I. RECOMMENDATION

Staff recommends that the Planning Commission review proposed amendments to the Santa Barbara Municipal Code (SBMC) to establish development regulations for Accessory Dwelling Units (ADUs), and forward a recommendation to the City Council for adoption.

II. BACKGROUND

Planning Commission Hearing

On September 7, 2017, the Planning Commission held a public hearing to review draft development regulations for Accessory Dwelling Units (Exhibit B – Planning Commission minutes). At the hearing, significant input regarding the draft ADU Ordinance was received from 10 members of the public in writing and the 27 persons who provided oral comments. The public comments generally covered the following topics: 1) zones in which ADUS would be allowed; 2) design review requirements; 3) parking requirements; 4) proposed prohibition of ADUs in High Fire Hazard Areas; 5) maximum size of ADUs; 6) allowance of Junior Accessory Dwelling Units (JADUs); 7) water meter requirements and cost; 8) compliance with State ADU law; 9) minimum lot size requirements; 10) owner-occupancy covenant requirements; 11) allowing the State Department of Housing and Community Development to comment on the draft ordinance; 12) effect on historic resources; and 13) effect on ADU projects currently under review for building permits.

Input from the Planning Commissioners generally mirrored the comments received from the public and emphasized the fact that further analysis and possible revision to the draft ADU Ordinance was required before the Commission could forward a recommendation to the City Council. The Planning Commission voted 6-0 to continue the ADU ordinance discussion indefinitely.

City Council Hearing

On October 24, 2017, the City Council held a public hearing to receive public comment and provide direction to staff related to ADU regulations, and to initiate amendments to Titles 28 and 30 of the Santa Barbara Municipal Code (Exhibit C – City Council minutes). At the hearing, 5 written comments were
submitted and 27 persons provided oral comments to the City Council. The City Council provided the following direction to staff:

- Allow ADUs in the single-unit and multi-unit residential zone districts (RS, R2, RM, and RMH Zones); some Councilmembers directed allowing ADUs in all zones that allow residential uses.
- Send the draft ADU Ordinance to the State Department of Housing and Community Development (HCD) for their review and comment.
- Lower the minimum lot size requirement for ADUs.
- Increase the allowable size of ADUs using a sliding scale.
- Allow ADUs in some high fire hazard areas.
- Require owner-occupancy covenant to be recorded for ADUs.
- Allow required parking in interior setbacks.
- Allow for Junior ADUs (JADUs) in the revised ordinance.
- Retain the 30-day minimum rental requirement.
- Develop ministerial ADU design standards.
- Allow ADU projects submitted prior to ordinance adoption to continue with compliance with State law.

Other related comments included: the ordinance should be as flexible as possible; the ADU should be smaller than the main residence; include the ADU in the Floor-to-lot Area Ratio (FAR) allowed for the lot; do not allow ADUs in the R2 Zone area east of Milpas Street; and general concerns with potential for parking impacts.

The Council voted unanimously to initiate amendments to SBMC Titles 28 and 30 to establish ADU regulations. The Council also directed staff to amend SBMC Title 14 to exempt all ADUs from installing a separate direct connection to the City’s water system, ahead of any amendments to Titles 28 and 30.

State Law – Accessory Dwelling Units

State law related to ADUs was amended in September 2016 by the state legislature through adoption of AB 2299, SB 1069, and AB 2406 (JADUs), making significant changes to the manner in which local municipalities are required to regulate such units. These laws were further refined through the adoption of AB 494 and SB 229 in October 2017. The goal of these new regulations is to make it easier for single family residence owners to add ADUs, by making local zoning codes more permissive (Exhibit D – Government Code Sections 65852.2 and 65852.22). The draft ADU Ordinance implements the original state legislation as well as the October 2017 clean-up bills.

Existing and Pending Accessory Dwelling Units in the City

Since January 1, 2017, the City has received over 250 building permit applications for ADUs. 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 or illegal dwelling units have filed applications to legalize these units under the new state law. Pursuant to City Council direction, the standards of the City’s ADU Ordinance would apply to building permit applications submitted after the effective date of the ADU Ordinance. Any complete applications
submitted prior to the effective date of the City’s ADU Ordinance would proceed under Government Code Section 65852.2.

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 links to relevant materials. The website also provides 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 are also sent to alert interested parties when public documents are available for review. Display ads were published in the Santa Barbara Independent and Montecito Journal to inform the public of the previous Planning Commission and City Council hearings. Display ads were published in the Santa Barbara Independent and Santa Barbara News-Press to notify the public of this current Planning Commission meeting. A notification of the October City Council hearing was also posted on the NextDoor website.

City staff solicited early input on the proposed ADU development regulations and design standards at community meetings with the Allied Neighborhoods Association and American Institute of Architects (AIA), which were attended by a total of approximately 25 people. Since the October City Council meeting, staff has met with several members of the local AIA chapter on three occasions to discuss ADU development regulations and design standards.

III. DISCUSSION

Overview of Draft Accessory Dwelling Unit Ordinance

While recently amended state law increases the constraints on how local agencies may regulate ADUs, cities do retain the ability to regulate certain aspects of ADUs. The City’s draft ADU Ordinance is designed to ensure compliance with state law, while including local regulations consistent with the City’s General Plan policies standards and to ensure that ADUs are compatible with surrounding development and appropriately relate to the primary dwelling in terms of size, location on the lot, and appearance to the extent possible under the State’s constraints.

The revised draft ADU Ordinance (Exhibit A) was written based on direction from the City Council, input from the Planning Commission, input from the public received in the form of written and oral comments, General Plan policy direction (Exhibit E), and collaboration with members of the local AIA chapter. The key elements of the City’s draft ADU Ordinance are shown in the table below. Excerpts of relevant portions of the state law for ADUs and JADUs (including recent clean-up legislation) are included in the table for comparison to the draft ADU Ordinance.
<table>
<thead>
<tr>
<th>Topic</th>
<th>Draft Accessory Dwelling Unit Ordinance</th>
<th>State ADU Law</th>
<th>State JADU Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed Zones</td>
<td>RS (Residential Single Unit), R-2 (Two-Unit Residential), R-M (Residential Multi-Unit), R-MH (Residential Multi-Unit and Hotel), O-R (Office Restricted), O-M (Office Medical), C-R (Commercial Restricted), C-G (Commercial General), and M-C (Manufacturing Commercial)</td>
<td>The lot is zoned for single family or multi-family use</td>
<td>The lot is zoned for single family or multi-family use</td>
</tr>
<tr>
<td>Allowed Sites</td>
<td>On a lot with one existing or proposed residential unit</td>
<td>On a lot with one existing or proposed residential unit</td>
<td>On a lot with one existing residential unit</td>
</tr>
<tr>
<td>Special Location Considerations</td>
<td>Not allowed in Foothill or Extreme Foothill High Fire Hazard Areas</td>
<td>Can be prohibited based on health and safety issues such as water, sewer, traffic flow, or public safety</td>
<td>A JADU is not considered a separate unit for purposes of fire safety; no different standards may be applied to residences with JADUs</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>No minimum lot size</td>
<td>No minimum lot size</td>
<td>No minimum lot size</td>
</tr>
<tr>
<td>Floor Area Minimum</td>
<td>150 square feet for studio unit (consistent with state “efficiency unit” definition); 400 square feet for all other ADUs</td>
<td>Equivalent to an “efficiency unit”</td>
<td>Equivalent to an “efficiency unit”</td>
</tr>
<tr>
<td>Floor Area Maximum&lt;sup&gt;1&lt;/sup&gt;</td>
<td>ADUs:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Lots &lt; 5,000 square feet: 600 square feet</td>
<td>• 1,200 square feet</td>
<td>500 square feet</td>
</tr>
<tr>
<td></td>
<td>• Lots 5,000 - 9,999 square feet: 700 square feet</td>
<td>• For attached ADUs, up to 50% of the existing living area or 1,200 square feet, whichever is less</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Lots 10,000 - 19,999: 800 square feet</td>
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<td>• Lots 20,000 square feet to one acre: 1,000 square feet</td>
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<tr>
<td></td>
<td>• Lots one acre or larger: 1,200 square feet</td>
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<td></td>
<td>JADUs = maximum of 500 square feet</td>
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</tbody>
</table>

<sup>1</sup> ADUs are also subject to the maximum total square footage allowed per lot for accessory buildings (see SBMC §30.140.020 and §30.185.040.L.4)
<table>
<thead>
<tr>
<th>Topic</th>
<th>Draft Accessory Dwelling Unit Ordinance</th>
<th>State ADU Law</th>
<th>State JADU Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setbacks</td>
<td>* Compliance with setback standards applicable to residential units within the subject zone</td>
<td>Setbacks may be required, except:</td>
<td>N/A – must be interior to the existing residence</td>
</tr>
<tr>
<td></td>
<td>* No setback required for an existing garage or other accessory building that is converted to an ADU</td>
<td>* No setback for an existing garage or other accessory building converted to an ADU</td>
<td></td>
</tr>
<tr>
<td></td>
<td>* For an ADU constructed above a new or existing garage, a setback of 5 feet from the interior lot lines is required for the ADU</td>
<td>* 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</td>
<td></td>
</tr>
<tr>
<td>Height</td>
<td>Compliance with height standards applicable to accessory buildings.</td>
<td>Height may be regulated</td>
<td>N/A – must be interior to the existing residence</td>
</tr>
<tr>
<td>Access to ADU</td>
<td>Shall have exterior access independent from primary residential unit</td>
<td>Shall have exterior access independent from primary residential unit</td>
<td>Shall have exterior access and may have interior access</td>
</tr>
<tr>
<td>ADU Configuration</td>
<td>Permanent provisions for living, sleeping, eating, cooking, and sanitation</td>
<td>Permanent provisions for living, sleeping, eating, cooking, and sanitation</td>
<td>Efficiency kitchen required; may share sanitation facilities</td>
</tr>
<tr>
<td>Number of Parking Spaces</td>
<td>* No additional parking spaces are required for an ADU or JADU</td>
<td>* May require one space per ADU or bedroom, whichever is less</td>
<td>No parking required</td>
</tr>
<tr>
<td></td>
<td>* Garage or carport conversion/demolition to create an ADU: Parking for the primary unit must be replaced on-site</td>
<td>* May require replacement parking for primary unit</td>
<td></td>
</tr>
<tr>
<td>Location of Parking Spaces</td>
<td>* Allowed in setbacks, if:</td>
<td>* Off-street parking shall be permitted in setbacks in locations determined by the City</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>* located on an existing paved driveway</td>
<td>* Replacement parking may be covered, uncovered, in tandem, or in a mechanical lift</td>
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<td></td>
<td>* the space maintains visibility for adjacent driveways and intersections</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>* May be covered, uncovered, in a mechanical lift, or in tandem configuration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Topic</td>
<td>Draft Accessory Dwelling Unit Ordinance</td>
<td>State ADU Law</td>
<td>State JADU Law</td>
</tr>
<tr>
<td>------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Architectural Review</td>
<td>Administrative (ministerial) architectural review</td>
<td>Ministerial design review allowed</td>
<td>N/A</td>
</tr>
<tr>
<td>Protection of Historic Resources</td>
<td>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, or located in a Historic District.</td>
<td>Prevent adverse impacts on property listed in California Register of Historic Places</td>
<td>N/A</td>
</tr>
<tr>
<td>Sale/Rental Restrictions</td>
<td>Recorded Agreement stating:</td>
<td>• ADU shall not be sold separately</td>
<td>• JADU shall not be sold separately</td>
</tr>
<tr>
<td></td>
<td>• The ADU or JADU shall not be sold separately from primary residence</td>
<td>• Owner occupancy can be required</td>
<td>• Owner occupancy required</td>
</tr>
<tr>
<td></td>
<td>• Either primary residence or ADU/JADU shall be owner-occupied</td>
<td>• 31+ day rentals can be required</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• ADU or JADU shall be rented for not less than 31 consecutive days</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility Connection Fee</td>
<td>Provision of utility connection or meter shall comply with SBMC Section 14.08.150 regarding water meters:</td>
<td>ADUs within the existing space of a residence or accessory structure shall not be considered new residential uses for purposes of calculating connection fees or capacity charges for utilities. Other ADUs may require new or separate utility connections and may be subject to a connection fee or capacity charges proportionate to the ADU size or number of plumbing fixtures.</td>
<td>Not considered a new or separate dwelling unit for purposes of providing water, sewer, or power, including a connection fee.</td>
</tr>
<tr>
<td>Requirements</td>
<td>• New City meters not required for ADUs</td>
<td></td>
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<tr>
<td></td>
<td>• Applicants may request a new City meter, subject to capacity charge</td>
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<tr>
<td></td>
<td>• ADUs newly constructed from the ground up will be required to have a private sub-meter (or a separate City meter)</td>
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</tr>
</tbody>
</table>

**Specific ADU Ordinance Provisions**

State law allows local government to designate where ADUs are permitted, including a consideration of health and safety issues such as adequacy of water or sewer services and hazard areas, and apply development standards, such as parking, height, lot coverage, lot size, and maximum unit size. Other
design considerations and an analysis of the draft 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 or JADU on lots containing one single residential unit, in zones that allow residential development. In accordance with state law, the draft ADU Ordinance allows ADUs and JADUs in the Residential: RS, R-2, R-M, and R-MH zones; Commercial and Office: O-R, O-M, C-R, and C-G zones; and Manufacturing: M-C zone. ADUs are allowed on lots of any size that contain an existing or proposed single residential unit. JADUs must be proposed within the space of an existing residential unit. Lots developed with anything other than one (existing or proposed) single residential unit will not be permitted to construct an ADU or JADU. On lots with an illegally constructed second unit, the owner can apply to make the illegal unit into a legal ADU if all the required standards for ADUs or JADUs can be met.

