Public Comment for:

ADU Ordinance

Recommendations to Council

(Attached public comment received prior to 12/14/17 PC Hearing)

Public comment check for this item:

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<tr>
<th>(P) Partially in Support w/Comment</th>
<th>(O) Opposed</th>
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<td>Phil &amp; Dianne Channing (12/3) [Tucker Appeal] cannot open resubmitted for Franceschi Rd</td>
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<td>2. Thomas Dunlap (12/12)</td>
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(And a request for copies of all such public comment to Planners: N. Scott Vincent; Bea Gutierrez; Rosie Dyre; Debra Andrade)
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(And a request for copies of all rcvd public comment to Planners: N. Scott Vincent; Bea Gularte; Rosie Dyste; Debra Andaloro.)
November 28, 2017

From: Sea Ledge Lane Property Owners Association
3511,3501,3443,3433,3429,3427 Sea Ledge Lane
Santa Barbara, CA 93109

To: Santa Barbara Planning commission
735 Anacapa Street
Santa Barbara, CA 93101

Sea Ledge Lane Property Owners Association supports the Accessory Dwelling Unit (ADU) ordinance draft of 8/31/2017 as initially proposed by the City staff. The staff drafted an ordinance that meets the requirements of the new State of California statute and is also consistent with the existing City ordinances and policies. At the Planning Committee Meeting of September 7, 2017 there were many speakers who spoke against the draft ordinance. We would like to address two specific issues objected to by some of the opponents: 1) the requirement that the property owner occupy the primary residence and 2) the size limitation of 600 square feet.

The average size of an apartment in Santa Barbara is 708 square feet and the average size of a 1-bedroom apartment is 586 square feet (data from rentcafe). The staff’s proposed limitation makes perfect sense for an ADU. At the extreme, some opponents argued that the owner occupancy requirement should be eliminated, and the maximum square footage should be increased to 1200 square feet. This would allow a 2400 square floor primary rental unit and a 1200 square foot ADU with three bedrooms. Such a structure is well beyond an ADU. Then if the ordinance allows both structures to be rented, a duplex has been permitted in a Residential Single Unit zone. At this extreme, a RS zone will have effectively been changed to a R-2 zone via an ADU ordinance. This is not the way to change the zoning of an area.

An ADU is intended to allow an accessory unit to the primary dwelling unit not to create a duplex in a RS zone. The state statute does not require that Santa Barbara eliminate RS zones. The statute only requires that the City modify the policy that existed prior to January 1, 2017 to conform to the requirements of the state statute. The staff presented data to the City Council showing that under the existing ordinances only 34 secondary dwelling units (similar but not identical to ADUs) were approved from 1982 through the end of 2016. So far, this year 45 ADUs have received building permits. The City has already permitted more units this year than it did in the past 34 years. This shows that by merely adapting the existing city ordinances to comply with the state statute, the city has already made a huge difference in making ADUs widely available. The requirements of owner occupancy and maximum size of 600 square feet seems to be sufficient to provide small rental units for an array of lifestyles. It is a far different matter to allow a 2400 primary unit and 1200 square foot secondary unit and allow both to be rented.

This is not a theoretical matter for Sea ledge Lane. Currently, the City has opened an investigation of 3425 Sea Ledge Lane (this property is not part of the Association) for violation of the 30-day short term rental ordinance. Zoning has referred the matter to the City Attorney. The owner has multiple listings of the property on line. One listing offers the entire home for a minimum stay of seven nights. Another listing offers a guest area that is separated from the owner’s area i.e. an ADU without a kitchen. The
listing for the entire home states that the square footage is 3820. This is a real live example where an owner could rent a primary residence of 2620 square-feet and also rent an ADU of 1200 square feet.

It is important to maintain the residential single unit zone for permanent residents while at the same time allowing appropriate ADUs. In a vacation destination like Santa Barbara, there will be a financial incentive to offer ADUs for as few days as possible and allow the maximum number of transient guests. Seasonal rentals to a large group of people can yield far more revenue than an entire year from a permanent resident. If the owner does not have to occupy the primary residence, eventually these dual vacation rentals will invade permanent residential single unit neighborhoods like ours. This could change the character of the neighborhood from a place where we know our neighbors and invest our time and energy in the community to an area of duplexes run by absentee investors.

The Sea ledge Lane Property Owners Association asks the planning commission to propose an ordinance that properly allows ADUs but does not allow residential single zones to effectively become multi dwelling zones. Specifically, the Planning Commission should accept the staff's recommendation that the ADU be limited to a maximum size of 600-square feet and that the owner must sign the covenant currently being used by the staff including the covenant to occupy the property as the owner's primary residence.

Thank you for considering the points in this letter.

F Thomas Dunlap

On behalf of the Sea Ledge Lane Property Association (all members listed above)
Please see the attached letter from the Sea Ledge Lane Property Owners Association to the Planning Commission. It is updated to address the 12/7 draft ordinance. We continue to support the requirement that the owner occupy the primary residence or the ADU. We ask the commission to consider the impact of the 1200 square foot maximum size and the elimination of the parking requirement would have on a neighborhood like Sea Ledge Lane

Both of these provisions would directly effect us. We currently have an un-permitted ADU on Sea Ledge in that size range that is being advertised as having 3 rooms for rent. While the City pursuing a zoning enforcement action investigation against the property, we do not want to see the structure become a permitted ADU and then turned back into 3 hotel rooms.

Thanks

Tom Dunlap on behalf of the Sea ledge Lane Property Owners Association
December 12, 2017

From: Sea Ledge Lane Property Owners Association
3511,3501,3443,3433,3429,3427 Sea Ledge Lane
Santa Barbara, CA 93109

To: Santa Barbara Planning commission
735 Anacapa Street
Santa Barbara, CA 93101

Our letter of November 18, 2017 supported two key provisions in the 8/31/2017 draft Accessory Dwelling Unit (ADU) ordinance: 1) the requirement that the property owner occupy the primary residence or the ADU and 2) the size limitation of 600 square feet. We continue to support the owner occupancy requirement in the 12/7/2017 draft ordinance proposed by the staff for the reasons set forth in our letter of November 18th. This restriction is key to preventing a RS zone from effectively being turned into a R-2 zone via an ADU ordinance.

The current draft ordinance proposes two significant changes that are of concern to the Association i.e. the maximum ADU size has been increased from 600 square feet to 1200 square feet and the requirement for a parking space for each bedroom has been removed. The new maximum size for a 1-acre parcel is the size of an average 3-bedroom apartment in Santa Barbara. Because there is no limit to the number of bedrooms in the ordinance, an ADU with 3 bedrooms would be permissible. The original proposed maximum size practically limited the structure to a single ADU with 1 bedroom. A 3-bedroom ADU can easily be converted into a 3-room hotel with one room having a kitchen. This is very similar to the current situation on Sea Ledge Lane. A 3820-square foot structure on a 1-acre property was approved by the City. No secondary unit or ADU was permitted. However, it is now being offered for rent as: “The property is divided into 2 very large areas. The guest section has all the key amenities including outdoor lounging, pool, spa, and Firetable. Guests can access their room with a private entrance. We appreciate your discretion in not accessing the owner space”. It also states: “PLEASE NOTE - we have 2 other almost identical studios available for larger groups. We can host up to 6.” i.e. it is an unpermitted ADU which functions as a 3-room hotel. With a 1200 square foot maximum size, if all 8 property owners on the lower part of Sea Ledge Lane followed this strategy, we would have an RS zone with 24 hotel rooms available. The size limitation is the best practical limitation against turning a permitted ADU into 3 hotel rooms. In 2017 the city has already permitted at least 45 ADUs with a maximum size of 600 square feet compared to 34 secondary dwelling units in the past 34 years. The data does not indicate a need to allow 1200 square foot ADUs.

