment 1¹). After extensive public comment, the Planning Commission deliberated with many questions and comments directed to staff, and Chair Higgins suggested 12 general issues for Commission consensus, described below. Based on multiple Commissioner requests for

¹ Note that the Planning Commission staff report states incorrectly on page 12 that ADUs are required to comply with most of the development standards that apply to the primary residence. Staff has since determined that, in the absence of a local ordinance for ADUs, only the requirements of Government Code 65852.2 apply.

more information before a decision could be made, a motion was made and passed to continue indefinitely the discussion of recommended changes to the Draft ADU Ordinance. Following the hearing, staff determined that additional community dialogue and decision-maker input on the general direction for an ordinance to regulate ADUs was warranted before the Draft ADU Ordinance is reviewed again in detail.

Planning Commission Discussion Items

The 12 general issues regarding ADUs discussed by the Planning Commission are as follows:

1. Allowed Zones – consider expanding where ADUs are allowed.
2. High Fire Hazard Area – consider strategic approach instead of complete prohibition.
3. Minimum Lot Size – consider no minimum or relating size of the ADU to lot size.
4. Maximum ADU Size – consider a maximum larger than 600 square feet or proportional to lot size.
5. Development Standards (height) – clarify why ADU should be subordinate to primary structure.
6. Parking – consider more flexibility regarding location and screening requirements.
7. Design Review Process – consider a checklist, ensure the process remains ministerial, and clarify how the ordinance applies to historic districts and resources.
8. Junior ADUs – consider allowing with the ADU Ordinance.
9. Owner Occupancy – consider deleting this requirement.
10. Pending Applications – clarify status of pending ADUs and the 120-day application approval process.
11. Utility Connections and Fees - clarify meter and connection fees.
12. Miscellaneous – clarify open yard requirement, consider flexibility in kitchen appliance standards, clarify legal status of including an ADU in floor area ratio calculations, and request state Housing and Community Development review of the Draft ADU Ordinance.

Next Steps

Following Council's direction and initiation of an amendment to the Zoning Ordinance, a revised Draft ADU Ordinance will be prepared and presented to the Planning Commission and Ordinance Committee for review and refinement, and subsequently, the ordinance amendments will be forwarded to City Council for introduction and adoption.

On a parallel path, Water staff is proposing SBMC Title 14 amendments, which were recommended by the Water Commission on September 21, 2017. The proposed language for SBMC Title 14 amendments would not be affected by subsequent policy decisions in other Zoning Ordinance amendments. Water staff is requesting direction from Council to introduce amendments to the Title 14 ordinance.

BUDGET/FINANCIAL INFORMATION:

In order to minimize impacts to the Planning Division staff resources, Rincon Consultants has been retained to assist with preparation of a Draft ADU Ordinance. The contract expense will be covered by Planning Division salary savings.

Water staff is currently experiencing increased workload related to ADU applications, which is expected to continue until Title 14 amendments are in effect, if approved. Staff is currently assessing costs of additional resources that may be required depending on the timing and adoption of proposed Title 14 amendments.

ATTACHMENT(S): 1. Planning Commission Staff Report, dated August 31, 2017
2. Planning Commission Draft Meeting Minutes of September 7, 2017

PREPARED BY: Rosie Dyste, Project Planner

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office