



**City of Santa Barbara**  
Planning Division

**Memorandum**

**DATE:** July 18, 2017

**TO:** Historic Landmarks Commission  
Single Family Design Board

**FROM:** Planning Division (805) 564-5470  
Rosie Dyste, Project Planner

**SUBJECT:** New Accessory Dwelling Unit Ordinance – Design Input

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**BACKGROUND**

Effective January 1, 2017, recently adopted state legislation (AB 2299 and SB 1069) nullified and voided the City's regulations for Secondary Dwelling Units in the single family zones (SBMC Section 28.94.030 [Z.]) and Accessory Dwelling Units in the R-2 zone (SBMC Section 28.18), now referred to as Accessory Dwelling Units (ADU) citywide. Until the City adopts its own ordinance, staff is required to ministerially approve ADUs if the unit complies with state requirements for ADUs including reduced parking, the maximum allowable size of an ADU, and setbacks (more detail provided in Table 1 below). The provisions of the state legislation also apply in the Coastal Zone but a proposed ADU may require a Coastal Development Permit (CDP) depending on the project type and location.

The City's Housing Element Policy H15 encourages ADUs as a means to provide additional rental housing in single family zones, while recognizing that Santa Barbara has unique characteristics that warrant some additional local oversight of these units. Under the City's former Secondary Dwelling Unit provisions (applicable until January 1, 2017), approximately 16 Secondary Dwelling Units were constructed in the City. Since January 1, 2017, the City has received over 140 building permit and pre-applications for ADUs and typically several new applications are submitted every day. This significant interest in permitting ADUs indicates that the City's previous regulations did not encourage or provide enough flexibility to develop an ADU and the relaxed regulations have made it a more feasible option. The majority of the applications received since January 1 are for conversions of existing garages and accessory structures to ADUs.

In compliance with state legislation, the City is proposing to amend the Municipal Code to adopt local regulations related to ADUs. The City has hired a consultant and is working on draft language for the ordinance, which will address aspects such as applicability within High Fire Hazard areas, zoning districts where ADUs are allowed, minimum lot size, and maximum unit size (please refer to Table 2).

The purpose of this memorandum is to summarize the required components of the ordinance authorized by state legislation and review the City’s proposed ADU regulations, which would provide local oversight of these units to the extent allowed by the state legislation. Staff is seeking input from design review bodies on the portions of the draft ordinance and administrative design review standards that can be regulated by the City, consistent with the state regulations.

**COMPLIANCE WITH STATE LAW**

The following regulations are governed by the state’s legislation and cannot be amended by the City<sup>1</sup>:

**Table 1: State ADU Requirements**

| <b>Topic</b> | <b>Required by SB 1069/AB 2299</b>  |
|--------------|---|
| Processing   | Must be processed within 120 days of receiving application  |
| Permitting   | Must be considered ministerially without discretionary review or a hearing  |
| Size         | <ul style="list-style-type: none"> <li>• Increased floor area of an attached ADU shall not exceed 50% of the existing living area</li> <li>• Total area of a detached ADU shall not exceed 1,200 square feet</li> </ul>               |
| Lot zoning   | The lot is zoned for single or multi-family use   |
| Lot contains | Existing single residential unit  |
| Access       | <ul style="list-style-type: none"> <li>• No passageway shall be required in conjunction with the ADU</li> <li>• ADUs within an existing single residential unit or accessory structure require independent exterior access</li> </ul> |
| Setbacks     | <ul style="list-style-type: none"> <li>• No setback shall be required for a legally permitted existing garage or other accessory building that is converted to an ADU</li> </ul>  |

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<sup>1</sup> Local governments can take a variety of actions beyond the statute that promote ADUs such as reduction in fees, less restrictive parking or unit sizes, or amending General Plan policies. The City can also impose development standards as long as they don’t unduly burden the development of ADUs.

| Topic                      | Required by SB 1069/AB 2299  |
|----------------------------|--|
|                            | <ul style="list-style-type: none"> <li>• 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</li> </ul>  |
| Parking Not Required       | <p>A local government cannot impose parking standards for an ADU under any of the following scenarios:</p> <ol style="list-style-type: none"> <li>1. ADU is within ½ mile of public transit stop; or</li> <li>2. ADU is located within an historic or architecturally significant district<sup>2</sup>; or</li> <li>3. ADU is contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building; or</li> <li>4. ADU is in a Permit Parking Area where on-street parking permits are required but not offered to the occupant(s) of the ADU; or</li> <li>5. When there is a carshare vehicle located within a walking distance of 500 feet (approximately 1 block) of the ADU.</li> </ol> |
| New or Replacement Parking | <ul style="list-style-type: none"> <li>• If parking is required, it shall not exceed one space per ADU or bedroom.</li> <li>• Off-street parking may be permitted in setback areas in locations determined by the City or in a tandem configuration, unless specific findings are made that it is not feasible or permitted anywhere else in the City</li> <li>• If existing parking is demolished in conjunction with the ADU and off-street parking is required by the City, the replacement parking may be configured as covered, uncovered, in a tandem configuration, or in a mechanical lift</li> </ul>  |
| Utility Fees               | ADUs 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  |
| Fire Sprinklers            | Not required if not required for primary residence   |
| Separate Sale              | Not allowed, may be rented for >30 days  |