The 12/7 draft ordinance also removes the requirement of one parking space for each ADU or bedroom, whichever is greater. Using the Sea Ledge example, if no additional parking is required, the 3 hotel guests will need to park within a fire lane on Sea Ledge Lane (this is also actually occurring today). Most guests who spend $625 per night (the advertised rate) for a room will not be using public transportation. The original requirement of 1 parking space per bedroom would at least require a parking space for each hotel room.
The staff also recommends that the same regulations be replicated for Coastal zones. Sea Ledge Lane is in a coastal zone. Coastal properties are particularly susceptible to turning a 3-bedroom ADU into a 3-room hotel. In a vacation destination like Santa Barbara there will be a financial incentive to offer rooms for as few days as possible and allow the maximum number of transient guests. This may be a profitable use of coastal properties for investors, but it will change the character of the neighborhood for the permanent residents.

The Sea Ledge Lane Property Association continues to support the owner occupancy requirement for the reasons stated in our November and December letters and the logic in the staff report. We also note that there is no discretionary review for ADUs and the owner-occupied requirement will tend to maintain the existing character of a RS neighborhoods. This requirement is particularly important if the Commission supports the 1200 square foot size and elimination of parking requirements.

We ask the commission to consider the impact of the proposed 1200 square foot ADU coupled with no limit on the number of bedrooms and no requirement for additional parking. This would permit a 3-bedroom house or apartment with no additional parking on a parcel in addition to the primary residence of 2400 square feet. We suggest that the maximum size of the ADU be limited to something closer to the original 600 square feet proposal. Alternatively, consider limiting an ADU to one bedroom to avoid the situation where a permitted ADU can be turned into a multi room hotel. If the commission supports the 1200 square foot maximum size, then we ask the commission to require 1 parking space per ADU or bedroom, whichever is greater.

Thank you for consideration of this letter.

F. Thomas Dunlap

On behalf of the Sea Ledge Lane Property Owners Association (all members listed above)
Kathleen Goo

From: Art Ludwig/ Oasis <oasis@oasisdesign.net>
Sent: Wednesday, September 13, 2017 3:21 PM
To: Community Development PC Secretary
Subject: ADU suggestions
Attachments: Screen Shot 2017-09-05 at 8.56.09 PM.png; ATT00001.htm; Screen Shot 2017-09-07 at 10.09.41 PM.png; ATT00002.htm; ADUCovenant-1A-wlnstructions4PC-.docx; ATT00003.htm

Kathleen,

Can you please distribute this to the planning commission? Thanks—Art

Dear Planning Commissioners—

Thank you for the opportunity to address you in person. Here are my ADU suggestions in written form.

So you know where my interests lie:

- **We are depending on the city to improve affordably**—before we have no friends and family left who live here. (We managed to buy and pay off a home ourselves—largely with money saved on transportation, as it happens.

- **We are depending on the city to improve walking and biking conditions**—As is everyone else who is walking/biking by choice or necessity. Our household bikes and walks for 90% of our trips. We are public benefit workforce; basically the living embodiment of the City’s sustainability goals. We have deep roots in SB and want to stay. However, if the city cannot stop the degradation of biking and walking conditions, I’m afraid we will literally be driven out of the city.

- **We will not personally be affected by the city ordinance.** We just heard that our ADU permit is done now under the state rules. (As I mentioned, we are interested in coming back to the city with a plan for a much deeper green project with many innovative features. This could help the city realize our adopted sustainability and affordability goals. However, this would be under the AUD rules.)
City of Santa Barbara

Recorded Agreement
Applicant Instructions

☐ **Note to applicants:** Completing the recording of the Covenant takes about two weeks after you turn in the approved, signed and notarized copy.

☐ Complete all the "blanks" in the attached template, by typing in Microsoft Word over the letters in brackets. Examples: [ADDRESS] and [OWNER’S NAME]. Do not handwrite the blanks on the form.

☐ Include all property owner’s names, written as shown on the title report. Don’t forget to complete the owner’s name(s) on the signature page. List each owner’s name separately. You may need to add additional lines to the document.

☐ If you need the Instrument Number for a ZCD Release form, [Which means?] it can be found in the upper right hand corner of the previously recorded document (example: 2017-0012345). Copies of previously recorded documents can be found in the City’s street file, or Planning Counter staff can assist you.

☐ Attach a legible copy of the legal description of the property as Exhibit A. The legal description may usually be found in a copy of the title report. A photograph or screenshot is not acceptable.

☐ E-mail an unsigned draft of the completed form and legal description in Microsoft Word (NOT a .pdf, or a photograph, or a scanned copy) to Chloe Beets (CBeets@santabarbararaca.gov), or the Planning Division Case Planner assigned to your project, as directed by city staff. City staff will review the draft and let you know when you may proceed to the next step. Do not sign/notarize the draft document until the City has reviewed the draft and given you approval to move to the next step.

☐ A notary must acknowledge the legal owner(s) signature(s). Inform the notary that the acknowledgment is for an instrument to be recorded. (California Civil Code §1169, et seq.)

☐ Submit the signed and notarized document to the second floor front desk, Community Development Department, 630 Garden Street, Attention: Chloe Beets, or the Planning Division Case Planner assigned to your project, as directed by city staff. City staff will acquire City signatures and document recordation at the County Recorder’s Office at the Hall of Records at the Santa Barbara Courthouse at 1100 Anacapa St. (805) 568-2250.

☐ A non-certified copy of the document will be provided to the applicant by City staff once the document has been recorded.
Final zoning approval on a building permit will be granted after the document has been recorded.
ACCESSORY DWELLING UNIT COVENANT

THIS ACCESSORY DWELLING UNIT COVENANT ("Covenant") is made for the benefit of the City of Santa Barbara, a municipal corporation ("City") by [OWNER'S NAME] ("Owner"), as of this [DAY] day of [MONTH], 20[YEAR].

This Covenant applies to the Owner’s interest and Owner’s successors’ interest in the real property commonly known as [ADDRESS], Santa Barbara, California ("Property"), more fully described in Exhibit “A” attached and incorporated by this reference herein.

RECITALS

WHEREAS, the Property consists of one [SQUARE FOOTAGE] square foot single residential unit ("Residential Structure"); and

WHEREAS, Owner seeks to create two separate residential units consisting of the [SQUARE FOOTAGE OF PRIMARY UNIT] square foot Residential Structure ("Primary Dwelling Unit") and the other unit to be [NUMBER OF BEDROOMS IN ADU] bedroom(s) and [SQUARE FOOTAGE OF ADU] square feet ("Accessory Dwelling Unit") to be occupied pursuant to the terms of this Covenant; and

WHEREAS, regarding the creation of the Accessory Dwelling Unit, approval of application number BLD20[BLD CASE NUMBER] is contingent upon the execution and recordation of this Covenant; and

WHEREAS, the Property shall be subject to ownership, occupancy, and rental requirements, which set of requirements shall be recorded against the Property and is the subject of this Covenant; and

WHEREAS, Owner and City now wish to clarify their respective rights and obligations regarding the requirements on the Property.

NOW THEREFORE, in consideration of the benefits received by Owner for the creation of the Accessory Dwelling Unit, Owner hereby covenants and agrees with the City to
impose the following covenants, conditions, restrictions and limitations upon the possession, use and enjoyment of the Property. Owner and City agree as follows:

I. **TERM, ENFORCEABILITY, AND SECURITY:**

A. This Covenant shall be binding upon Owner and the successors and assigns of Owner and the heirs, personal representatives, grantees, lessees, sublessees, contract purchasers, and assignees of Owner and any subsequent owner of the Property. This Covenant shall lapse only upon removal of the Accessory Dwelling Unit.