As proposed, the draft ADU Ordinance would allow ADUs and JADUs only on lots which contain an existing or proposed primary residential unit. The city contains a total of 14,233 lots developed with an existing single residential unit that are zoned to allow residential development (includes RS, R-2, R-M, R-MH, O-R, O-M, C-R, C-G, and M-C Zones).

**High Fire Hazard Areas**

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 (Foothill and Extreme Foothill Zones) and southwestern (Coastal and Coastal Interior Zones) portions of the City. The Planning Commission and City Council directed staff to take a strategic approach to allowing ADUs in certain areas mapped as high fire hazard areas. Staff determined that the Coastal and Coastal Interior zones are acceptable areas to allow ADUs and JADUs, given that the majority of roads within these zones meet the Fire Department Access Standards and the two zones are near the coast, surrounded by existing urban development. The Foothill and Extreme Foothill zones are located where the Los Padres National Forest Lands border the City with the potential for high to extreme fire behavior and are also characterized by steep slopes, a number of existing non-conforming narrow and curving streets, driveways, and bridges that do not meet current Fire Department Access Standards, and restricted traffic flow. While the Fire Department does not explicitly recommend prohibiting ADUs in the Foothill and Extreme Foothill zones, Planning Staff
recommends that a measured and incremental approach be taken to allowing ADUs in the foothill areas. The draft ADU Ordinance prohibits ADUs and JADUs in the Foothill and Extreme Foothill Zones, based on General Plan Policy direction (Housing Element Policy 15) and a recognition that the ordinance could be amended in the future to allow ADUs in these areas if they prove to not exacerbate existing fire hazard conditions.

Of the 14,233 lots with an existing residential unit that could be eligible for ADUs/JADUs, approximately 2,961, or 21 percent, are in the Foothill and Extreme Foothill high fire hazard areas. Therefore, a remaining total of 11,272 lots would be eligible for ADUs if the prohibition in Foothill and Extreme Foothill high fire hazard areas was applied. A map showing the areas where ADUs/JADUs would be allowed per the draft ADU Ordinance is included as Exhibit F.

**Configuration and Location of Accessory Dwelling Units**

An ADU would be allowed in three different configurations on a 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. The area of the ADU must 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), which is proposed to be amended to remove a reference to a minimum refrigerator size.

The proposed ordinance requires ADUs to comply with the development standards applicable to accessory buildings, including prohibiting ADUs in required Open Yards. This promotes desirable living conditions, a sense of openness, and minimum useful space for outdoor living applicable to all residential development.

**Configuration and Location of Junior Accessory Dwelling Units**

Pursuant to state law and the City’s draft ADU Ordinance, a Junior Accessory Dwelling Unit must be configured in the following manner:

- Created within the existing walls of an existing single residential unit, and must include conversion of an existing bedroom.
- A separate exterior entry shall be provided to serve the JADU.
- The interior connection to the main living area must be maintained, but a second door may be added for sound attenuation.
- Sanitation facilities for the JADU may be provided separately, or shared with the primary residential unit.

A Junior Accessory Dwelling Unit shall include an efficiency kitchen, requiring and limited to the following components:
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Accessory Dwelling Unit Ordinance
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- A sink with a maximum waste line diameter of one-and-a-half (1.5) inches,
- A cooking facility with appliances which do not require electrical service greater than one-hundred-and-twenty (120) volts or natural propane gas, and
- A food preparation counter and storage cabinets that are reasonable to the size of the unit.

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, pattern of development, and intensity of use on a site. Accessory dwelling units are intended to be accessory to the primary residence and should be subordinate to the main home.

The Planning Commission and City Council directed staff to consider a sliding scale for maximum ADU size, relative to the lot size. The draft ADU Ordinance limits an attached ADU to no more than 50 percent of the living area of the primary residential unit, or 1,200 square feet, whichever is less (consistent with current state law). The maximum floor area of a detached ADU could not exceed the following size limits based on a sliding scale:

- Lots less than 5,000 square feet: 600 square feet
- Lots 5,000 square feet up 9,999 square feet: 700 square feet
- Lots 10,000 up to 19,999: 800 square feet
- Lots 20,000 square feet up to one acre: 1,000 square feet
- Lots one acre or larger: 1,200 square feet

The sliding scale would allow ADUs that are proportional and appropriate to the lot size where they are located to ensure that they would not impact neighborhood character and would likely be subordinate to the primary residential unit. Pursuant to Housing Element Policy H15 and City Council direction, the floor area within an ADU would be included in the floor-to-lot-area ratio (FAR) calculations for RS-Zoned lots subject to that limitation (see SBMC §30.20.030.A). This further ensures compatibility of the accessory units to existing residential development in a particular neighborhood in terms of size and mass. Detached ADUs would also be subject to the maximum total square footage allowed per lot for accessory buildings (see SBMC §30.140.020.J and §30.185.040.L.4), which ranges from 1,000 square feet on small lots to 2,450 square feet of total accessory building space on lots three acres or larger.

In compliance with state law, the draft ADU 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.

The maximum floor area of a Junior ADU is 500 square feet in conformance with state law. There is no minimum size required for a JADU; however, they could be configured as efficiency units as described above.
Height Limit

There is no specific height limit for ADUs. SBMC §30.185.040.K requires ADUs to comply with development standards applicable to an accessory building. Per SBMC §30.140.020.G, a detached ADU could not exceed a height of 30 feet and two stories.

Setbacks

In order to preserve the character and pattern of residential development, and provide some level of privacy to adjacent lots, ADUs must comply with the setback standards applicable to residential structures within the zone in which 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 constructed above a garage. This would only apply to the second story ADU; any improvements on the ground floor would have to comply with the applicable setback requirements for the zone.

Parking

*Parking for Accessory Dwelling Units*

The draft ADU Ordinance eliminates parking requirements for ADUs. This is due to the unique situation that a significant majority of the lots that would allow ADUs, outside the Foothill and Extreme Foothill high fire hazard areas, are within one-half mile of a public transit stop and would meet the parking exemption criteria included in Government Code Section 65852.2(d)(1). If an applicant opted to voluntarily provide parking for the ADU, the space(s) must be provided in compliance with SBMC Chapter 30.175, Parking Regulations. No parking is required for JADUs, consistent with state law.

If the Planning Commission recommended allowing ADUs in the Foothill or Extreme Foothill high fire hazard areas, parking criteria for ADUs in these areas would need to be formulated since most of these areas would not be eligible for the transit-related parking exclusion. Any parking requirement for ADUs would need to take into consideration the remaining four situations provided in Government Code Section 65852.2(d) that prohibit an agency from requiring parking for ADUs.

*Parking for the Primary Residential Unit*

Parking for the primary residential unit would need to be provided in compliance with SBMC Chapter 30.175, Parking Regulations. 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 must 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 replacement parking would be required to comply with the setback standards of the zone in which the lot is located. Uncovered replacement parking would be required to meet the following criteria:
All parking spaces must meet the minimum dimensions and development standards consistent with the City Standard for Parking Design and SBMC Section 30.175.090, Parking Area Design and Development Standards;

- In order to maintain visibility for adjacent driveways and intersections, uncovered parking spaces shall comply with the visibility requirements of SBMC Section 30.140.230 (Visibility at Driveways and Intersections);
- Parking spaces may be allowed in a front or interior setback, provided the parking space is contained within the area of an existing paved driveway and no increase to paved area occurs in the setbacks.

Administrative Design Review and Protection for Historic Resources

The draft ADU Ordinance provides a process for ministerial, administrative architectural design review. The standards for such review will be incorporated into the Single Family Design Board (SFDB) General Design Guidelines & Meeting Procedures. The Community Development Director (or designee) will review the proposed ADU to ensure compatibility with the surrounding neighborhood and consistency with the design and appearance of the existing structures on the lot, pursuant to these design standards. Discretionary design review would only be required for any exterior alterations to the site or primary residential unit that are not a part of the ADU, but are proposed in conjunction with the ADU. The portions of a building or site considered to be the ADU would include all the contiguous interior livable floor area of the ADU, as well as any exterior alterations directly attached to the ADU portion of the building.

The draft ADU Ordinance includes measures for protection of 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 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.

Owner-Occupancy Requirement

The draft ADU Ordinance requires that either the primary residential unit or ADU be owner-occupied. State law mandates this for JADUs and allows agencies to require this for ADUs. The intent of this requirement recognizes the stated desire of many homeowners to house extended family or adult children in the ADU, live in the ADU themselves, or rent out the ADU for additional income, allowing owners to live more affordably in the primary unit. Given the limited development standards for ADUs and ministerial review process (i.e., without public notice or hearing), requiring one of the units to be owner-occupied also provides additional assurance that the ADU will be located and designed in a manner that is sensitive to existing development on the site and in the neighborhood. Either the primary unit or the ADU may be rented for terms of not less than 31 consecutive says, but the owner is prohibited from renting or leasing the owner-occupied residence and the ADU simultaneously. Prior to obtaining a building permit for an ADU, the lot owner is required to execute and record an agreement containing the above restrictions.

Owner occupancy or the owners “Principal Place of Residence” is further defined in the draft ADU Ordinance as the residence where a property owner actually lives for the greater part of the time, or
where the owner remains when not called elsewhere for some special or temporary purpose, as from work or extended vacation.

Water Metering

Under state law, ADUs created within the space of an existing single unit 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 be required to provide new or separate utility connections and may be subject to a connection fee or capacity charges that shall be proportionate to the ADU size or number of plumbing fixtures.

The draft ADU Ordinance states that provision of a utility connection or meter shall comply with Title 14, Section 14.08.150 of the Santa Barbara Municipal Code. Amendments to this section of the Code were recently introduced to City Council to comply with state ADU law. In accordance with state law, no new water meter would be required for a JADU.

Consultation with the California Department of Housing & Community Development

After revising the draft ADU Ordinance based on direction from the City Council, staff forwarded the ordinance to the State Department of Housing and Community Development (HCD) for their review and comment. In general, the comments and questions from HCD staff were relatively limited and minor in nature; the majority of which are addressed in the current draft ADU Ordinance. The nature of HCD’s comments involved the following topics:

- Standards for a Residential Unit – specifically, HCD staff expressed a concern with the requirement for a minimum refrigerator size in an ADU. The draft ADU Ordinance proposes to remove that reference from SBMC §30.140.150 (see Exhibit A).
- Relation to Other Accessory Buildings (SBMC §30.185.040.L.4) – HCD staff was unsure whether or not this requirement would unduly burden an applicant’s ability to create an ADU on a lot. Staff believes this provision provides a reasonable amount of total accessory building floor area on a lot and will not unduly burden an applicant’s ability to propose an ADU and retain an ability to have other accessory building(s) on a lot.
- Required Parking for the Primary Residential Unit (SBMC §30.185.040.Q.1.a.iii) – HCD staff expressed concern with a wholesale requirement for a 10’ front setback for uncovered parking. In response, staff revised this provision in the draft ADU Ordinance to reflect the existing requirement in Title 30 to maintain visibility for adjacent driveways and intersections. This ensures that all types of obstructions (i.e., hedges, fences, parked vehicles, etc.) would be located outside of the visibility triangle for life safety purposes.
- Special Procedures for Accessory Dwelling Units or Junior Accessory Dwelling Units Constructed Entirely Within Existing Structures (SBMC §30.185.040.S) – HCD staff expressed concern with a prior reference to January 1, 2017 as the date by which a structure had to exist in order to be deemed “existing.” The draft ADU Ordinance removed that reference and instead refers to buildings that exist as of the date of application submittal.

Necessary Amendments to Other Aspects of the Zoning Ordinance

The New Zoning Ordinance (NZO), adopted by City Council on July 25, 2017, became effective October 1, 2017. NZO included a general statement in SBMC §30.185.040 that ADUs shall be located,
developed, and occupied pursuant to Government Code Section 65852.2. In addition to amending SBMC §30.185.040 to include these proposed 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 Exhibit A.

In addition, SBMC Title 28 (Coastal Zoning Ordinance) will need to be amended to implement the ADU Ordinance in the Coastal Zone. Although the format will differ, staff will replicate the Planning Commission-recommended amendments to Title 30 for ADU and JADU development in Title 28 so that the same regulations apply both inside and outside of the Coastal Zone. The amendments to SBMC Titles 28 and 30 will be presented to the Ordinance Committee and City Council. The amendments to SBMC Title 28 will then be submitted to the Coastal Commission to facilitate a Local Coastal Program Amendment as soon as possible.