## ALLOWABLE ADU DEVELOPMENT STANDARDS

Within the limitations listed above, the City can impose development standards such as parking, height, lot coverage, lot size, and maximum unit size as long as the standards do not unduly burden the development of ADUs. Also, ADUs can be precluded in areas with health and safety risks, such as high fire hazard areas, due to concerns of more

<sup>2</sup> For purposes of this provision, the City is proposing the El Pueblo Viejo Landmark District, Brinkerhoff Avenue Landmark District, and the Lower Riviera Special Design District (and any district hereafter created deemed to be architecturally and historically significant) to constitute architecturally and historically significant historic district within the City.

residents living in areas with roads that are non-conforming to current access standards and the higher risk to fire personnel and the public evacuating from a wildfire.

Proposed ADU Ordinance Standards

Where allowed per state regulations, the City is proposing the draft ADU ordinance to be consistent with current development standards for single- and two-unit residential zones. The standards the City is considering are to ensure that the ADU would be subordinate to the primary dwelling in terms of size, location, and appearance, as summarized in Table 2.

**Table 2: Draft ADU Ordinance Provisions**

| <b>Topic</b>                                   | <b>Draft Ordinance</b>   |
|--|--|
| Areas where ADUs are allowed                   | Single and two-unit residential zones  |
| Areas where ADUs are excluded                  | High Fire Hazard Zones <sup>3</sup> ; other areas with health and safety risks could be considered   |
| Minimum lot size                               | No less than 5,000 square feet   |
| Floor Area Minimum                             | 150 square feet for studio unit <sup>4</sup> ; 400 square feet for all other ADUs  |
| Floor Area Maximum                             | 600 square feet <sup>5</sup>   |
| Setbacks (except for special rules in Table 1) | Comply with setback standards applicable to residential units within the single and two-unit residential zones; considering additional setback standards for second floors |
| Height   | Considered limiting maximum height to 25 feet; height limitations for protection and enhancement of solar access would also apply  |
| Location                                       | Considering prohibiting detached ADU in front yard except for conversions of existing, legally permitted accessory buildings   |
| Parking (except where not required in Table 1) | One space per ADU or per bedroom   |

<sup>3</sup> Consistent with the City’s former Secondary Dwelling Unit regulations and Housing Element Policy H15.

<sup>4</sup> Consistent with state regulation that the minimum unit size must at least allow for an efficiency unit as defined in California Health and Safety Code.

<sup>5</sup> Consistent with the City’s former Secondary Dwelling Unit regulations.

| Topic                             | Draft Ordinance   |
|-----------------------------------|---|
| Parking Location (where required) | Covered parking: <ul style="list-style-type: none"> <li>• Comply with setback standards within the zone</li> </ul> Uncovered parking: <ul style="list-style-type: none"> <li>• Prohibit in front setback</li> <li>• Prohibit in front yard unless hidden from public view or adequately screened</li> <li>• Allow along the interior lot line with 3 feet wide planting area</li> </ul> |
| Architectural Review              | Administrative  |
| Protection for Historic Resources | ADU prohibited if it would cause a substantial adverse change in the significance of a historical resource, as determined by the Community Development Director by reviewing the proposal for compliance with appropriate Secretary of Interior's Standards   |

## ADMINISTRATIVE APPROVAL STANDARDS

Accessory dwelling units require administrative review and approval as a ministerial action by the Community Development Director or his/her designee. The City may develop and require compliance with adopted architectural standards for administrative review. Staff is in the process of developing project-specific design standards and is seeking input from design review bodies on the draft revisions to Part I, Section 3 of the Single Family Design Board General Design Guidelines & Meeting Procedures (please see Attachment, underlined revisions on page 6-8). The standards are intended to guide staff in our review of ADU proposals, similar to administrative review standards for other minor development proposals, as long as the proposed standards do not unreasonably restrict the ability of the homeowners to create ADUs, which would be contrary to the intent of the California Legislature.

## NEXT STEPS

Staff anticipates the draft ADU Ordinance will be released for public review in mid-August 2017. Planning Commission hearing, Ordinance Committee hearing, and City Council hearing are expected in late summer/fall of 2017.

Attachment: July 2017 Draft Revisions to Part I Single Family Design Board General Design Guidelines & Meeting Procedures.