B. The Property is held and hereafter shall be held, conveyed, hypothecated, encumbered, leased, rented, used, and occupied subject to these covenants, conditions, restrictions and limitations. All of the above-stated covenants, conditions, restrictions and limitations are intended to constitute both equitable servitudes and covenants running with the land.

C. Any purchaser or transferee of the Property or of any portion or interest in the Property, shall, by the acceptance of any interest in the Property, or by the signing of a contract or agreement to purchase any interest in the Property, be deemed to have consented to and accepted the covenants, conditions, restrictions and limitations set forth herein.

D. The use of the Property is restricted to the ownership, occupancy and other restrictions listed below. These restrictions shall be in effect until removal of the Accessory Dwelling Unit. In the event that the Property is not developed and used as a Primary Dwelling Unit and an Accessory Dwelling Unit in accordance with this Covenant, then Owner shall reconfigure the improvements on the Property to eliminate the Accessory Dwelling Unit and reestablish one single residential unit. Such reconfigurations shall require a Building Permit and shall include the elimination of any kitchen and cooking facilities from the former Accessory Dwelling Unit.

II. **OWNERSHIP, SIZE, AND OCCUPANCY CONDITIONS:**

The Property shall be subject to the following conditions for the term of this Covenant:

A. The Accessory Dwelling Unit shall not be sold separately from the Primary Dwelling Unit.

B. The Accessory Dwelling Unit may be rented, however rental terms shall not be less than 31 consecutive days. [THIS IS GOOD. This helps adopted policy goals. The rest of the provisions...not so much. What policy goals does the next provision accomplish? If someone owns two single family homes and puts ADUs on both...that advances the City's #1 goal of affordable housing, yes?]

C. Either the Primary Dwelling Unit or the Accessory Dwelling Unit shall be occupied by the Owner ("Owner's Unit") except when disability or infirmity require institutionalization of the Owner or when the City Community Development Director or the Director's designee approves in writing Owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause. The Owner shall not rent or lease the Owner's Unit without prior written approval by the City.
Community Development Director or the Director’s designee. Any rental without said prior written approval shall constitute a violation of this Covenant, and shall result in an assignment of all rents due or collected, as described in Section III below.

[IF desired:] The property shall qualify for and have in place a homeowners property tax exemption with the County Assessor, or have other proof of

III. BREACHES AND REMEDIES:

A. Upon receiving notice of any violation of the terms of this Covenant, the City may declare a default by delivering written notice to the Owner specifying the nature of the violation. Upon the declaration of a default, the City may apply to a court of competent jurisdiction for specific performance of the Covenant, for an injunction prohibiting the violation of this Covenant, or for any such other relief as may be appropriate.

B. Owner acknowledges that occupancy of the Accessory Dwelling Unit in violation of this Covenant is prohibited. The City may enforce these and other rights by any legal means. The City may also pursue code enforcement actions including, but not limited to fines and may also require that the Property be redesigned, reconstructed, or possibly demolished in order to eliminate the Accessory Dwelling Unit and reestablish one single residential unit.

C. The remedies stated herein shall not be exclusive, but shall be cumulative to all other remedies and rights the parties may lawfully exercise.

IV. ADDITIONAL PROVISIONS:

A. The Accessory Dwelling Unit shall not be leased or rented in the absence of a written lease or rental agreement between the Owner and the occupant household. Any change or amendment to a lease or rental agreement shall also be made in writing. [Mmm...I guess this is OK if needed for other provisions.]

B. Owner shall maintain the Property in conformance with State and local housing quality standards and code requirements. Owner agrees to allow the City to inspect the Accessory Dwelling Unit upon request, and Owner shall correct any condition out of compliance. [Violates 4th amendment of US constitution against unreasonable search]

C. The Owner covenants that he or she has not and will not execute any other agreement or covenant with provisions contradictory to or in opposition to the provisions hereof and that in any event this Covenant is controlling as to the rights and obligations between and among the Owner, the City, and their respective successors.

D. If any one or more of the provisions contained in this Covenant shall for any reason be held to be invalid, illegal or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions contained in this Covenant and this Covenant be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
F. The terms of this Covenant shall be interpreted under the laws of the State of California.

F. All notices required herein shall be sent by Certified mail, return receipt requested, to the Owner at the address provided to the City by Owner, and to the City at: City of Santa Barbara, Community Development Department, Attn: Planning Division, P.O. Box 1990, Santa Barbara, CA 93102-1990, or such other address that the City may subsequently notice in writing to the Owner.

V. DECLARATION OF OWNER:

A. I own and occupy the Property as my principal residence.

B. The documentation supporting this declaration of ownership and occupancy of the Property provided by me is true and complete.

C. I have received a copy of this Covenant and agree to comply with all of the requirements of this Covenant.

D. I understand that any false statements or misrepresentations to the City in this declaration shall constitute a default under this Covenant, and may constitute fraud.

IN WITNESS WHEREOF, the Parties have executed this Covenant as of the date first written above.

APPROVED AS TO CONTENT: ________________________________

George Buell
Community Development Director

OWNER: ________________________________

[OWNER'S NAME AS SHOWN ON TITLE]

APPROVED AS TO FORM: ________________________________

City Attorney

By: ________________________________

N. Scott Vincent
Assistant City Attorney

Note: This Agreement will be recorded; the signatures of the parties (not including approvals as to form) must be acknowledged by a notary.
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of __________________________

On __________________________ before me, __________________________

Date
Here Insert Name and Title of the Officer

personally appeared __________________________

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature __________________________

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: __________________________ Document Date: __________________________
Number of Pages: _______ Signer(s) Other Than Named Above: __________________________

Capacity(ies) Claimed by Signer(s)
Signer’s Name: __________________________
□ Corporate Officer — Title(s): __________________________
□ Partner — □ Limited □ General
□ Individual □ Attorney in Fact
□ Trustee □ Guardian or Conservator
□ Other: __________________________

Signer Is Representing: __________________________

Signer’s Name: __________________________
□ Corporate Officer — Title(s): __________________________
□ Partner — □ Limited □ General
□ Individual □ Attorney in Fact
□ Trustee □ Guardian or Conservator
□ Other: __________________________

Signer Is Representing: __________________________

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EXHIBIT A
Real Property
Here are my suggestions:

—Genera Suggestions—

- Adopt a stretch goal to fit ADU/ AUD development within the existing resource footprint—for water, parking, and car VMT, and consider all implementation practices and ordinances through this lens. This happy to dialog about particular ways of realizing this.
- Shift transportation investment in infrastructure for biking/ walking—ADU/ AUD presume sustainable transportation is viable. I have been facilitating people’s use of bikes for transportation for 35 years, the first 10 professionally. Conditions have steadily worsened. If there continue to be more drivers and cars, our system will fail for everyone. If there are fewer drivers and cars with each year, it will get better for everyone. This is possible: Copenhagen increased the share of bike trips 500% in the past 40 years through making space for bikes and pedestrians.
- Appreciation/ Compassion for staff—I don’t know the backstory, but I can imagine that staff were following implicit direction when they were making it as unattractive as possible to make an ADU. To follow state law on this is truly a 180° shift. There is a lot of confusion and internal contradiction in the system. We analyzed all six regulatory pathways to developing our property; there is no rhyme or reason to the differences, and none of them conform to the adopted policies of the city that I can see. Others complained about ADU processing. Staff did such a professional, competent job helping us navigate this confusing process that I was moved to write the city council complementing staff.