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 draft ADU Ordinance is statutorily exempt from CEQA in that the draft ADU Ordinance implements the state accessory dwelling unit law.

V. NEXT STEPS

Following Planning Commission review of the draft Accessory Dwelling Unit Ordinance, the draft amendments to SBMC Titles 28 and 30 will be presented to the City Council Ordinance Committee. Concurrently, staff will work with Single Family Design Board and the A1A to develop administrative design standards for ADUs. The final draft ADU Ordinance and administrative design standards would then be presented to City Council for review and adoption. The City is required to submit the adopted ordinance to the State Department of Housing and Community Development within six weeks of City Council adoption.

Exhibits:
A. Proposed Amendments to SBMC Title 30 Related to Accessory Dwelling Units
B. Planning Commission Meeting Minutes, September 7, 2017
C. City Council Meeting Minutes, October 24, 2017
D. Government Code Sections 65852.2 and 65852.22
E. Applicable General Plan Policies
F. Map of Allowed Zones and Excluded High Fire Hazard Areas
Division II: Zone Regulations

Part 1: Base Zones

Chapter 30.20 Residential Zones

<table>
<thead>
<tr>
<th>TABLE 30.20.020: LAND USE REGULATIONS—RESIDENTIAL ZONES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use Classification</strong></td>
</tr>
<tr>
<td><strong>Residential Uses</strong></td>
</tr>
<tr>
<td>Residential Housing Types</td>
</tr>
<tr>
<td>Single-Unit Residential</td>
</tr>
<tr>
<td>Two-Unit Residential</td>
</tr>
<tr>
<td>Multi-Unit Residential</td>
</tr>
<tr>
<td>Special Residential Unit Types</td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
</tr>
<tr>
<td>Additional Residential Unit</td>
</tr>
</tbody>
</table>

<p>| TABLE 30.20.030.A: DEVELOPMENT STANDARDS—RESIDENTIAL SINGLE UNIT ZONES |
|========================================================================|
| <strong>Zone</strong> | RS-1A | RS-2S | RS-1S | RS-10 | RS-7.5 | RS-6 |
| Lot Size and Street Frontage | | | | | | |
| Minimum Net Lot Area for Newly Created Lots (sq. ft. unless noted) | | | | | | |
| Average Slope less than 10%, and all lots with frontage on the Pacific Ocean regardless of slope | 1 acre | 25,000 | 15,000 | 10,000 | 7,500 | 6,000 |
| Average Slope 10% to 20% | 1.5 acre | 37,500 | 22,500 | 15,000 | 11,250 | 9,000 |
| Average Slope over 20% to 30% | 2 acres | 50,000 | 30,000 | 20,000 | 15,000 | 12,000 |
| Average Slope over 30% | 3 acres | 75,000 | 45,000 | 30,000 | 22,500 | 18,000 |
| Minimum Public Street Frontage (ft.) | 100 | 100 | 90 | 75 | 60 | 60 |
| Maximum Base Residential Density | See also §30.140.180, Street Frontage and Access; and §30.140.120, Location of Lot Lines |
| Maximum Density (per lot) | 1 unit | 1 unit | 1 unit | 1 unit | 1 unit | 1 unit |</p>
<table>
<thead>
<tr>
<th>Zone</th>
<th>RS-1A</th>
<th>RS-25</th>
<th>RS-15</th>
<th>RS-10</th>
<th>RS-7.5</th>
<th>RS-6</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Additional Residential Density Allowances</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All lots, in compliance with the applicable section</td>
<td>See §30.185.050, Additional Residential Unit</td>
<td>See §30.185.040, Accessory Dwelling Units</td>
<td>See Chapter 30.145, Affordable Housing and Density Bonus and Development Incentives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Floor Area</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Floor Area (Floor to Lot Area Ratio) (sq. ft.)</td>
<td>Applicable only to lots developed, or proposed to be developed, with a building with two or more stories or 17 feet or more in height.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Less than 4,000 sq. ft. Net Lot Area</strong></td>
<td>2,200. See also A, Maximum Floor Area (Floor to Lot Area Ratio)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4,000 to 9,999 sq. ft. Net Lot Area</strong></td>
<td>1,200 + (.25 multiplied by the net lot area) = Maximum Floor Area. See also (A), Maximum Floor Area (Floor to Lot Area Ratio)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>10,000 to 14,999 sq. ft. Net Lot Area</strong></td>
<td>2,500 + (.125 multiplied by the net lot area) = Maximum Floor Area. See also A, Maximum Floor Area (Floor to Lot Area Ratio)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>15,000 and more sq. ft. Net Lot Area</strong></td>
<td>Not Applicable</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.

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 and Junior Accessory Dwelling Unit Excluded—Included.** Floor area within a portion of a structure designed and permitted as an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is not included.

<table>
<thead>
<tr>
<th>TABLE 30.20.030.B: DEVELOPMENT STANDARDS—TWO-UNIT AND MULTI-UNIT ZONES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zone</strong></td>
</tr>
<tr>
<td><strong>Lot Size and Street Frontage</strong></td>
</tr>
<tr>
<td>Minimum Net Lot Area for Newly Created Lots (sq. ft.)</td>
</tr>
<tr>
<td>Average Slope less than 10%</td>
</tr>
<tr>
<td>Average Slope 10% to 20%</td>
</tr>
<tr>
<td>Average Slope over 20% to 30%</td>
</tr>
<tr>
<td>Average Slope over 30%</td>
</tr>
<tr>
<td>Minimum Public Street Frontage (ft.)</td>
</tr>
</tbody>
</table>

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 | | |
| 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 |
| 6,000 to 6,999 sq. ft. Net Lot Area | 2 units if Average Slope less than 10%; 1 unit otherwise | 2 units |
| 7,000 and more sq. ft. Net Lot Area | | | |
| Average Slope less than 10% | 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 – 12/7/17

TABLE 30.20.030.B: DEVELOPMENT STANDARDS-TWO-UNIT AND MULTI-UNIT ZONES

<table>
<thead>
<tr>
<th>Zone</th>
<th>R-2</th>
<th>R-M</th>
<th>R-MH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Slope 10% to 20%</td>
<td>1 unit/5,250 sq. ft. of net lot area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average Slope over 20% to 30%</td>
<td>1 unit/7,000 sq. ft. of net lot area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average Slope over 30%</td>
<td>1 unit/10,500 sq. ft. of net lot area</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Additional Residential Density Allowances

All lots, in compliance with the applicable section
See §30.185.040, Accessory Dwelling Units
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

Chapter 30.25 Commercial and Office Zones

TABLE 30.25.020: LAND USE REGULATIONS-COMMERCIAL AND OFFICE ZONES

<table>
<thead>
<tr>
<th>“A” Allowed Use</th>
<th>“…” Use Not Allowed</th>
<th>“PSP” Performance Standard Permit Required</th>
<th>“CUP” Conditional Use Permit Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Classification</td>
<td>O-R</td>
<td>O-M</td>
<td>C-R</td>
</tr>
<tr>
<td>Residential Uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Unit Residential</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Two-Unit Residential</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Multi-Unit Residential</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Special Residential Unit Types</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Caretaker Unit</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
</tbody>
</table>
# TABLE 30.25.030: DEVELOPMENT STANDARDS—COMMERCIAL AND OFFICE ZONES

<table>
<thead>
<tr>
<th>Zone</th>
<th>O-R</th>
<th>O-M</th>
<th>C-R</th>
<th>C-G</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Size and Street Frontage</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Net Lot Area for Newly Created Lots</td>
<td>None; except 3,500 sq. ft. of net lot area is required for lots that include residential uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Public Street Frontage</td>
<td>None. See §30.140.180, Street Frontage and Access; and §30.140.120, Location of Lot Lines</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Base Residential Density</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 5,000 sq. ft. Net Lot Area</td>
<td>1 unit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5,000 to 6,999 sq. ft. Net Lot Area</td>
<td>2 units</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7,000 and more sq. ft. Net Lot Area</td>
<td>3 units, or 1 unit/3,500 sq. ft. of net lot area, whichever is greater</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Additional Residential Density Allowances</strong></td>
<td>See §30.185.040, Accessory Dwelling Units</td>
<td>See §30.140.220, Variable Density in Certain Zones</td>
<td>See Chapter 30.150, Average Unit-Size Density Incentive Program</td>
<td>See Chapter 30.145, Affordable Housing and Density Bonus and Development Incentives</td>
</tr>
</tbody>
</table>

# TABLE 30.30.020: LAND USE REGULATIONS—MANUFACTURING ZONES

<table>
<thead>
<tr>
<th>“A” Allowed Use</th>
<th>“….” Use Not Allowed</th>
<th>“(#)” Specific Limitations at the end of the table</th>
</tr>
</thead>
<tbody>
<tr>
<td>“PSP” Performance Standard Permit Required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>“CUP” Conditional Use Permit Required</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>M-C</th>
<th>M-I</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Unit Residential</td>
<td>A</td>
<td>–</td>
<td>§30.185.040, Accessory Dwelling Unit</td>
</tr>
<tr>
<td>Two-Unit Residential</td>
<td>A</td>
<td>–</td>
<td></td>
</tr>
<tr>
<td>Multi-Unit Residential</td>
<td>A</td>
<td>–</td>
<td></td>
</tr>
<tr>
<td>Special Residential Unit Types</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>A</td>
<td>–</td>
<td>§30.185.040, Accessory Dwelling Units</td>
</tr>
<tr>
<td>Caretaker Unit</td>
<td>A</td>
<td>A(1)</td>
<td>§30.185.120, Caretaker Unit</td>
</tr>
</tbody>
</table>
### TABLE 30.30.030: DEVELOPMENT STANDARDS–MANUFACTURING ZONES

<table>
<thead>
<tr>
<th>Zone</th>
<th>M-C</th>
<th>M-I</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Size and Street Frontage</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Net Lot Area for Newly Created Lots (sq. ft.)</td>
<td>None; except 3,500 sq. ft. of net lot area is required for lots that include residential uses</td>
<td></td>
</tr>
<tr>
<td>Minimum Public Street Frontage (ft.)</td>
<td>None, See §30.140.180, Street Frontage and Access; and §30.140.120, Location of Lot Lines</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Base Residential Density</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 5,000 sq. ft. Net Lot Area</td>
<td>1 unit</td>
<td>One Caretaker Unit</td>
</tr>
<tr>
<td>5,000 to 6,999 sq. ft. Net Lot Area</td>
<td>2 units</td>
<td>See §30.185.120, Caretaker Unit</td>
</tr>
<tr>
<td>7,000 and more sq. ft. Net Lot Area</td>
<td>3 units, or 1 unit/3,500 sq. ft. of net lot area, whichever is greater</td>
<td></td>
</tr>
<tr>
<td><strong>Additional Residential Density Allowances</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All lots, in compliance with the applicable section</td>
<td>See §30.185.040, Accessory Dwelling Units</td>
<td>None applicable</td>
</tr>
<tr>
<td></td>
<td>See §30.140.220, Variable Density in Certain Zones</td>
<td></td>
</tr>
<tr>
<td></td>
<td>See Chapter 30.150, Average Unit-Size Density Incentive Program</td>
<td></td>
</tr>
<tr>
<td></td>
<td>See Chapter 30.145, Affordable Housing and Density Bonus and Development Incentives</td>
<td></td>
</tr>
</tbody>
</table>

### Chapter 30.35 Coastal-Oriented Zones

### TABLE 30.35.020: LAND USE REGULATIONS–COASTAL-ORIENTED ZONES

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>CO-HR</th>
<th>CO-HV</th>
<th>CO-H</th>
<th>CO-CAR</th>
<th>CO-MI</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>§30.185.360, Residential Uses in the CO-HV and CO-CAR Zones</td>
</tr>
<tr>
<td>Residential Uses</td>
<td>–</td>
<td>A</td>
<td>–</td>
<td>A</td>
<td>–</td>
<td>§30.185.040, Accessory Dwelling Units</td>
</tr>
</tbody>
</table>
Proposed Amendments to SBMC Title 30 Related to Accessory Dwelling Units
Planning Commission Draft – 12/7/17

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 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 or a building used exclusively as an Accessory Dwelling Unit approved under Section 30.185.040, 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 5,000 square feet:** 1,000 square feet
   
b. **Lots 5,000 square feet up to 9,999 square feet:** 1,000 to 2,000 square feet
   
c. **Lots 10,000 square feet up to 19,999 square feet:** 1,300 square feet
   
d. **Lots 20,000 square feet up to one acre:** 1,250 to 1,750 square feet
   
e. **Lots one acre up to three acres:** 1,500 to 2,250 square feet
   
f. **Lots three acres or larger:** 2,250 to 4,750 square feet

2. **Covered Parking.** Other than to permit the construction of an Accessory Dwelling Unit, 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 square feet, excluding the livable floor area of a permitted Accessory Dwelling Unit.

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 a studio Accessory Dwelling Unit, approved under Section 30.185.040, Accessory Dwelling Units.