—Suggestions on ADU ordinance—

- Require enclosed and/or covered secure bike/ scooter parking—There won’t be car parking, these units should really have some kind of provision for covered secured and uncovered secure bike parking. People who rely on bikes for transportation generally have two or more bikes and lack of secure bike parking for a renter can be a major impediment to bike use. This is the start of the new paradigm...
- Give bike parking at least the same incentives as car parking—square footage exemption and setback reduction on narrow lots.
- Allow parking in the “front yard” without screening. In many cases, such as ours, the “front yard” goes thirty feet beyond the front edge of the house, until it reaches the front of the garage. fifty feet from the street (the red dashed parking space is in the “front yard”, as defined. We don’t particularly want the required gate; it just seems like a thing in the way.
• Exempt below grade square feet from ADU ft2 calculation as it is already exempted from FAR calculation. Positive impact on neighbors by disappearing stuff and noisy activities underground.
• Allow kitchens and fixtures to be proportional to unit size rather than require absolute sizes. Key for tiny units which are the best hope for our friends and younger independent family members. Would be great to provide the public pre-drawn, pre-engineered, fill-in the blanks and submit plans for 150, 200, 300 and 400 ft² micro-ADUs. The $ saved by engineering and architects could be applied to building nicer architecture.
• Eliminate the minimum lot square footage the public comment that this discriminates against less wealthy landowners is correct.
• Allow ADUs wherever a single family residence is allowed as per state law; R3, R4, Commercial.
• Allow ADUs in high fire areas on approval by the fire marshal.
• The no <31 day rental provision is a good thing.
• Consider waiving soil tests for micro-ADUs 400 ft² and under in areas without known issues and slopes under x%. See below.
• Incentivize solutions that avoid over excavation and compaction. Overuse of this practice threatens to destroy much of the remaining infiltration and growing potential downtown more permanently and completely than covering the same area with concrete. This is something we are working on; of the hundreds of crossroads where we were forced to choose the less sustainable, less affordable option for our ADU design, the overexcavation and compaction is the worst. And, there is no code that requires it; it is just practice of soil engineers pasting the same identical paragraph in every report possibly because the the amount of overexcavation and compaction that covers the worst soil conditions in the county also covers the least and it is easier than customizing recommendations.

= Suggestions on Water Code =

• In lieu of separate water meters allow submeters with ultra-high efficiency fixtures Performance well beyond the CA green code is possible and should be incentivized. Incentivize submeters in a location where residents will see them daily. We plan to put hot and cold submeters over the kitchen sink, with calibration in dollars. A digital counter will provide the landlord with the remote readout required by state statute.

= Suggestions on Covenant =

• Forbid rentals under 31 days and forget the rest as there appears to be no support for it. If owner occupation is an actual policy goal, require than the property receive a homeowners exemption and be done with it. If you have not read the covenant, you should it is attached, with the most inflammatory clauses highlighted, and suggested improvements in track changes.

Thank you for your service to the community.

Art Ludwig
805 895-1198
INITIAL ZONING PLAN CHECK - CHECKLIST

INITIAL REVIEW - ZONING BY [YOUR NAME], [YOUR EMAIL]@SANTABARBARBARACA.GOV

1. MUNICIPAL CODE –
2. DESIGN REVIEW APPROVAL (ABR/SFDB/HLC) –
3. PC/SHO APPROVAL –
4. CONDITIONS OF APPROVAL/CEQA/MZE –
5. DEMO REVIEW STUDY AREA –
6. RECORDS RESEARCH/ZIR/ENF –
7. PROJECT STATISTICS/SCOPE OF WORK –
8. PROJECT PLAN REQUIREMENTS (SITE PLAN/FLOOR PLANS/ELEVATIONS) –
9. USE CLASSIFICATIONS –
10. RESIDENTIAL DENSITY (SLOPE/INCLUSIONARY/BONUS) –
11. RESIDENTIAL UNIT STANDARDS/ FLOOR PLAN CONFIGURATION –
12. PARKING –
13. OPEN YARD –
14. SETBACKS –
15. ENCROACHMENTS INTO SETBACKS AND OPEN YARDS –
16. SPECIAL SETBACKS/MISSION CREEK –
17. BUILDING HEIGHT/ANTENNA HEIGHT –
18. SOLAR HEIGHT –
19. FENCES AND HEDGES –
20. ACCESSORY BUILDINGS –
21. FAR –
22. NONRESIDENTIAL GROWTH MANAGEMENT PROGRAM (GMP) –
23. COASTAL ZONE –
24. TENANT DISPLACEMENT ASSISTANCE ORDINANCE (TDAO) –
25. EQUIPMENT NOISE –
26. AIR QUALITY STANDARDS (HWY 101) –
27. WASTE AND RECYCLING –
28. ROUTING TO OTHER DIVISIONS –
   • DRIVEWAYS/PARKING (TRANSPORTATION) –
   • STREET TREES (PARKS AND RECREATION) –
   • RIGHT-OF-WAY/PUBLIC EASEMENTS (PUBLIC WORKS) –
   • TIER 3 SWMP/WATERCOURSES (CREEKS DIV.) –
   • WASTE AND RECYCLING (ENVIRONMENTAL SERVICES) –
From: dchanning <dchanning@cox.net>
Sent: Saturday, December 02, 2017 2:13 PM
To: Community Development PC Secretary
Subject: Tucker Appeal December 14, 2017
Attachments: Tucker appeal pages

Follow Up Flag: Follow up
Flag Status: Flagged

Please submit to the Planning Commission for consideration at December 14th meeting.

Thank you
Phil and Dianne Channing
Lisa Winebrenner

12/6/17

Hello,

I am writing to you to express my support for SB 1069, the State ADU bill enacted this past January. This bill will increase the opportunities for infill housing in our community in a positive way with minimal impact on our neighborhoods. The intent of this legislation was to give homeowner's the opportunity to permit additional housing units on a small scale, to suit their own personal needs at a reasonable cost.

This bill is good for my husband and I. We plan to convert our garage and without this opportunity, we would not be able to afford to stay our house.

This is good homeowner's, renter's, businesses, public institutions and our City in general. Please recognize the positive potential of ADU's and resist the temptation to add ill conceived restrictions in the form of a local ordinance.

Thank you for your consideration,

Lisa Winebrenner (homeowner)
2128 Gillespie St
Santa Barbara, CA 93101
Members of the Planning Commission-

As you revisit the subject of a local Accessory Dwelling Unit ordinance, I would encourage you to steer the ordinance to be as liberal as possible. We need these small units to help fill the great need for affordable housing for teachers, nurses, city staff members, young people, seniors, etc. They will likely be spread throughout the city in moderate numbers, causing minimal impact to our neighborhoods while reducing the number of out-of-town commuters, all at no cost to our government.

Dennis Thompson, FAIA, LEED AP
Thompson Naylor Architects
900 Philinda Ave., Santa Barbara, CA 93103
(805) 966-9807 ext.1
website facebook houzz
"We can’t just plan for growth, we have to actually build," said Ben Metcalf, director of the California Department of Housing and Community Development."


Members of the Planning Commission,

I am a passionate supporter of the State's ADU initiative and I hope you will share my enthusiasm. The time has come to do something significant about our housing shortage and this is the best possible solution for our Community. Homeowner's can creatively modify their homes to fit their physical, family and financial needs. Ordinary people will have more viable rental housing options.

Please review the findings of the AIA subcommittee. With 250 + applications submitted to the City we can now see patterns emerging, and they demonstrate how well ADU's integrate into existing neighborhoods.

In conclusion, I would like to address the issue of covenants. For the past 8 years my sister and I have cared for my Mother who has dementia. We have been very fortunate to use the rent from her home to help cover the expenses. In the future we will use the rent to help pay for my Father's expenses. Keeping the house in the family has been essential. I can't adequately describe the frustration that I feel every time the Planning Staff argues for the inclusion of this covenant that would deprive my wife and myself of our legal property rights and the opportunity to use our home and the ADU we want to permit for the same financial purposes that my parents have enjoyed with their home.

Kevin Dumain
Members of the Planning Commission,

As a member of the American Institute of Architects, I am writing to express my support for SB 1069, the State ADU (Accessory Dwelling Unit) bill enacted last January (2017). This bill will increase the opportunities for infill housing in our community in a positive way with minimal impact on our neighborhoods. The intent of this legislation was to give homeowners the opportunity to permit additional housing units on a small scale to suit their own personal needs at a reasonable cost.

This bill can be good for homeowners, renters, businesses, public institutions and the City in general. Please recognize the positive potential of ADU's and resist the temptation to add ill-conceived restrictions in the form of a local ordinance. A valuable resource for information regarding ADUs may be found here: http://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml It even contains links to other cities statewide where ADU ordinances have already been enacted and which are consistent with the intent of the state law.

The AIA Santa Barbara ADU Committee has been trying to participate in the planning effort, but staff has largely crafted the ordinance behind closed doors. They are once again issuing a draft ordinance the day before a Hearing, so as to have as little input from the public as possible. We have chosen to hold our own public Forum to inform the public about the ordinance and the process and the State ADU Law. It will be held the day before the Planning Commission Hearing on Dec 13 at 6:30pm at Holy Cross Church.

We are very concerned about the Covenant they have been asking applicants to sign which could have serious legal consequences for homeowners such as:

1. Violates borrower lender agreement if a mortgage is present. If the CCRs where not present at the time of the mortgage, the lender would not be obligated to the CCRs.
2. An entity cannot be an owner occupant in the case of a property being held in a trust or LLC. How does that work?
3. The current covenant requires the owner to check in with the city for permission to move from the primary residence to the ADU.
4. Many applicants have had to retain legal counsel to review the CCRs for legal compliance. Hardly affordable!

I ask that you please discuss, advise, but continue the staff’s latest draft of the ADU Ordinance to the next Hearing, so that the public has a chance to review the ordinance as well as a review by HCD (California Dept of Housing and Community Development). The City Council’s collective attitude toward this new ordinance was that they seemed reluctantly ‘put upon’ by the State rather than seeing it as an opportunity to improve our housing stock in Santa Barbara in a creative and accessible way. I sincerely hope you take the time to consider the benefits of a taking ‘less-is-more’ approach to this new law.

Thank you for your consideration,

Stephanie D Poole, AIA

Architect
December 5, 2017

Santa Barbara Planning Commission
Santa Barbara California

RE: Accessory Dwelling Units – Since the State laws were passed

Accessory Dwelling Unit Design Thresholds in the City of Santa Barbara
It is my understanding that the ADU rules and regulations that the City is creating cannot be any more burdensome on the development of ADUs than what is currently required for single family structures. This is from the recent State Laws. Currently in our City single family structures that are under 17‘ in height and not located in the hillside area or historic area do not require design review. Those projects are exempt from design review and so would any ADU’s meeting those thresholds.

ADU projects that do not fall under those thresholds are not to receive design review per the State Laws. Yet projects that could be more visible could be evaluated non-discretionarily to assure the community that the proposed project will match our expected community standards.

Accessory Dwelling Units in High Fire Zones
Currently there are no restrictions on how many bedrooms can be built in a home located in the High Fire Hazard Area. There are requirements on the number of parking spaces provided, the setback from the property line and the landscaping around the structures. Thus, the City cannot deny the development of an ADU on a parcel simply because it is located in the High Fire Hazard Area without posing the question why are residences allowed to be built or expanded and ADU units are not allowed when impact due to additional people is the same.

The City has within their ability to require ample parking and ample separation between the other structures on the parcel to provide community protection which would in turn limit the number of parcels of land that can would comply.

Sincerely,

Paul R, Zink, AIA
Dear Kathleen,

Please forward the attached letter to the planning commissioners ahead of their upcoming meeting. We are concerned that the writing of a draft ADU ordinance is being pushed through too quickly by City Staff, and would like to see it put on a more reasonable track.

Regards,

President, A.I.A. Santa Barbara
Architecture, J. A., Inc.
2296 Las Tunas Road
Santa Barbara, CA 93103
dan@architectureja.com
805.680.5860
858.922.0288
December 5, 2017

Planning Commission
Santa Barbara, California

Re: ADU draft ordinance

Chair Higgins and Planning Commissioners,

The Santa Barbara Chapter of the AIA strongly urges the Planning Commission to continue the ADU Draft Ordinance for four weeks. Do not vote to forward the item on to the City Council. This is to allow sufficient time for the review of the proposed ordinance language, which at the time of writing this letter has yet to be made public.

It is important that Staff to respond to comments and concerns of both the Commission and the public, and that sufficient time is allocated. It is also important to allow time for the review and response to the State’s Housing & Community Development comments; at the time of writing, these comments have yet to be made public.

The AIA supports the need and desire to ‘Keep Santa Barbara, Santa Barbara’. However, we also support the State’s efforts to remove over-burdensome regulations from local jurisdictions because the process to create new housing has become too convoluted, difficult and expensive. The overarching goal is to create housing and to also improve and legalize as many dwellings built without permits as quickly and effectively as possible.

Santa Barbara is known for a citizenry that is fully engaged in governance. It is important to create a local set of rules that preserve the beauty and quality of our community while at the same time increase opportunities for housing. The health, safety, and welfare of our residents are and should be our number one priority. Living in non-permitted garage conversions and turning a blind eye to reality only marginalize those who live in these dwellings who are, in fact, our neighbors.

The AIA Chapter has traditionally been involved in Santa Barbara’s planning processes and we very much appreciate our good working relationship with the Community Development Department. Yet there have been no workshops and scant public scrutiny of the draft ordinance of a major component of our housing stock.

Thank you for your commitment to the City that we all love so much.

Best regards,

Dan Johnston, President
Members of the Planning Commission,

I am writing to you to express my support for SB 1069, the State ADU bill enacted this past January. This bill will increase the opportunities for infill housing in our community in a positive way with minimal impact on our neighborhoods. The intent of this legislation was to give homeowner’s the opportunity to permit additional housing units on a small scale, to suit their own personal needs at a reasonable cost.

This bill can be good for our homeowner's, renter's, businesses, public institutions and our City in general. Please recognize the positive potential of ADU’s and resist the temptation to add ill conceived restrictions in the form of a local ordinance.

Thank you for your consideration,

George R. Mansour
Project Designer

DesignARC, Inc.
Architecture + Interior Design
29 West Calle Laureles
Santa Barbara, CA 93105
805.667.1525 x 111
Thursday, November 09, 2017

City of Santa Barbara City Councilman
Jason Dominguez
735 Anacapa Street
Santa Barbara, CA 93101

Phone: (805) 564-5324

RE: Ex Parte meeting 11.08.2017

Dear Jason,

We wanted to take this opportunity to follow up on our meeting and respond to your interpretations regarding to the definition of what makes a Local Agency and the legal interpretation of the conjunction “OR”.

1. Local Agency.
   a. As described in the City of Santa Barbara Charter, all ordinances are created and approved by the City Council.

   **City Charter:**
   1) Section 513, Codification of Ordinances, etc.

   b. The city attorney explained at the last city council ADU hearing that The City Council had already passed and voted on an owner occupied ordinance with covenant for ADUs. The statute is clear that all ordinances are null and void with regards to ADUs if they do not meet the requirements of the statute. We trust that we can all agree that the existing ordinance in its present form does not meet the statutory requirements. The pertinent section of the statute below, creation of an ADU uses the term local agency as the body responsible for adopting the local ordinance. The city charter does not allow any employee to adopt an ordinance. We will concede the point that staff is part of the local agency. But they alone are not the local agency. The local agency is a body with many parts but without City Council codification there is no ADU ordinance.