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 53".
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 Units

Accessory Dwelling Units and Junior 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 additional housing 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 additional residential density in the Foothill and Extreme Foothill High Fire Hazard Areas, consistent with the General Plan.
2. Allow Accessory Dwelling Units or Junior Accessory Dwelling Units as an accessory use to single residential units, consistent with California Government Code Section 65852.2.
3. Promote Accessory Dwelling Units or Junior Accessory Dwelling Units with high-quality designs that are compatible with the surrounding neighborhood, historic resources, and historic districts; preserve the City’s visual resources; promote long-term sustainability; and contribute to a desirable living environment.

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 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 residential 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. **Primary Residential Unit.** The existing or proposed single residential unit on a lot on which an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is permitted.

3. **Principal Place of Residence.** The residence 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 methods that demonstrate owner-occupancy.

4. **Passageway.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the Accessory Dwelling Unit.

5. **Junior Accessory Dwelling Unit.** A unit that is no more than 500 square feet in size and contained entirely within the structure of an existing single residential unit. A Junior Accessory Dwelling Unit may include separate sanitation facilities, or may share sanitation facilities with the existing single residential unit.

C. **Not Located in the Foothill and Extreme Foothill High Fire Hazard Areas.** No Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be permitted on a lot located within the Foothill or Extreme Foothill High Fire Hazard Areas as defined in the City’s Wildland Fire Plan.

D. **Located on a Lot Developed with a Single Residential Unit.** An Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall only be permitted on a lot that is developed with one single residential unit or in conjunction with the construction of a single residential unit.

E. **Prohibited on a Lot Developed with Additional Residential Units.** An Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be prohibited on a lot developed with more than one residential unit, including but not limited to, 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, on a lot developed, or proposed to be developed, with additional detached livable floor area greater than 500 square feet.

F. **Number of Units.** Only one Accessory Dwelling Unit or one Junior Accessory Dwelling Unit shall be permitted on a lot in addition to one single residential unit, not both.

G. **Not to be Sold Separately.** An Accessory Dwelling Unit or Junior 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.

H. **Owner Occupied.** The property owner shall reside in and maintain either the Primary Residential Unit or the Accessory Dwelling Unit/Junior Accessory Dwelling Unit, as the property owner’s principal place of residence (“Owner’s Unit”). Owner may re-designate the Primary Residential Unit or the Accessory Dwelling Unit/Junior 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 Residential Unit and the Accessory Dwelling Unit/Junior Accessory Dwelling Unit simultaneously.

1. **Hardship Waiver.** In the event of a hardship, such as the death or disability of the property owner which prevents one of the units from being occupied by the property owner, a property owner or estate representative may apply for a temporary waiver of the owner-occupation requirement for a specific time period to allow occupancy of the Primary Residential Unit or the Accessory Dwelling Unit/Junior Accessory Dwelling Unit by a non-property owner pending disposition of the property through probate or non-probate transfer to a new owner, or the cessation of the property owner’s disability which prevents him or her from occupying the Primary Residential Unit or the Accessory Dwelling Unit/Junior Accessory Dwelling Unit on the property. The Staff Hearing Officer shall review applications for a hardship waiver pursuant to Chapter 30.255, Performance Standard Permit. Any such waiver shall specify the period of time for which it is granted, provided that no such waiver may be granted for a period longer than three years.

I. **Configuration – Accessory Dwelling Unit.**

1. An Accessory Dwelling Unit may be permitted in the following configurations:
   a. Incorporated entirely within an existing or proposed single residential unit or existing or proposed accessory building located on the same lot as the Primary Residential Unit;
   b. Attached to or increasing the size of an existing single residential unit or accessory building located on the same lot as the Primary Residential Unit; or
   c. Detached from and located on the same lot as an existing or proposed single 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.

J. **Configuration – Junior Accessory Dwelling Unit.**

1. A Junior Accessory Dwelling Unit must be created within the existing livable floor area of an existing single residential unit, and must include one of the bedrooms of the existing single residential unit.

2. A separate exterior entry shall be provided to serve a Junior Accessory Dwelling Unit.

3. An interior connection between the Primary Residential Unit and the Junior Accessory Dwelling Unit must be maintained, however a lockable door in the same location may be added for sound attenuation and privacy.

4. A Junior Accessory Dwelling Unit shall include an efficiency kitchen, which shall include all of the following components:
   a. A sink with a waste line not to exceed a diameter of one-and-a-half (1.5) inches;
Proposed Amendments to SBMC Title 30 Related to Accessory Dwelling Units
Planning Commission Draft – 12/7/17

b. A cooking facility with appliances which do not require electrical service
greater than one-hundred-and-twenty (120) volts, or natural or propane gas;
and

c. A food preparation counter and storage cabinets that are reasonable to the size
of the Junior Accessory Dwelling Unit.

K. **Development Standards.** An Accessory Dwelling Unit shall be deemed to be an accessory
use or an accessory building. A Junior Accessory Dwelling Unit shall be deemed to be an
accessory use. Unless otherwise stated in this Section, any lot developed with an Accessory
Dwelling Unit or a Junior Accessory Dwelling Unit shall comply with the development
standards applicable to an accessory use or accessory building, as applicable, for a single-unit
residential housing type within the zone in which the lot is located.

I. **Floor Area.**

1. **Maximum Floor Area – Attached Accessory Dwelling Unit.** The maximum floor
area of an attached Accessory Dwelling Unit shall not exceed 50 percent of the living
area of the Primary Residential Unit, or 1,200 square feet, whichever is less.

2. **Maximum Floor Area – Detached Accessory Dwelling Unit.** The maximum floor
area of a detached Accessory Dwelling Unit shall not exceed the following:

   a. **Lots less than 5,000 square feet:** 600 square feet
   b. **Lots 5,000 square feet up to 9,999 square feet:** 700 square feet
   c. **Lots 10,000 up to 19,999:** 800 square feet
   d. **Lots 20,000 square feet up to one acre:** 1,000 square feet
   e. **Lots one acre or larger:** 1,200 square feet

3. **Maximum Floor Area – Junior Accessory Dwelling Unit.** The maximum floor
area of a Junior Accessory Dwelling Unit shall be 500 square feet.

4. **Relation to Other Accessory Buildings.** The floor area of a detached Accessory
Dwelling Unit shall be included in the maximum total square footage allowed per lot
for attached or detached covered parking and other detached accessory buildings,
pursuant to Section 30.140.020.J, Maximum Floor Area.

M. **Setbacks for Structures.** Except for the special rules stated in this Subsection, the Accessory
Dwelling Unit or Junior 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 setbacks shall be required for an existing,
legally permitted, garage or other accessory building that is converted to an Accessory
Dwelling Unit. However, no addition shall be constructed to the converted garage or
accessory building that increases the encroachment into any 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. Ground floor additions to the building shall
comply with the setback standards applicable to residential structures within the zone
in which the lot is located.
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 or Junior Accessory Dwelling Units.

N. **Nonconforming Structures.** Additions, alterations, substantial redevelopment, or demolition and replacement of existing nonconforming structures converted to an Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall comply with Chapter 30.165, Nonconforming Structures, Site Development, and Uses.

O. **No Passageway Required.** No passageway is required in conjunction with the construction of an Accessory Dwelling Unit.

P. **Permanent Foundation Required.** Attached and detached Accessory Dwelling Units shall be constructed with an approved permanent foundation.

Q. **Automobile Parking.** Notwithstanding the provisions of Chapter 30.175, Parking Regulations, automobile parking for lots developed with Accessory Dwelling Units or Junior Accessory Dwelling Units shall be provided as follows:

1. **Required 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 an 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 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 mechanical lift, or in a tandem configuration pursuant to subsection 30.175.090.F, Tandem Parking. The replacement spaces shall meet all of the following:

   i. All parking spaces must meet the minimum dimensions and development standards consistent with the City Standard for Parking Design and Section 30.175.090 Parking Area Design and Development Standards.

   ii. In order to maintain visibility for adjacent driveways and intersections, uncovered parking spaces shall comply with Section 30.140.230, Visibility at Driveways and Intersections.

   iii. Required parking spaces may be allowed in a front or interior setback, provided the parking space is contained within the area of an existing paved driveway and no increase to paved areas occurs in the setbacks.

2. **Required Parking for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit.** No additional parking spaces are required for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit.

3. **Optional Parking Spaces.** If new parking spaces are proposed, but are not required, for either the Primary Residential Unit or the Accessory Dwelling Unit, those optional
parking spaces shall comply with the location requirements found in Section 30.175.060, Location of Required Automobile and Bicycle Parking.

R. **Utility Connection or Meter.** Provision of utility connection or meter shall comply with Title 14, Section 14.08.150.

S. **Special Procedures for Accessory Dwelling Units or Junior 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 for either an Accessory Dwelling Unit or Junior Accessory Dwelling Unit if all of the following requirements are satisfied:

1. The lot is located within any zone that allows single-unit residential as an allowed use.
2. The construction will result in no more than one Primary Residential Unit and either one Accessory Dwelling Unit or one Junior Accessory Dwelling Unit on the lot.
3. The proposed Accessory Dwelling Unit or Junior Accessory Dwelling Unit will be contained entirely within the permitted floor area of the existing Primary Residential Unit; or, for Accessory Dwelling Units only, an existing accessory building on the same lot as the Primary Residential Unit.
4. The proposed Accessory Dwelling Unit or Junior Accessory Dwelling Unit meets all of the configuration standards provided in Section 30.185.040.I and J, Configuration.
5. When a garage 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 parking requirements described in subsection 30.185.040.Q.1, Required Parking for the Primary Residential Unit.
6. State and local building codes that apply to detached dwellings, including provisions for fire safety, shall apply.
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 single residential unit or an existing garage or accessory building, the structure must be a legally permitted structure constructed on the site with a Final Inspection or Certificate of Occupancy as of the date of application submittal, and conforms to current zoning standards or is legal nonconforming as to current zoning standards.

T. **Architectural Review.** The creation 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. The portions of a building or site considered to be the Accessory Dwelling Unit
shall include all the contiguous interior livable floor area of the Accessory Dwelling Unit, as well as any exterior alterations directly attached to, and related to, the livable floor area of the Accessory Dwelling Unit. Alterations to any other part of building or site is not a part of the Accessory Dwelling Unit.

U. **Protection for Historic Resources.** No Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be permitted 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 district. The Community Development Director shall make this determination by reviewing the proposal for compliance with appropriate Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

V. **Building Permit Required.** All Accessory Dwelling Units or Junior Accessory Dwelling Units shall require approval of a building permit and shall be processed pursuant to Chapter 30.205, Common Procedures, and the specific requirements of this Section. The City shall ministerially approve or disapprove an application for a building permit for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit in compliance with the provisions of this Section within 120 days of receiving a complete application.

1. **Modifications and Minor Zoning Exceptions for Accessory Dwelling Units or Junior Accessory Dwelling Unit.** An Accessory Dwelling Unit or Junior Accessory Dwelling Unit that is not in compliance with the development standards of this Section may be granted a Modification or Minor Zoning Exception if all the required findings can be met, pursuant to the procedures outlined in Chapter 30.250, Modifications, or Chapter 30.245 Minor Zoning Exceptions.

W. **Recorded Agreement.** Before obtaining a building permit for an Accessory Dwelling Unit or Junior 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/Junior Accessory Dwelling Unit shall not be sold separately from the Primary Residential Unit.
2. Either the Primary Residential Unit or the Accessory Dwelling Unit/Junior Accessory Dwelling Unit shall be owner occupied.
3. The Accessory Dwelling Unit/Junior Accessory Dwelling Unit shall be rented for terms of not less than 31 consecutive days.

X. **Residential Density.** An Accessory Dwelling Unit or Junior Accessory Dwelling Unit is a residential use that is consistent with the existing General Plan designations and zoning for lots within the allowable residential zones. Any Accessory Dwelling Unit or Junior Accessory Dwelling Unit permitted pursuant to this Section does not exceed the allowable density for the lot upon which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.
CALL TO ORDER

Chair Higgins called the meeting to order at 1:04 p.m.

I. ROLL CALL

Chair Jay D. Higgins (until 5:50 p.m.), Vice Chair Lesley Wiscomb, Commissioners John P. Campanella, Mike Jordan, Sheila Lodge, Deborah L. Schwartz, and Addison Thompson

STAFF PRESENT

N. Scott Vincent, Assistant City Attorney
Tava Ostrenger, Assistant City Attorney
Renee Brooke, City Planner
Susan Reardon, Senior Planner
Beatriz Gularte, Senior Planner
Rosie Dyste, Project Planner
Kathleen Goo, Commission Secretary

II. PRELIMINARY MATTERS

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items:

   No requests.

B. Announcements and appeals:

   No announcements.

EXHIBIT B
C. Review, consideration, and action on the following draft Planning Commission minutes and resolutions:

1. August 24, 2017, Special Meeting Minutes

2. PC Resolution No. 014-17
   2609 De La Vina St. (Storefront Collective Dispensary Permit Appeal)

**MOTION: Lodge/Thompson**
Approve the August 24, 2017 minutes and PC Resolution No. 014-17, as amended.

This motion carried by the following vote:
Ayes: 7  Noes: 0  Abstain: 0  Absent: 0

D. Comments from members of the public pertaining to items not on this agenda:

   No public comment.