   **Government Code:**
   (2) 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.
Angeli de Covolo, Inc.
122 East Arrellaga Street, Santa Barbara, California 93101
805-452-2999  eiw@adcarch.com

c. Further explanation is provided in the City Charter defining the city in multiple parts with different responsibilities. All of these parts together make up the local agency as seen below. The reason we have elected officials is to ensure that all ordinances and policies are properly weighed and measured with the public's input.

City Charter:
(3) (b) "City" is the City of Santa Barbara and "department", "board", "commission", "agency", "officer" or "employee" is a department, board, commission, agency, officer or employee, as the case may be, of the City of Santa Barbara.

d. We believe that we have demonstrated that planning staff alone does not have the authority to create and enforce any ordinance without City Council codification, as mandated in our city charter. Greg Nickless, HCD has also weighed in on this saying the local agency cannot pick and choose from the existing secondary unit ordinance. The local agency must pass an ADU ordinance first. As soon as we have Housing and Community Development (HCD) formal response we will forward that to you and planning staff. Furthermore, the city council and planning commission have both instructed planning staff to consult with HCD moving forward with the ADU ordinance. Then it would be fair to assume that the cities position is that HCD is the official umpire with regards to the future ADU ordinance.

2. The Legal Definition "OR".

a. We will concede to you that the word OR is defined as you say in the Cities local ordinance as shown below.

City Ordinance:
1) A. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as:
   1. "And" indicates that all connected words or provisions shall apply.
   2. "And/or" indicates that the connected words or provisions may apply singly or in a combination.
   3. "Or" indicates that the connected words or provisions may apply singly or in any combination.

b. The problem with the local ordinance is that it is not state law. If we may hold you to your words that you believe that all laws shall be upheld and applied equally (We are paraphrasing your words here). Then we submit to you the legal definition of the conjunction "OR" as defined in the Black's Law Dictionary revision 4, that most judges and attorneys use for legal definitions. As you can see the term or is frequently misused as the cities local code does in the example above. Also, please feel free to review the appellate courts decisions associated with the conjunction OR.

Black's Law Dictionary Definition:
OR, conj. A disjunctive particle used to express an alternative or to give a choice of one among two or more things. It is also used to clarify what has already been said, and in such cases, means "in other words," "to wit," or "that is to say." Peck v. Board of Directors of Public Schools for Parish of Catahoula, 137 La. 334, 68 So. 629, 630; Travelers Protective Ass'n v. Jones, 75 Ind. App. 29, 127 N.E. 783, 785.

Or is frequently misused, and courts will construe it to mean "and" where it was so used: State v. Circuit Court of Dodge County, 176 Wis. 198, 186 N.W. 732, 734; Northern Commercial Co. v. U.S., C.C.A.Alaska, 217 F. 33, 36; Spillman v. Succession of Spillman, 147 La. 47, 84 So. 485, 490; Smiley v. Lenane, 363 Ill. 66, 1 N.E.2d 213, 216. However, where the word "or" is preceded by the word "either" it is never given a conjunctive meaning. Smith v. Farley, 155 App.Div. 813, 140 N.Y.S. 990, 992.
Angeli de Covolo, Inc.
122 East Arrellaga Street, Santa Barbara, California 93101
805-452-2999  ejw@adcarch.com

c. Even if we were to concede the point with regards to planning staff having the authority as the local agency as described in the section of the statute below. The city would still have to overcome the hurdle of choosing between owner-occupied OR 30 day minimum rentals as written in the statute below.

Government Code:
1) (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.

Our point is without equivocation. The city does not have an ADU ordinance in place. Therefore, the city must comply with the plain language of the government code.

With that said we humbly request that you and The City Council instruct The City Administrator to direct the planning staff to cease the owner occupant and covenant requirement for a building permit. Until such time that the Local Agency has a codified ordinance in place.

It was an honor to discuss these issues with you and we are looking forward to working with you and others on crafting the future ADU ordinance that meets the needs of the citizens and property owners of Santa Barbara.

On a side note we have opened discussions with HCD regarding the cities moratorium on the construction of ADUs in all designated high fire areas and the down town corridor. We will keep you in the loop on this subject as well.

Respectfully,

Everett Jay Woody
Gil Garcia

Cc: AIASB ADU advisory committee
Planning Commission,

I am writing to express my concern regarding an owner occupancy requirement for ADU's. With 60% or more of the properties in Santa Barbara being rentals, this one requirement would cut the possible number of ADU's to less than half. Many homeowners are very hesitant to sign a deed restriction regarding owner occupancy even if they intend on living out their days on that property. This further reduces the number of possible ADU's.

Santa Barbara's last ADU Ordinance was a complete failure (as evident by the lack of construction). Please don't doom this one to a similar fate.

Regards,

Andreas Blomst
(805)704-6410
My wife, Sara Weber and I, lived in SB for over 20 years. We moved to Delray Beach, Florida, in 2015 to be closer to children and grandchildren but the kids moved their business to South Carolina and we chose to leave the EastCoast environment. Our Florida house is now on the market and after its sale, we will return to property we own on the Mesa.

SB 1069 is admirable legislation fulfilling a need for modestly priced housing in an otherwise high priced area. We firmly believe that it’s benefits should be retained.

Very Truly Yours,

Bob Hurlbett

Sent from my iPhone
Dear Planning Commission,

I want to voice my support to full support the development of ADUs in the city of Santa Barbara. My husband and I have both lived in Santa Barbara for close to 30 years. Before being married, we each lived in 400 sq foot places. The ability to have a small and affordable place to live allowed us to control housing expenses eventually build our own home in Santa Barbara. We need flexibility for people in different situations in our city. The prices that have become 'normal' create neighborhoods that lack diversity of all sorts.

I would also like to encourage you to eliminate the requirement for the covenant. Today's family units are different than in the past and the need to have options to accommodate the changing face is necessary for Santa Barbara.

I urge you to clear the pathway for homeowners to offer the housing flexibility that our city needs.

Thank you,
Jill Dumain
Members of the Planning Commission,

My name is Natalie Cope Phillips, and I am writing to express my support for SB 1069, the State ADU (Accessory Dwelling Unit) bill enacted last January (2017) and my concern that the new Local ADU Ordinance being proposed by Planning Staff, places unnecessary and unlawful restrictions on the new State Law.

I have been a local Architect for +15 years and I have been participating in the AIA Santa Barbara ADU Committee in an attempt to help clarify to Planning Staff & City Council the ramifications of a local ordinance that overly restricts the State ADU law, making it no longer viable.

My concern is not only perceived through the eyes of an Architect, but also a home owner. I now have the ability to increase the value of my home/property in a way that was not previously possible prior to the State’s ADU law, while also providing a living space for a family member in need of care.

I have recently designed and submitted an application for my own personal ADU. As a professional who is familiar with the submittal process as a whole, it is not an easy endeavor to get a ADU permitted with only the State ADU law restrictions currently in place. As there are many additional local rules and regulations for the Planning and Building Departments you must also meet.

While City Planning and City Council may be concerned that every property owner shall desire an ADU, the cost, time and current restrictions will hinder and largely prohibit a great deal of people from actually constructing a new ADU.

A local ordinance imposing additional regulations above and beyond the State ADU Law will make the creation of ADU’s unnecessarily difficult.

This State ADU law increases the opportunities for infill housing in our community in a positive way with minimal impact on our neighborhoods as a whole. The intent of this legislation was to give homeowners the opportunity to permit additional housing units on a small scale to suit their own personal needs at a reasonable cost.