III. **STAFF HEARING OFFICER APPEAL**

**ACTUAL TIME: 1:07 P.M.**

**APPEAL OF THE DECISION OF THE STAFF HEARING OFFICER TO REVOKE THE STOREFRONT COLLECTIVE DISPENSARY PERMIT ISSUED TO SANTA BARBARA PATIENTS COLLECTIVE AND HEALING CENTER, 3617 STATE STREET, APN 051-051-005, C-P/SD-2 RESTRICTED COMMERCIAL/SPECIAL DISTRICT 2 ("UPPER STATE STREET AREA") ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (MST2014-00438)**

On June 15, 2017, the City’s Staff Hearing Officer revoked a Medical Marijuana Storefront Collective Dispensary Permit at 3617 State Street. Dispensary management members identified in the approved permit application are Joseph Allen, Matt Armor, and Greg McGee. On June 26, 2017, Luis Esparza, attorney for Matt Armor and Greg McGee, filed an appeal of the Staff Hearing Officer’s revocation of the permit. A public hearing will be held for the Planning Commission to hear the appeal. The project includes interior improvements to the existing tenant space at 3617 State Street in Ontare Plaza. A building permit has not been issued, nor has the dispensary begun operating.

The discretionary application required for this project is a Storefront Collective Dispensary Permit (SBMC § 28.80.030).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301(a), Existing Facilities.

Contact: Tava Ostrenger, Assistant City Attorney
Email: TOstrenger@SantaBarbaraCA.gov  Phone: (805) 560-7513

**RECUSAL:** To avoid any actual or perceived conflict of interest, Commissioner Jordan recused himself from hearing this item.
Tava Ostrenger, Assistant City Attorney, gave the Staff presentation and was available to answer Commission questions in an advocacy capacity, with Scott Vincent, Assistant City Attorney and Susan Reardon, Staff Hearing Officer, also available to answer Commission questions.

Ms. Ostrenger opened the staff presentation by outlining the appellants' grounds for appeal, which alleged that the Staff Hearing Officer's decision to revoke the permit was not in accord with the Santa Barbara Municipal Code and was an abuse of discretion because the permittee is still in the unincorporated association of SBPCHC, and the alleged misconduct was done solely by the third management member, Joseph Allen; that Conclusion of Law No. 11 was incorrect because Mr. Allen's resignation was not a transfer of control in the ownership of the dispensary; and that Conclusion of Law No. 12 was factually and legally erroneous as it mischaracterizes Matt Armor and Greg McGee's affidavit as an attempt to change ownership.

During Ms. Ostrenger's presentation, Mr. Vincent clarified for the Commission that "abuse of discretion" was a legal term referring to a standard of review that a ruling should only be disturbed upon evidence of a clear case of abuse and a miscarriage of justice, and defined as a decision that is so irrational or arbitrary that no reasonable person would be in agreement. He further stated that simply arguing a different ruling would have been better is not sufficient to claim an "abuse of discretion" has been made. To make a determination that an "abuse of discretion" has been made in this particular case, the Commission would have to make the determination that the Staff Hearing Officer made an error of procedure or abused her discretion in the revocation of the permit. He further clarified the Municipal Code and laws involved, and that any attempt to transfer a Storefront Collective Dispensary Permit either directly or indirectly would be in violation of §SBMC 28.80.130 and declared void, and the permit shall be deemed revoked.

The history of the application and the actions leading to the permit was recounted by Ms. Ostrenger for the Commission. Ms. Ostrenger explained that Joseph Allen submitted a Medical Marijuana Storefront Dispensary Permit Application on behalf of SBPCHC on September 4, 2014 for a location at 3617 State Street. The Planning Commission held a public hearing on June 4, 2015, approving the application and issuing the permit to SBPCHC subject to satisfaction of certain conditions. None of these conditions authorized a change in the management members or the permitted entity. The approved application indicates that Joseph Allen, Matt Armor, and Greg McGee are the management members of SBPCHC, an unincorporated non-profit association. On December 14, 2015, Mr. Allen filed Articles of Incorporation for SBPCHC, either to incorporate an existing corporation or creating a new corporation, without filing a request for an amendment with the Planning Division. Then, on March 29, 2016, he again filed a Statement of Information for SBPCHC, Inc. with the Secretary of State and identified Eric Anderson as the Secretary of the corporation. Eric Anderson was never identified in the approved application as a management member of the collective. This changed SBPCHC operating and management structure. When Mr. Allen submitted a revised operating plan to address Planning Commission conditions of approval on April 4, 2016, the operating plan indicated that the new corporation was Apothecary of Santa Barbara, Inc. On April 6, 2016, Mr. Allen submitted a letter indicating he was withdrawing from SBPCHC. When the City Attorney's Office learned of the changes in ownership, it filed a Notice of Hearing of Intent to Suspend or Revoke on July 19, 2016. A hearing was held on May 31, 2017, the Notice of Intent and on June 15, 2017, the Staff Hearing Officer issued a Resolution revoking the permit.
Mr. Vincent clarified for Commissioner Thompson the differences between unincorporated associations, such as the permittee, and incorporated entities such as corporations or limited liability companies. Mr. Vincent also stated that if the corporation was simply formed and there was no representation to the City and it just existed as an entity, there would be no issue about a change of control; however, since the new incorporated entity was presented to the City as the permittee, then in his opinion, there was an issue of a transfer of control. He also clarified for Commissioner Wiscomb that the name of the entity was less important than the change in identity of the management members, who were not reviewed by the City and for whom background checks were not obtained.

Luis Esparza, Attorney for Matt Armor and Greg McGee, Management Members of Santa Barbara Patients Collective and Healing Center (SBPCHC), gave the Appellant presentation.

Public comment opened at 1:57 p.m., and as no one wished to speak, it closed.

Correspondence from Gordon & Jordan Brewer and Judy Williams was acknowledged.

Mr. Vincent clarified for Chair Higgins and Commissioner Schwartz that the Commission must determine if the Staff Hearing Officer made an error in her discretionary decision that the unapproved change in the operation plan and the change in management members constitutes an attempt to change the name of the permittee and to transfer of ownership and control, and therefore provided a basis for the revocation of the permit by the Staff Hearing Officer.

Mr. Esparza clarified for Commissioner Schwartz that the process of getting the changes authorized by the association members would have been a relatively simple process of just a few steps, and that there should have been a resolution or authorization by the association authorizing the proposed changes that were being made at the time by one of the three members for submittal to the City for approval. However, his clients Mr. Armor and Mr. McGee did not have legal representation at the time and relied on the more sophisticated and educated member, Mr. Allen, to follow the appropriate protocol of City policy and procedure, and that at the time it is unclear if Mr. Allen was working as an attorney or as an individual. Mr. Esparza asked that the permit remain with the corporate entity that remains, the association. If required, a third member would be sought to replace Mr. Allen, with all protocol procedures observed, including background checks, life scans, etc.

Commissioner comments:
Commissioner Wiscomb stated that the process of application, filing, and assumption of ownership requires a level of professionalism required of managing members and responsibility to follow the rules, codes, and laws involved. Commissioner Wiscomb therefore found the appeal should be denied and the Staff Hearing Officer decision to revoke the permit should be upheld.

Commissioner Thompson and Commissioner Schwartz also found the appellant attempted to change managing members, which constitutes an attempt to change the name of the permittee and to transfer ownership and control by an entity. Therefore, Commissioners Thompson and Schwartz both found the appeal be should denied and the Staff Hearing Officer's decision to revoke the permit be upheld.
MOTION: Thompson/Wiscomb

Deny the appeal, and uphold the decision of the Staff Hearing Officer, as outlined in the Staff Report dated August 31, 2017.

This motion carried by the following vote:
Ayes: 6 Noes: 0 Abstain: 0 Absent/Recused: 1 (Jordan)

The ten calendar day appeal period was announced.

* THE COMMISSION RECESS FROM 2:26 TO 2:35 P.M. *

IV. RECOMMENDATION TO AMEND MUNICIPAL CODE

ACTUAL TIME: 2:35 P.M.

For the Planning Commission to consider proposed amendments to the Municipal Code to regulate Accessory Dwelling Units. Effective January 1, 2017, recently adopted state legislation nullified and voided the City’s regulations for secondary dwelling units, now referred to as Accessory Dwelling Units (ADUs). Until the City adopts its own ordinance, a local government is required to ministerially approve ADUs if the unit complies with state standards including certain parking requirements, the maximum allowable size of an ADU, and setback requirements.

Staff recommends 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.

Contact: Rosie Dyste, Project Planner
Email: RDyste@SantaBarbaraCA.gov
Phone: (805) 564-5470, ext. 4599

Renee Brooke, City Planner and Rosie Dyste, Project Planner gave the Staff presentation. Jerry Hittleman, Consulting Senior Planner and Joe Poire, Fire Prevention Division Chief, were available to answer questions.

Public comment opened at 3:02 p.m.

The following person spoke in support:
1. Catherine McCammon (submitted written letter) spoke in support, but had concerns regarding ADUs in high-fire areas and requested a review of the high-fire hazard area mapping for accuracy. She spoke of issues regarding increased traffic, parking, water supply, and sewage capacity impacts to neighborhoods. She supported the maximum unit size of 600 square feet for neighborhood compatibility. She supported the owner-occupancy requirement and the prohibition on short term rentals, but she expressed concerns for long-term enforcement.

The following people spoke in opposition or with concerns or recommendations:
1. Jarrett Gorin (also speaking for April Palencia, Michael Ober, and Katie McDowell) spoke of concerns regarding the proposed ADU Ordinance amendments in violation of State Law; he stated that State Law requires the City to allow ADUs in multi-family zones and commercial
zones, not just single-family and duplex zones within the City. He observed that the single-family zones and duplex zones tend to lack access to transit. He opposed elements of the Ordinance that allowed relief from the ordinance’s standards through discretionary reviews, stating that such allowances violated the State Law mandate for ministerial review. He opposed the proposed limit to size of accessory dwelling units. He recommends further study on the proposed ADU Ordinance amendments before initiation.

2. Art Ludwig (also speaking for Aaron Musicant, Robert Rainwater, Terence Carfner, and Skye) promoted incorporating ADUs within the City’s existing environmental resources. He spoke of the environmental and economic benefits of ADUs. He spoke of concerns regarding the provision in the covenant that requires owners to agree to inspections of the property as a condition of developing an ADU. He suggested that bike parking should receive the same incentives as vehicle parking. He recommended an allowance for proportionally sized kitchen fixtures and recommended submetering of water consumption within the ADU instead of requiring a separate water meter between the ADU and the utility.

3. Vicki Allbrett spoke of concerns regarding proposed 600 square feet size limit imposed and impacts on her own proposed ADU structure, and asked questions about how the ADU Ordinance will apply to applicants who are already in the process.

4. Paul Zink, local architect and former ABR/SFDB member, spoke of concerns regarding prior difficulty of ADU design reviews and recommended more community input and study (including consultation with the state HCD) before proceeding with the ADU Ordinance recommendations. He expressed his support for allowing Junior ADUs.

5. David Kim (also speaking for Santa Barbara Association Of Realtors) urged simplifying the process for creating ADUs; allowing ADUs in R3, R4, and commercial zones; increasing the maximum unit size allowed to at least 800 square feet; no minimum lot size requirement (even if the lot is non-conforming to existing zoning); and including Junior ADUs.

6. Everett Woody spoke of parts of the ADU Ordinance in violation of State Law, including limits in high-fire areas, prohibited parking in front setbacks, architectural review, recording easements, and sub-meter issues. He clarified that State Law states that ADUs are not separate residences for purposes of utility connections and metering.

7. Andreas Blomst spoke of issues regarding limiting ADUs to 600 square feet, administrative design and covenant, and short-term rental limits and not being able to keep ownership without rental fees.

8. Suzanne Elledge (also speaking for Holly Garcin) spoke in support of ADUs but raised concerns with the proposed ADU Ordinance; questioned the general prohibition of ADUs in the high-fire area as some sites within it do not have limited access or safety issues, have sufficient available parking, and are larger size parcels that can accommodate ADUs; questioned the restriction of ADUs to only 600 square feet and encouraged consideration of using a sliding scale based on parcel size; strongly advocated for the City to embrace this opportunity and pass a local ordinance that fully effectuates the intent of SB 1069; believes this provides a unique opportunity to put a dent in our housing crisis and that ADUs have the potential to address in a meaningful way the housing needs of our own citizens by creating hundreds of small units over a short period of time; and stated that this kind of housing creates units for kids home from college who are transitioning to life on their own, middle-income workforce, young people who have outgrown their willingness to have multiple roommates, and older people who would like to remain on their property in a smaller space and make their larger home available to a family.