This bill can be good for homeowners, renters, businesses and the City in general. Please recognize the positive potential of ADU’s and resist the temptation to add ill-conceived restrictions in the form of a local ordinance.

I sincerely hope you take the time to consider the benefits of taking a ‘less-is-more’ approach to a new local ADU ordinance.

Thank you for your consideration,

Natalie Cope Phillips
Architect
Natalie Cope Phillips
Architect

DesignARC, Inc.
Architecture + Interior Design
29 West Calle Laureles
Santa Barbara, CA 93105
805.687.1525 x 151
Members of Planning Commission:

My name is Thomas hashbarger. I am a local architect (for 28 years), member of the AIA, and resident of the Lower Riviera neighborhood.

Overall, the proposed ADU ordinance language is overly restrictive and misses some golden opportunities to improve the community as a whole in terms of safety and livability for all walks of life here in SB. Only with the construction of hundreds of ADUs, will housing prices possibly soften. And, if so, businesses, professionals, and families can avoid housing cost acting as the primary impediment to making Santa Barbara their home.

Over the past two decades but increasingly in recent years, native and long term residents, especially those with young children, leave Santa Barbara due to high housing costs and, as such, continue the slow erosion of the intangible but meaningful fabric of our community. Meanwhile, the more tangible (and yes special) architectural fabric is regulated with the goal of preserving its character and quality. I get that and much, not all, of the regulation serves a purpose. Regulation, taken to the extreme, one can argue, is at the expense of multi generational native families, businesses, and neighborhoods due to the high cost of the resulting gentrified housing stock.

The proposed ADU ordinance takes such regulation to such an extreme and undermines the intent of current state law governing ADUs (SB 1069). Certain large segments of residential properties are systematically excluded from benefiting from the possibility of an ADU. The intent of a SB 1069 is for cities to encourage the creation of affordable housing. The proposed ordinance language will indeed encourage a fair amount of ADU creation for those properties that fall within acceptable parameters, but overall the proposed language can hardly be characterized as encouraging to the creation of ADUs at the level intended by SB 1069.

I own a 1906 house and love my neighborhood. At the same time, I do not feel a liberal application of a SB 1069 to allow for the relatively streamlined creation of ADUs will significantly degrade the historic integrity of my neighborhood. Will there be a handful of less-than-lovely ADUs constructed? Possibly. Will that be the norm? Probably not. I live in the Lower Riviera and there's no chance I would entertain constructing an ugly shed or lien-to outbuilding on my property. Would I like to avoid running a regulatory gauntlet in order to house my aging parents or soon to be teenage kids coming back from college? Absolutely.

Regarding the restriction of ADUs within the High Fire Area. This restriction, in my mind, does less to improve the safety and welfare than if ADUs were allowed. The reason being is that it misses the opportunity to legalize, bring out into the light, and improve the many existing illegal units that currently exist. A more reasonable policy stance is to allow ADUs in the high fire area but require any new construction to meet current building standards that apply to the High Fire Area.

Regarding the height limit language. The proposed ordinance language is too restrictive in that an ADU is not allowed to be constructed higher than the existing residence. For the MANY modest single-story homes that could benefit from a second-story addition it appears that building upward would not be allowed. If that is not the intent, forgive me if I've misread the material. Please consider tweaking the overly restrictive height language to allow for the construction of an ADU as a second-floor addition just like any other addition.
The merging of the ADU policy into current ordinance as well as the NZO is no easy task. I implore you to, when in doubt, err on the side of making ADUs easier to permit, not more restrictive. Current and future Santa Barbarans will thank you!

Sincerely

Thomas Hashbarger, AIA

Thomas Hashbarger, AIA
Associate

DesignARC, Inc.
Architecture + Interior Design
29 West Calle Laureles
Santa Barbara, CA 93105
805.687.1525 x 125
To Whom It May Concern:

My name is Brent Winebrenner. I moved to Santa Barbara as an older student in 2000 to attend the Brooks Institute. At that time, I was lucky to find a 6x10 space in what had been the closet of a large home. I paid $365 dollars for the privilege of living in a windowless cell for the first four months. Then, one of my nine roommates moved out of a bedroom down the hall and I was able to upgrade.

I graduated from Brooks with a Masters in Photography in 2003 before accepting a full time teaching position at the school. I built a freelance photography career while teaching at Brooks until 2008. During that time I lived in illegal, substandard housing because that was all I could afford, while still saving a small portion of my salary to contribute to my retirement.

After leaving Brooks, I moved to Carpinteria, first in shared housing and then in a small rental.

In 2013 I married my wife Lisa who, along with the bank, owned a small 2/1 with a large two car garage on the West side, less than a block from a bus stop. The house is a modest, yet delightful, area. Most of our neighbors, who have one car garages, park in their driveways because their garages are already used for storage.

Between my freelance photography income and Lisa's salary as the Director of Wellness at the Cancer Center of Santa Barbara, we are both middle class wage earners. Unfortunately, our financial future is complicated by two facts. Lisa has MS and the mortgage extends beyond our working lives. Therefore, we have followed the ADU debate with great interest and hope.

I believe there are obvious policy benefits of a more relaxed, yet reasonable, approach to providing additional housing. Others have already argued these points quite eloquently in front of you.

Therefore, I would like to mention what the ability to legally convert our two car garage into an ADU means to us at a personal level. I believe we share our story, in one form or another, with many other people who are considering creating an ADU.

The income from the ADU will allow us to stay in our home after one of us retires, sometime in the next 10 to 12 years. Without the rental income, we will be forced to leave Santa Barbara, soon after that otherwise joyful day occurs.

The income from the ADU will allow us to invest the property, build equity and help improve the neighborhood by doing so.

The ADU will provide a step down unit for either my wife or myself in the event of the other's death. We have seen and want to avoid, the anxiety experienced by surviving spouse who finds themselves on the verge of homeless, unable to find affordable housing after the death of their loved one.
I understand the city's position on owner occupancy, especially given the abusive history of some short term rental property owners. Having said that, I believe a restriction that extends into perpetuity, is extremely onerous. I believe that something like a five year hold is a more reasonable approach that confirms intent by the original creator.

Thank you for your time and consideration.

Cordially,

Brent Winebrenner

--

133 East de la Guerra #249
Santa Barbara, CA 93101
805.570.9555
Members of the Planning Commission-

We need to take the time to get this Ordinance right so that it helps us to achieve our goals to create more not less affordable housing. This is too important to rush through for any reason.

The Santa Barbara ADU Proposed Ordinance needs to be written in a simple, straightforward, and streamlined way with minimal obstacles as is the intent of the ADU State Law. Every requirement and obstacle has a price tag that can essentially eliminate the opportunity for an ADU and affordable housing.

It is the wealthy who least need it and can most afford it. It is the lower income who most need it and can least afford it. That is why we must keep the AUD requirements to a minimum as the State Law intends. The more cost, the less likely a low rent ADU will be realized.

Please keep in mind that there are four different types of ADUs:

- Within an existing residence
- Within an existing garage or existing accessory structure
- A new attached addition
- A new detached structure

Of all the applications the city has received through the beginning of October, the greatest majority by far are interior to the existing home or garage with the least visual impact to the neighborhood.