9. Richard Box spoke of concerns regarding $12,000 water meter cost, and recommended the proposed ADU Ordinance be sent back to staff for more review and to streamline the process for applicants.
10. Paul Poirier spoke of the following revisions to the ADU Ordinance: allow ADUs in multi-family zones to add diversity; 600 square feet is too small, 750-800 square feet is better; allow parking in existing driveways and remove the planting buffer for existing driveways; and allow under-counter refrigerators and smaller appliances. He appreciated the allowance for private sub-meters for water instead of requiring a new City meter for water.

11. Mark Sapp spoke of concerns that he would not be allowed to build his proposed ADU according to the current ADU Ordinance amendments because he has an R-4 lot.

12. Nancy Mulholland spoke of concerns that the current ADU Ordinance amendments violate State Law and regarding issues of excluding from R3 and R4 zones and on lots less than 5,000 square feet. She also raised concerns about how the ADU Ordinance will apply to applicants who are already in the process.

13. Natalie Cope-Phillips, local architect, spoke of concerns that multi-family zones should be included in the ADU Ordinance, and recommended further revisions to the ADU Ordinance.

14. Kevin Dumain, AIA, spoke against restrictions and requirements for ADUs and of the need to allow homeowners to build to suit their needs and budgets.

15. Cassandra Ensberg spoke against the prohibition against ADUs in front yards. She recommended decisions based on the best location for the specific project site.

16. Mark Edwards, local builder, spoke of concerns of proposed ADU Ordinance limits to available housing, and recommended further review of the ADU Ordinance.

17. Eve Sanford spoke of concern about limited available amenities if ADUs are limited to outer inaccessible areas and about honoring the City’s multi-modal transportation goals of the Bicycle Master Plan with a reasonable parking plan.

18. Rex Ruskauflf stated that revisions to ADU Ordinance should be of the date of adoption and not retroactive, and recommended further review of the ADU Ordinance. He recommended that the Planning Commission direct staff to submit the proposed ADU Ordinance to HCD for comments.

19. Anna Marie Gott reminded the Commission that the ADU Ordinance’s goal is to supply lower-cost housing, and spoke of concerns regarding limits to short-term rentals and the need for longer-term leases. She raised concerns about night-time resident parking in neighborhoods near the Santa Barbara Bowl.

20. Adam Grosshans, AIA, spoke of concerns regarding proposed ADU size limits in the ADU Ordinance and spoke against minimum lot sizes, which limits families, who cannot afford larger lots and homes, to living in smaller units.

21. Clay Aurell, local architect, spoke of concerns that the ADU Ordinance amendments are not in compliance with State Law. He finds the draft ADU Ordinance restricts development.

22. Barbara Bastioni spoke against the prohibition against ADUs in high-fire zones, and promoted the economic advantages of ADUs.

23. Denise Adams stated that the State Law allows the City to consider street width for high-fire areas for public health and traffic safety, but argues against a blanket prohibition within high-fire hazard areas. She finds the ADU an opportunity to address unpermitted housing. She raised issues about water meters and sewer connection issues and will follow up on those issues.

24. Maria Friedmann finds the water meter requirement economically prohibitive and the maximum size to be too restrictive.

25. Nick Koonce spoke against ADU restrictions, including kitchen requirements. He promoted the consideration of JADUs.

26. Jason Yardi spoke against applying the proposed ADU Ordinance to units already in the process. In addition, he finds the covenant to be onerous.
The following people provided written public comment and were acknowledged:
1. Helen Couclelis
2. Nancy Mulholland
3. Fred Sweeney
4. Paul Zink
5. Thomas McNair
6. Jim Heaton
7. Dennis Thompson
8. Tom Jacobs
9. Patricia Kohlen
10. Bob Hart

Public comment closed at 4:36 p.m.

Point of Order: Chair Higgins stated he would be leaving the hearing by 6:00 p.m., and he requested the Commission give procedural and content questions and comments.

Commissioner Campanella suggested that the Commissioners provide general questions first, and then comments by topic for clear direction and eventual consensus on the major components of the Ordinance.

Ms. Brooke stated that any later amendments to adjust for future legislation would be made as necessary. As this hearing was the first public hearing, she felt it was too early in the process to submit the draft ordinance to the State Housing Community Development (HCD) department for input and comment, but stated that staff could accommodate the Commission’s request to submit a draft of the ADU Ordinance amendments to the HCD, if they should choose to comment.

Mr. Vincent clarified for the Commission and the public that the proposed ADU Ordinance does not allow short-term rentals of ADUs.

Commissioner comments:

Commissioner Schwartz recommended first sending the current draft ADU Ordinance to the State Housing Community Development (HCD) department as a reliable screening resource for staff and the Commission. She also commented that Senate Bill 229 and other housing bills will be reviewed by the Governor that will severely impact local municipalities’ ability to regulate and enforce amendments. She recommended waiting for further State Law changes before adopting local ADU regulations.

Mr. Vincent clarified for Commissioner Lodge that he would not present an Ordinance to the Commission that violated State Law, but there are allowances within the law for adoption of local regulations, which staff is recommending in this Ordinance.

Mr. Poire clarified for Commissioner Lodge that the high-fire hazard zones identified by the proposed Ordinance are acceptable and promote public health and safety, acknowledged reliance on Planning staff to accurately identify these zones, recognized that there are very strong public feelings and opinions on restrictions within these identified zones, and stressed the importance of safe emergency access to these areas. Commissioner Schwartz suggested
comparison and contrast between state fire and local needs and invited comment from the Fire Chief Patrick McElroy.

Commissioner Campanella suggested that some analysis of the type of projects submitted may be useful, so that some possible trends might be observed.

Chair Higgins suggested the following 12 general issues for Commission comments:
1. Allowable Zones
2. High-Fire Hazard Areas
3. Lot Size
4. Allowable Floor Area of Units
5. Development Standards (height, setbacks, fees, etc.)
6. Parking Requirements and Exceptions
8. Location on the Lot (structures in front, rear, etc.)
9. Junior ADUs
10. Owner Occupancy and the Covenant Requirement
11. Timing
12. Utility Connections and Fees (water, sewer, etc.)

1. Allowable Zones:

Commissioner Thompson asked why staff determined to eliminate the R-M Zone and R-MH Zones when the State Law states “any family residential zone.” Commissioners Jordan, Wiscomb, Lodge, and Campanella concurred with Commissioner Thompson in asking why these zones are excluded, and why not allow ADUs in the downtown core areas closer to transit and work areas.

Commissioner Jordan requested clarification of the section of the State Law that mentions under “Primary Intent ... is containing one single residential unit in zones that allow residential development.”

Commissioner Campanella concurred with the inclusion of multi-family zones and asked to also include commercial zones. City Council discussions and Housing Task Force meetings indicate that existing units are providing affordable housing, and the ability to retain these kind of structures in any zone that allows housing is a benefit, unless impact is created on the neighborhood and other uses on the property by providing one additional unit. A number of potential Structures of Merit are located in multi-family areas, and this inclusion would be a method of being less imposing on them by allowing a detached additional unit at the rear rather than allowing the additional density of an apartment building complex. Without undermining other policies, there is room to provide housing with ADUs, and less expensive rentals, in any lot in the City that allows housing with a house on it.

Commissioner Lodge concurred that it is reasonable to consider ADUs in multiple zones on lots developed with a single-family house, per the State Law.

To provide the right kind of housing, Commissioner Schwartz questioned not including other zones where residential use is allowed, the limitation to certain zones, and
suggested other zones for consideration, such as commercial and office zones, manufacturing zones, and coastal-oriented zones.

Chair Higgins requested more input from the Coastal Commission regarding ADUs in coastal zones.

2. **High-Fire Hazard Areas:**

Chair Higgins asked Mr. Poire if he would prefer the Commission consider more refined tools or factors more specific to response times and road widths rather than high-fire zones. Mr. Poire clarified that the zones are partly state-mandated, and that road widths and response times are factors, among others, in determining high-fire areas. He also stated that another approach would be to use evacuation blocks that are driven by a new “reverse 9-11” system, which factors in geographic and density constraints within certain areas and allows for more orderly evacuations by zone or multiple zones.

Commissioner Schwartz also concurred that more refined tools are needed, and requested feedback from the Fire Department on whether the more generalized high-fire areas could be refined with a more strategic approach to include micro-neighborhoods or differentiated street-to-street areas to determine areas of greater to lesser concern for public safety. She also suggested that Mr. Poire seek feedback from the Department of Forestry and Fire Protection (CALFIRE) for their interpretation of high fire zones relative to housing development.

Commissioner Lodge commented that ADUs should not be allowed in high-fire zones.

3. **Lot Size and Allowable Floor Area:**

Commissioner Wiscomb suggested exploring a sliding scale concept of lot size and unit size, which might be a more appropriate approach to determine areas of greater to lesser concern and would provide the opportunity to include smaller lots.

Commissioner Thompson commented that he did not understand the rationale for minimum lot size limits, and that a legal single-family residence on a single lot should be included regardless of the smaller size. He suggested a sliding scale limit percentage of the existing building or percentage of the lot size up to 1200 square feet as listed in the State Law, and Chair Higgins concurred.

Commissioner Jordan suggested a sliding scale either above or below a 5,000 square foot lot size limit, as a percentage of the lot square footage for a more reasonable relationship of lot size versus development on the lot. He observed that the 600 square foot limit is too small for a lot size relationship to the primary residence, that requiring a modification may be a barrier and not within the intent of the law, that a middle ground may be lot size relationship to the primary residence, and suggested a 750-900 square foot unit maximum as a starting point before reviewing other criteria.

Commissioner Wiscomb also concurred that the use of a sliding scale is very appropriate, and that ADUs should be included in the floor-to-lot area ratio (FAR) calculations.
Commissioner Campanella concurred that a sliding scale either above or below a 5,000 square foot lot size limit would be an improvement when reviewing multi-family zones, which may have smaller lot sizes than single-family lots. He concurred that a flexible sliding scale to the State Law and a 50% factor to primary unit size are supportable scales of measurement rather than using lot sizes. Commissioner Campanella also requested more information regarding FAR calculations for primary and secondary units, and the State Law distinctions between single-family zones that require FARs and multi-family and commercial zones, which may not require FARs.

Commissioner Schwartz suggested working with the Santa Barbara Chapter of the American Institute of Architects (SBAIA) on the proposed amendments to the Ordinance.

5. Development Standards (height, setbacks, fees, etc.):

Commissioner Jordan would like clarification on staff’s determination that ADUs be “subordinate” to other buildings on the lot. Commissioner Campanella concurred.

Commissioner Schwartz stated that further analysis and comparison with the State Law is needed for defining the term “subordinate” on page 4 of the proposed ADU Ordinance, “Proposed Accessory Dwelling Unit Ordinance”: “...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.” In her assessment, State Law cannot be interpreted for detached units subordinate to the primary structure in terms of some of the development standards, and thus further analysis and comparison with State Law is merited.

6. Parking Requirements and Exceptions:

Commissioner Wiscomb suggested having the screening component for tandem parking be covered by a waiver from the Community Development Director.

Chair Higgins would like staff to consider more flexibility with regard to allowing parking in setbacks as replacement parking, if not located near a transit stop.

Commissioner Campanella suggested staff also consider allowing parking in a tandem position in existing driveways within setbacks, as allowed by State Law.

Commissioner Schwartz concurred for staff to consider allowing parking in a tandem position in existing driveways within setbacks, but had some reservations on how to provide screening for such parking in compliance with hedge or fence ordinance requirements, yet still be able to allow smaller lots to have landscaping, access to garages, etc.

7.a. Process of Design Review:

Commissioner Jordan had some concerns regarding the ministerial process of design guidelines and their application, and requested more information on the process of merging ADU analysis into the design review process, either by checklist (preferably) or by other methods.
As no discretionary review is allowed, Commissioner Thompson questioned the role and application of guidelines in any ministerial review, especially since the Single Family Design Board has expressed concerns and confusion regarding their responsibilities and purview on ADU projects.

Commissioner Schwartz concurred that a checklist for the process of merging ADU analysis into the design review process would be helpful as long as it is not a discretionary review, which is not allowed under State Law. She also recommended that staff study allowing a solitary person, such as the chair of a design review entity, to review the architectural and design aspects of ADU projects for recommendations, similar to the Montecito Board of Architectural Review.

Chair Higgins interpreted discretionary review to involve public noticing and public hearings, and recommended staff push forward with the design review checklist or design-related review without involving discretionary review and without sacrificing existing high standards for improvements to properties.

Commissioner Thompson and Commissioner Campanella suggested staff utilize the recommended 19-item checklist provided by Fred Sweeney, architect, as a guidance for ministerial review, which might not affect the ability to produce supportable units. [For the record, it should be noted that checklist was submitted by Mr. Sweeney as an individual and not as an SFDB Board Member.]

7.b. **Analysis of Historic Structures:**

Commissioner Campanella requested clarification on the language distinguishing between a second ADU unit and the main unit with regard to review for any adverse change to the significance of an historic resource. He concurred that clarification is required for "shall not" language in the determination of what is historic, and whether it might be possible to accelerate the determination by the Historic Consultant of potential Structures of Merit units to the category of Structures of Merit as part of the application.

Ms. Brooke clarified for Commissioner Campanella that a review for potential adverse change to a significant historic resource would apply to either the main unit or the ADU, whichever structure has been deemed significant. Chair Higgins requested general information on historic districts for ADUs.

Commissioner Schwartz requested clarification from staff on how the proposed regulations relate to, support, or are different from some of the language in the State Law, which simply references any real property that is listed in the California Register of Historic Places. We should tighten up some definitions and determine what is allowed under State Law and what makes sense for Santa Barbara.

8. **(Skipped category) Location on the Lot (structures in front, rear, etc.)**

9. **Junior ADUs:**

The Commission generally concurred that a closer look at allowing Junior ADUs is warranted.
10. **Owner Occupancy and the Covenant Requirement:**

Commissioner Thompson questioned how the Ordinance requirement for owner occupancy in the covenant can be enforced.

Commissioner Campanella commented that enforcement may be possible for (secondary) accessory dwelling unit applications that must be rentals without precluding the requirement for the owner to also live in the unit, which he did not agree should still be required. Chair Higgins concurred and requested information on how many of the parcels in the allowed zones are currently owner-occupied so that an assessment can be made.

Commissioner Schwartz is also interested in this data, mentioned that next Tuesday the County Board of Supervisors will be reviewing homeowner exemptions separate from covenants, and suggested review of such tools to weigh against the collected data.

Commissioner Jordan concurred, observing that requirements for owners to live in the unit is more of a fearful reaction than a pro-active reaction, and commented on lost opportunities for lots that can absorb the impacts to add another housing unit against others that cannot.

11. **Timing:**

Chair Higgins commented on the need for a better understanding of ADU applications in the pipeline, and how long ADUs will take through the review process before a determination can be made on the effective date of the ADU Ordinance, including application delays, the reality of the 120-day duration, and requested plan check corrections. He requested staff ask State Housing Community Development (HCD) department how often it can be available to the Commission to answer questions during this ADU Ordinance review process.

Commissioner Jordan recommended sending the draft ordinance to HCD for input before the next hearing, and requested a presentation from staff on pending legislation that may contradict or affect current information so that the Commission may pose pertinent questions and comments prior to legislation taking place and City Ordinance Committee review. He also requested clarification of Ordinance Section 30.185.040.S, regarding ADU applications meeting open yard requirements; and of Section K.3 regarding the requirement for ADUs to conform to residential standards and the lack of flexibility in these requirements (i.e., living room, dining room, bathroom, kitchen, refrigerator dimensions, etc. requirements).

12. **Utility Connections and Fees (water, sewer, etc.):**

Commissioner Campanella requested a better understanding and the ramifications of meter fees, connection fees, and property tax assessments.

Commissioner Thompson requested more discussion, documentation, and factors driving covenants that property owners are being required to execute in order to get the privilege of ADUs.
Commissioner Schwartz requested staff return with an explanation of fee structures in light of the State Law, and spoke of the concern that HCD continues to have regarding high fee structures (for connections to utilities and fees) that in essence make ADL permitting prohibitively costly, and how can we streamline the regulatory process to truly promote needed housing. Commissioner Wiscomb expressed appreciation to staff and interested parties toward the goal of an improved ADU Ordinance.

Ms. Brooke stated that, given the amount of follow-up work necessary and other workload priorities, the proposed amendments to the Municipal Code to regulate ADUs would come back to the Planning Commission in November.

**MOTION: Thompson/Jordan**
Continue indefinitely the discussion of the proposed Accessory Dwelling Units (ADU) Ordinance.

This motion carried by the following vote:
Ayes: 6  Noes: 0  Abstain: 0  Absent: 1 (Higgins)

IV. **ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 5:33 P.M.**

A. Committee and Liaison Reports:

1. Staff Hearing Officer Liaison Report

   No report given.

2. Other Committee and Liaison Reports

   a. Commissioner Campanella reported on the Architectural Board of Review meeting of August 28, 2017, specifically regarding the continued Average Unit Density Incentive (AUD) Program project at 835 E. Canon Perdido St.

   b. Commissioner Lodge reported on the Historic Landmarks Commission meeting of September 6, 2017, specifically regarding the joint City and Santa Barbara County Assoc. of Governments (SBCAG) project at the intersection of the 1700 Block East Cabrillo Blvd. and Los Patos Way.

   c. Commissioner Thompson also reported on the Historic Landmarks Commission meeting of September 6, 2017, specifically regarding the design of the AUD Program project at 214 E. De La Guerra St.

V. **ADJOURNMENT**

Vice Chair Wiscomb adjourned the meeting at 6:06 p.m.
CITY OF SANTA BARBARA
CITY COUNCIL MINUTES

REGULAR MEETING
OCTOBER 24, 2017
COUNCIL CHAMBERS, 735 ANACAPA

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:02 p.m. (The Finance Committee met at 12:30 p.m. The Ordinance Committee, which ordinarily meets at 12:30, did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Jason Dominguez, Gregg Hart, Frank Hotchkiss, Cathy Murillo, Randy Rowse, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator Paul Casey, City Attorney Ariel Calonne, City Clerk Services Manager Sarah Gorman.

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring October 23rd-October 31st, 2017, As Red Ribbon Week (120.04)

PUBLIC COMMENT

Speakers: Janella Marie V. Ejercito; Sister Cities organization; Phil Walker; Wayne Scoles; Karissa Fenaiioio; Jeff Shaffer; Gabby Rodriguez; Brittany Bland-Boyd, Equity for SB; Tom Widroe, City Watch; Milt Hess, Library Board; Clint Orr; Denice S. Adams; Anna Campbell.

CONSENT CALENDAR (Item Nos. 2 - 12)

The titles of the ordinances and resolutions related to Consent Items were read.

EXHIBIT C
Motion:
Councilmembers White/Rowse to approve the Consent Calendar as recommended.

Vote:
Unanimous roll call vote.

2. **Subject: Minutes (000.00)**

Recommendation: That Council waive reading and approve the minutes of the regular meetings of July 25 and October 3, 2017.

Action: Approved the recommendation.

3. **Subject: Introduction Of Ordinance For 2017-2019 Treatment And Patrol (TAP) Memorandum of Understanding (440.02)**

Recommendation: That Council Ratify the Memorandum of Understanding between the City and the Service Employees' International Union, Local 620, Airport and Harbor Patrol Officers' and Treatment Plants' Bargaining Units, for the period of October 1, 2017 through September 30, 2019, by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Adopting the 2017-2019 Memorandum of Understanding Between the City of Santa Barbara and the Patrol Officers' and Treatment Plants' Bargaining Units (TAP Units).

Action: Approved the recommendation (October 24, 2017, report from the City Administrator's Office; proposed ordinance).

4. **Subject: Adoption Of An Ordinance For A Lease Agreement With Lisa Clagg and Shawna Franks, Doing Business As Harbor Market (570.03)**

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Waterfront Director to Execute a Lease Agreement with Lisa Clagg and Shawna Franks, Doing Business as Harbor Market For a Term of Five Years With One Five Year Option, For the Premises Located at 125 Harbor Way, Suite 8, Commencing Upon the Effective Date of the Enabling Ordinance.

Action: Approved the recommendation; Ordinance No. 5808; Agreement No. 26,003 (October 24, 2017, report from the Waterfront Director).

5. **Subject: Fiscal Year 2018 Interim Financial Statements For The Two Months Ended August 31, 2017 (250.02)**

Action: Approved the recommendation (October 24, 2017, report from the Finance Director).

6. **Subject: Fiscal Year 2017-2018 Agreement For Operation Of A County-Wide Library System (570.04)**

Recommendation: That Council approve and authorize the City Administrator to execute an Agreement For Operation of a County-wide Library System for Fiscal Year 2017-2018 between the County of Santa Barbara and the Cities of Santa Barbara, Santa Maria and Lompoc.

Action: Approved the recommendation; Contract No. 26,004 (October 24, 2017, report from the Library Director).

7. **Subject: Fiscal Year 2019 Human Services And Community Development Block Grant Funding Process And Adoption Of Community Development And Human Services Committee Bylaws (610.05)**

Recommendation: That Council:
A. Authorize staff to solicit proposals for Human Services and Community Development Block Grant (CDBG) grants for Fiscal Year 2019;
B. Approve the proposed application review process and provide direction to the Community Development and Human Services Committee (CDHSC) on funding criteria and priorities;
C. Establish a minimum grant amount of $9,000 for Human/Public Services Grants;
D. Establish a funding commitment for Fiscal Year 2019 from the General Fund in the amount of $726,150 for the Human Services Program; and
E. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara adopting Bylaws for the Community Development and Human Services Committee, and rescinding Resolution No. 07-081.

Speakers:
- Members of the Public: Tom Widroe, City Watch.

Action: Approved the recommendations; Resolution No. 17-103 (October 24, 2017, report from the Community Services Director; proposed resolution).

8. **Subject: Sole Source Purchase Order For West Beach Dredging (570.03)**

Recommendation: That Council:
A. Waive the formal bid procedure as authorized by Municipal Code Section 4.52.070 (K), and authorize the General Services Manager to issue a
purchase order to Pacific Dredge Company for West Beach Dredging in an amount not-to-exceed $722,626;
B. Increase appropriations by $722,626 from reserves above policy in the Waterfront Operating Fund and authorize a transfer of such funds to the Harbor Preservation Capital Fund; and
C. Increase appropriations and estimated revenues in the Harbor Preservation Capital Fund funded from a transfer from the Waterfront Operating Fund for the West Beach Dredging Project.

Action: Approved the recommendations (October 24, 2017, report from the Waterfront Director).

9. **Subject: Approval Of Purchase Order For Large Venturi Water Meters (540.06)**

Recommendation: That Council:
A. Find it to be in the City's best interest to waive the formal bidding process as authorized by Municipal Code Section 4.52.070(L), Best Interest Waiver, and approve the purchase of Venturi water meters manufactured by Primary Flow Signal, Inc.;
B. Approve the addition of Primary Flow Signal Venturi meters to the Water Resources Standard Equipment list, which was approved by Council on November 22, 2016;
C. Authorize the General Services Manager to issue a Purchase Order to Primary Flow Signal, Inc., for $167,648.23, plus an approximate 10 percent contingency of $16,800, for the purchase of three Venturi meters; and
D. Authorize the transfer of $185,000 of appropriations from the Drought Fund to the Water Meter Replacement Program in the Water Capital Fund.

Speakers:
- Staff: Catherine Taylor, Water Systems Manager.

Action: Approved the recommendations (October 24, 2017, report from the Public Works Director).

10. **Subject: Receipt Of California Fire Safe Council Grant For Wildfire Mitigation (520.03)**

Recommendation:
A. Accept a grant in the amount of $17,500 from the California Fire Safe Council to complete 20.5 acres of vegetation hazard reduction within the Wildland Fire Suppression Assessment District; and
B. Increase appropriations by $35,000 in FY 2018 and estimated revenues by $17,500 in FY 2018 in the Fire Department's Wildland Fire Suppression Assessment District Fund budget.
Action: Approved the recommendations (October 24, 2017, report from the Fire Chief).

11. **Subject: Accept Donation Of Personal Watercraft From Alexander McGeever (570.05)**

Recommendation: That Council accept a donation of a personal watercraft (jetski) to be used by trained lifeguards when providing aquatic safety services during special events.

Action: Approved the recommendation (October 24, 2017, report from the Parks and Recreation Director).

**NOTICES**

12. **Subject: The City Clerk has on Thursday, October 19, 2017, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet. (000.00)**

This concluded the Consent Calendar.

**REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Gregg Hart reported that the committee met today to discuss the Fiscal Year 2017 Preliminary Year-End Results and unanimously voted to recommend the year-end surplus be allocated 100% to capital projects.

**CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

**FINANCE DEPARTMENT**

13. **Subject: Fiscal Year 2017 Preliminary Year-End Results – General Fund (210.01)**

Recommendation: That Council:
A. Hear a report from staff regarding the preliminary year-end results for the General Fund for the Fiscal Year Ended June 30, 2017; and
B. Provide direction to staff regarding the allocation of the year-end surplus between the capital program and policy reserves, as necessary.

Documents:
- October 24, 2017, report from the Finance Director.
- PowerPoint presentation prepared and made by Staff.
Speakers:
- Staff: Finance Director Robert Samario.

Motion:
Rowse/Hotchkiss to move the Finance Committee's recommendation to allocate 100% of the year-end surplus to the capital program.

Vote:
Unanimous roll call vote.

FIRE DEPARTMENT

14. Subject: Presentation On Reverse 9-1-1 And Everbridge Emergency Call Back Systems (520.03)

Recommendation: That Council receive an oral presentation from the Fire Chief regarding the status of the local Reverse 9-1-1 and Everbridge emergency call back systems.

Documents:
- October 24, 2017, report from the Fire Chief.
- PowerPoint presentation prepared and made by Staff.

Speakers:
- City Staff: Fire Chief Pat McElroy; Emergency Services Manager Yoli McGlinchey.
- County Staff: Santa Barbara County Emergency Management Director Robert Lewin; Santa Barbara County Fire Chief Eric Peterson.
- Members of the Public: Ted Adams, Santa Barbara County Fire Staff Council; Ray Smith, Mission Canyon Association; Loy Beardsmore, Eucalyptus Hill Improvement Association.