ADUs may in fact be the only way to achieve low cost housing that is not government subsidized. ADUs are not new and have been a solution for housing in many communities. I urge you to study the Santa Cruz City ADU Ordinance as a model. Santa Cruz is not unlike Santa Barbara in terms of size and “charm” and has confronted housing shortage for many years, with growth in population from students at UC Santa Cruz and its proximity to Silicon Valley. The city promoted the development of ADUs as critical infill for affordable housing through various strategies and has created a manual to promote ADUs. The manual showcases ADU prototypes and outlines requirements to make it help homeowners build ADU’s. Santa Cruz has embraced the ADU and had implemented a simple process with sufficient guidance on the options for ADU design and planning. [http://sccopplanning.com/PlanningHome/SustainabilityPlanning/Accessory DwellingUnits.aspx](http://sccopplanning.com/PlanningHome/SustainabilityPlanning/AccessoryDwellingUnits.aspx)

We are living with so many important issues right now. Let’s let the ADU alleviate some pressure and begin to solve some of our housing problems in relatively short order – given a chance. We are swimming against the tide. We need to get on to the many other pressing issues like Fire, Water, Homelessness, Transportation, AUD’s, Senior Housing, Low Income Housing, High Income Housing, State Street Vacancies, Tourists, City Maintenance, and on and on it goes.
Sincerely.

Cassandra Ensberg FAIA, LEED AP

Art & Architecture

Cell: 805.456.8332

Ensberg.JacobsDesign.com

CassEnsberg.com

This message is intended only for the individual named and may contain confidential information. If you are not the addressee, please respond via email to notify us that you have received this email by error, and please delete all email and contents permanently.
Members of the Planning Commission-

I urge you to aim the refinements of the State Ordinance, where necessary, to support our moderate income community members, those for whom procuring housing will always be a challenge locally.

This new California state law offers a timely opportunity for our local planning officials and politicians to support a low cost housing option at absolutely no cost to our local government. The main goal should be to have a transparent process that will encourage those who need it. Think: simple, brief application/process.

Statistics from other communities show that fully half of all units provide housing for family members or friends at low cost. Please aim your decisions at serving this group.

I urge you to peruse the user friendly materials from our neighbor Santa Cruz, a coastal community very similar to ours, that take special effort to make the process equitable, clear, and straightforward. http://sccoplanning.com/PlanningHome/SustainabilityPlanning/AccessoryDwellingUnits.aspx

Regards,
Tom.

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Planning Commission members
City of Santa Barbara, CA
By email

Re: Draft ADU ordinance

Chair Higgins and Commissioners,

I moved to Santa Barbara in 1974 and practiced architecture for 35 years, 25 of them in private practice specializing on residential construction. In 1992, as a Board member of the Citizens Planning Association, I provided input that became the framework for the City’s first 2nd Dwelling Unit ordinance adopted in 1994.

It is painfully clear in hindsight that our efforts to protect the character of our neighborhoods failed to address a growing housing crisis and proved counterproductive. While the stated goal was to allow second units in areas with existing infrastructure and a strong housing demand, the 1994 ordinance aggravated the legal, non-conforming features of older neighborhoods by requiring that parking be brought up to standards and by offering no relief for minimum open yard and change of use of encroaching structures. It also required a level of discretionary review much higher than required for single family dwellings.

The failure to facilitate ADUs in 1994 contributed to the construction of hundreds of illegal dwellings. Although no hard numbers exist, it is estimated that up to 10% of Santa Barbara residences - as many as 4,000 units - are illegal. Their presence is not completely ignored by either the public at large or City officials, although there is an understandable desire to not go after what constitutes a significant share of Santa Barbara’s affordable housing.

Fast forward to 2017, the City began work on a local ADU draft by editing the 1994 2nd Dwelling Unit ordinance (updated in 2002) to comply with SB 1069 and accompanying legislation. Somehow this State directive was construed as an absolute ceiling - to allow not one iota beyond the letter of the law per counsel advice on what is legally defensible - instead of addressing Santa Barbara’s real and pressing housing needs.
The first (8/31/17) ADU draft was not well received by the public, your Commission or City Council. On 10/18/17 the AIA sent a letter identifying 15 proposed standards that were problematic; staff is working on a second draft that appears to resolve many of them, although this document is not available at the time of this writing.

The lack of appropriate time to review and discuss a complete document containing every standard that will apply to all ADU applications is problematic and unusual. The absence of workshops deprives the public of the opportunity to engage staff and policy makers on a meaningful exchange beyond two minutes at the microphone. As a result community members, including the AIA have organized a public workshop to inform and discuss the proposed ordinance at the Holy Cross Church at 1740 Cliff Drive on Wednesday, December 13 at 6:30 pm – you are invited to attend and participate.

As far as it can be foreseen from the limited information available, it appears that the revised ADU draft will support many of the comments presented in the 10/18/17 AIA letter, specifically: allowed zones; no minimum lot size; location of ADU on property; minimum cooking facilities; utility hook-ups; and applicability of the new ADU ordinance standards to applications submitted 30-60 days after adoption by Council.

There are several, important issues that still need research and discussion, among them:

1. **Unit size:** It appears that staff will propose FARs for single-family zones, and a sliding scale depending on lot size for zones that are not subject to FARs. It is not clear if this sliding scale will result in smaller units allowed on properties zoned for higher densities. In addition to these limitations, staff is also considering a maximum total area for all accessory structures on site, as it is in the current NZO; it is not clear how this will affect ADU size.

2. **Required open space:** It appears that staff will support reductions in open yards with exceptions granted for existing, non-conforming yards. These exceptions need to be reviewed carefully. It is not clear if 1,250 sf will be required on ADUs in multi-family zones instead of the smaller yards required for multi-family developments in these zones.

3. **High Fire Areas:** Staff proposes to exempt the coastal high fire areas, but keep ADUs out of inland foothill areas. This blanket restriction on foothill high fire areas is arbitrary and needs to be narrowed down to properties with evacuation limitations. Why would large additions be allowed on these properties, but ADUs would not be?

4. **Parking in front yard:** AB 494 (effective on 1/1/18) limits the City's ability to restrict parking location on property on the basis of safety and topography issues ONLY. In places without sidewalks, it appears that staff will support parking in the driveway apron if it is outside the visibility triangle (10' x 20') of the neighbors' garage. (To be confirmed.)

5. **Design standards:** As the City cannot impose development standards on ADUs that are higher than those applicable to SFDs, the exceptions to design review for conversion of existing structures, structures less than 17' high, and those
outside special districts will apply to ADU as well. That list will exempt the majority of ADU applications. For the rest, ministerial review will consist of a checklist to ensure compatibility with existing structures and neighborhood.

6. Deeds, restrictions and covenants: This is a contentious issue that needs to be thoroughly vetted. The issue is complex and nuanced beyond a ‘yes and no’ answer. It is not clear why owner-occupancy would be required in multi-family zones; staff argued that the lack of design review makes this more important but, as listed above (#5) most SFDs are not subject to design review. Is the covenant the only way to ensure compliance? Does this requirement affect existing loans? How is ownership by Trust verified? Does the owner-occupancy requirement go away after a number of years? If the property is no longer occupied by the owner, will the kitchen and perhaps even the bathtub/shower have to be removed?

7. Simplify requirements and process for ADU applications: Some jurisdictions allow over-the-counter approvals for small projects, like a garage conversion. The County of Santa Barbara, for example has an “intake appointment” to identify issues. The City already has a 10-page checklist for ADUs; if everything checks out, zoning clearance would be granted and the applicant would make an intake appointment at Building, for a subsequent checklist and review in person. Also burdensome is the 2016 Building requirement for soils reports for any addition over 500 sf and for all detached structures; in 2015, soils reports were required only for projects over 1,000 sf and/or 2 stories outside the existing footprint. This is a local Building Division requirement that needs to be reviewed.

In conclusion, the City’s ADU draft is moving in the right direction but several issues require more analysis and detail, and the owner-occupancy requirement needs a lot of study. The items described above constitute a partial list due to the unavailability of the complete ADU draft. Please continue consideration of the draft for further discussion before forwarding it to the Ordinance Committee. Thank you for taking the time to review this letter.

Best regards,

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