The Mayor and Council listened to the presentation and provided comments.

PUBLIC WORKS DEPARTMENT

15. Subject: Introduction Of Ordinance For Assignment Of State Water Project Contract To The Central Coast Water Authority (540.1)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving and Authorizing the Execution of the Second Amendment to the Water Supply Agreement between the City of Santa Barbara and Central Coast Water Authority, and Approving and Authorizing the Execution of the First Amendment to the Joint Exercise of Powers Agreement Creating the Central Coast Water Authority.

Documents:
- October 24, 2017, report from the Public Works Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:
- Staff: Water Supply Manager Kelley Dyer.
- Central Coast Water Authority: Executive Director Ray Stokes.

Motion:
Councilmembers White/Hotchkiss to move the recommended actions.

Vote:
Majority roll call vote (Abstain: Councilmember Hart).

PUBLIC HEARINGS

16. Subject: Zoning Ordinance Amendment For Accessory Dwelling Units (660.01)

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.

City Administrator Paul Casey announced that he was recusing himself from the item due to his ownership of property with a pending ADU application. He left the meeting at 4:15 p.m.

RECESS
4:15 – 4:28 p.m.

Documents:
- October 24, 2017, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- Final approved September 7, 2017 Planning Commission minutes.
- Accessory Dwelling Unit covenant.
- October 18, 2017, letter from AIA SB.
- October 18, 2017, letter from Mark Lloyd.
- October 22, 2017, letter from Vicki Hill.

Speakers:
- Staff: City Planner Renee Brooke; Assistant City Attorney Scott Vincent; Fire Marshal Joseph Poire; Water Supply Manager Kelly Dyer.
- Members of the Public: Gothie Winiger, Jarrett Gorin, Vanguard Planning; Dan Johnson; Valerie Frosher; Paul Zink; Sheila Lodge; Suzanne Elledge; Steve Fort, Coastal Housing Coalition; Sarah Griffin; Cassandra Ensberg, AIA SB; Tom Jacobs, AIA SB; Nick Koonce; Andreas Blomst; Anna Marie Gott; June Pugo, PEA; Ellen Bildsten, AIA Advocacy; Eve Sanford, SB Bike; Richard Box, Mesa; Reyne Stapelmann; Cissy Ross; Alex Pujo; Mark Lloyd; Kevin Dumain; Everett Woody; Denice Adams; Clay Amrell; Stephanie Poole, AIA.

Councilmembers provided directions on topics including, but not limited to, water submeters, parking, owner occupancy, FAR and minimum lots size, fire areas, and junior Accessory Dwelling Units.

Motion:
Councilmembers White/Rowse to Initiate an amendment to Titles 28 and 30 of the Santa Barbara Municipal Code, the Zoning Ordinance, establishing regulations for Accessory Dwelling Units; and 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.

Vote:
Unanimous roll call vote.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:
- Councilmember Rowse reported on his attendance at AIA Charrette.
- Councilmember Murillo reported on: 1. her attendance at the AIA Charrette; 2. congratulated the Special Olympics for their dinner and thanked firefighters for their support; and 3. her attendance at the Community Choice Energy meeting.
- Councilmember Dominguez reported on his attendance at the Hospitality Santa Barbara Board of Directors.
- Councilmember White reported on 1. his attendance at the AIA Charrette; and 2. discussed his attendance at the COMB meeting.

PUBLIC COMMENT (IF NECESSARY)

CLOSED SESSIONS

17. Subject: Conference With City Attorney – Anticipated Litigation (160.03)
Recommendation: That Council hold a closed session to consider initiating litigation pursuant to subsection (d) (4) of Section 54956.9 of the Government Code and take appropriate action as needed (one potential case).
Scheduling: Duration, 30 minutes; anytime
Report: None anticipated

This item was continued to a meeting at an unspecified date.

18. **Subject: Conference With Labor Negotiator (440.05)**

Recommendation: That Council hold a closed session pursuant to the authority of Government Code Section 54957.6 to consider instructions to City negotiator Kristine Schmidt, Administrative Services Director, regarding negotiations with Santa Barbara City Firefighters Association.
Scheduling: Duration, 30 minutes; anytime
Report: None anticipated

This item was continued to a later meeting.

**ADJOURNMENT**

Mayor Schneider adjourned the meeting at 7:59 p.m.

Approved and adopted by the City Council of the City of Santa Barbara on November 14, 2017.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA

CITY CLERK'S OFFICE

ATTEST:

HELENE SCHNEIDER

MAYOR

SARAH GORMAN

CITY CLERK SERVICES MANAGER
Assembly Bill No. 494

CHAPTER 602

An act to amend Section 65852.2 of the Government Code, relating to land use.

[Approved by Governor October 8, 2017. Filed with Secretary of State October 8, 2017.]

LEGISLATIVE COUNSEL’S DIGEST

AB 494, Bloom. Land use: accessory dwelling units.

The Planning and Zoning Law authorizes a local agency to provide by ordinance for the creation of accessory dwelling units in single-family and multifamily residential zones, as specified. That law requires the ordinance to require the accessory dwelling unit to comply with certain conditions, including, but not limited to, that the accessory dwelling unit is not intended for sale separate from the primary residence and may be rented.

This bill would revise that condition to provide that the accessory dwelling unit may be rented separately from the primary residence.

Existing law provides that no setback be required for an existing garage that is converted to an accessory dwelling unit, as specified.

This bill also would provide that no setback be required for an existing garage that is converted to a portion of an accessory dwelling unit.

Existing law requires that parking requirements for accessory dwelling units not exceed one parking space per unit or per bedroom and allows required parking spaces to be provided as tandem parking on an existing driveway. Existing law also requires specified offstreet parking to be permitted for an accessory dwelling unit unless, among other things, that specified offstreet parking is not allowed anywhere else in the jurisdiction. 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, existing law allows, with specified exceptions, the replacement spaces to be located in any configuration, including as tandem parking, on the same lot as the accessory dwelling unit.

This bill instead would require that parking requirements for accessory dwelling units not exceed one parking space per unit or per bedroom, whichever is less. The bill would define tandem parking for these purposes and would also allow replacement parking spaces to be located in any configuration if a local agency requires replacement of offstreet parking spaces when a garage, carport, or covered parking structure is converted to an accessory dwelling unit. This bill would remove the prohibition on specified offstreet parking where that parking is not allowed anywhere else in the jurisdiction.
Existing law requires ministerial, nondiscretionary approval of 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 and specified other conditions are met.

This bill would provide that for these purposes, an accessory structure includes a studio, pool house, or other similar structure. The bill would also authorize a city to require owner occupancy for either the primary or the accessory unit created through this process.

This bill would incorporate additional changes to Section 65852.2 of the Government Code proposed by SB 229 to be operative only if this bill and SB 229 are enacted and this bill is enacted last.

By increasing the duties of local officials with respect to land use regulations, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 65852.2 of the Government Code is amended to read:

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:

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(i) The unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed from the primary residence.

(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 an accessory dwelling unit or to a portion of an 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) (1) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on an existing driveway.

(2) Offstreet parking shall be permitted in setback areas in locations determined by the local agency, 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.

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

(x) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, or is converted to 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 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 an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall 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, including, but not limited to, a studio, pool house, or other similar 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. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.

(7) (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 the 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.

(6) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(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 of 1976 (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.

SEC. 1.5. Section 65852.2 of the Government Code is amended to read: 65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. 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.

(i) 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 may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.

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

(iv) The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 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 an accessory dwelling unit or to a portion of an 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, whichever is less. These spaces may be provided as tandem parking on a 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.

(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 or converted to 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 includes a proposed or 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 an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall 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 proposed or existing primary 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 proposed or existing primary residence or an 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 zone for single-family use 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, including, but not limited to, a studio, pool house, or other similar 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. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.

(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 by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating 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, special district, or water corporation 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, special district, or water corporation 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. The department may review and comment on this submitted ordinance.

(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 the 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.

(6) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(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 of 1976.
(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.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Senate Bill 229. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Senate Bill 229, in which case Section 1 of this bill shall not become operative.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.
Assembly Bill No. 2406

CHAPTER 755

An act to add Section 65852.22 to the Government Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 2016. Filed with Secretary of State September 28, 2016.]

LEGISLATIVE COUNSEL’S DIGEST

AB 2406, Thurmond. Housing: junior accessory dwelling units.
The Planning and Zoning Law authorizes a local agency to provide by ordinance for the creation of 2nd units in single-family and multifamily residential areas, as prescribed.
This bill would, in addition, authorize a local agency to provide by ordinance for the creation of junior accessory dwelling units, as defined, in single-family residential zones. The bill would require the ordinance to include, among other things, standards for the creation of a junior accessory dwelling unit, required deed restrictions, and occupancy requirements. The bill would prohibit an ordinance from requiring, as a condition of granting a permit for a junior accessory dwelling unit, additional parking requirements.
This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 65852.22 is added to the Government Code, immediately following Section 65852.2, to read:

65852.22. (a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:
(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.
(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:
(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:
(A) A sink with a maximum waste line diameter of 1.5 inches.
(B) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.
(C) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the junior accessory dwelling unit is in compliance with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

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

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to allow local jurisdictions the ability to promulgate ordinances that create secure income for homeowners and secure housing for renters, at the earliest possible time, it is necessary for this act to take effect immediately.
General Plan Policies Relating to Accessory Dwelling Units

2011 Land Use Element

LG6. Location of Residential Growth. Encourage new residential units in multi-family and commercial areas of the City with the highest densities to be located in the Downtown, La Cumbre Plaza/Five Points area and along Milpas Street.

Possible Implementation Actions to be Considered

LG6.5 High Fire Areas. Limit new residential development in the High Fire Areas by offering incentives and/or an option for property owners to transfer development rights from the High Fire Area to the High Density residential land use designations.

LG14. Low Density Single Family Zoned Residential Areas. Maintain and protect the character and quality of life of single family zoned neighborhoods as a low density residential community.

Possible Implementation Actions to be Considered

LG14.1 Study Lower Densities. In the steeper single family hillside areas classified as Major Hillside in the Open Space Element, study establishing densities as low as one dwelling unit for every ten or more acres due to such constraints as steep hillsides, need for excessive grading, fire, emergency access and evacuation, degradation of viewshed, ground-water recharge, and increased storm water run-off.

2012 Historic Resources Element

HR2. Ensure respectful and compatible development. Seek to ensure that all development within the City respects rather than detracts from individual historic and archaeological resources as well as the neighborhood and the overall historical character of the city. Assure compatibility of development, respect for the historical context of historical resources, and consideration of sustainable design alternatives where compatible.

Possible Implementation Actions to be Considered

HR2.1 Protect historic resources from harmful development. Development on parcels in proximity to historic resources shall be designed, sited and scaled to be compatible with their historic neighbor and with public enjoyment of the historic site. Construction activity in proximity to historic resources shall not damage or adversely impact the historic resources, and new structures themselves shall not pose a threat of either short or long-term damaging effects upon the historic resources.

HR2.5 Use appropriate measures. Measures to be implemented shall include assurances that such development is appropriately scaled, designed and sited, and provided with well-located open space and landscaping. Proportionately scale construction (addressing height, size, bulk, volume, etc.) adjacent to historic resources.

2013 Safety Element

Fire Hazards

S33. Fire Hazard Programs. The City shall continue to implement programs that reduce the risk of wildland and structure fires, and that minimize the short- and long-term effects of fires.

EXHIBIT E
a. Wildfire Risk Reduction. Continue to implement risk reduction measures identified by the Wildland Fire Plan, such as vegetation fuels management and vegetation chipping.

b. Limit Residential Development in High Fire Hazard Areas. Land use map designations limit residential density in High Fire Hazard Areas.

c. Wildland Fire Suppression Assessment District. Continue to implement wildfire risk reduction programs facilitated by the Wildland Fire Suppression Assessment District, such as vegetation management and homeowner education and assistance programs.


S34. Evacuation Routes. Development projects located in the Extreme Foothill and Foothill High Fire Hazard Zones shall be evaluated to determine if the project would have the potential to substantially affect emergency evacuation. A project would result in a substantial effect on evacuation if it would result in either of the following conditions:

a. Physically interfere with evacuation capabilities. A project could physically interfere with evacuation capabilities if it would reduce evacuation capacity by substantially decreasing the width of road or other access way, or result in the closure of a road or access way.

b. Add substantial additional evacuees to routes with limited capacity. A project could substantially reduce evacuation capacity if it would add a considerable amount of traffic to probable evacuation routes that do not meet current Fire Department roadway or access standards; or add a considerable amount of traffic to probable evacuation routes in relation to roadway capacity and evacuation traffic volumes reasonably expected to be generated by existing development in the project area.

2015 Housing Element

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.

Possible Implementation Actions to be Considered

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 s.f.);
- The square footage of the secondary dwelling unit shall be included in the floor-to-area ratio (FAR) for the entire property 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.