

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING TITLE 28 OF THE SANTA BARBARA MUNICIPAL CODE TO ADD CHAPTER 28.86 TO REGULATE ACCESSORY DWELING UNITS IN THE COASTAL ZONE, AND AMENDING VARIOUS SECTIONS WITHIN TITLE 28 TO BE CONSISTENT WITH THIS INTENT

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 28 of the Santa Barbara Municipal Code is amended by adding Chapter 28.86 which reads as follows:

28.86.010 Purpose.

The purpose of this chapter is to:

- A. 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.
- B. Allow accessory dwelling units or junior accessory dwelling units as an accessory use to a primary residential unit, consistent with California Government Code Section 65852.2 or 65852.22 and the California Coastal Act, as applicable.
- C. 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 coastal resources; promote long-term sustainability; and contribute to a desirable living environment.

28.86.020 Definitions.

As used in this chapter, the following words and phrases shall have the following meanings:

- A. **Accessory Dwelling Unit.** An attached or a detached residential unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residential unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and be located on the same parcel that the primary residential unit is or will be situated. The following categories of accessory dwelling units are subject to specific development standards:

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1. ***Special Accessory Dwelling Unit.*** These are specific types of smaller accessory dwelling units and junior accessory dwelling units with certain size, height, and setback standards described in Section 28.86.090, Development Standards for Special Accessory Dwelling Units. Special accessory dwelling units allow for more than one accessory dwelling unit on a lot.
2. ***Standard Accessory Dwelling Unit.*** These are typically larger accessory dwelling units with size, height, and setback standards generally described in Section 28.86.055, Development Standards for Standard Accessory Dwelling Units. Standard accessory dwelling units do not allow for more than one accessory dwelling unit on a lot.

An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
 2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- B. Carshare Vehicle.** A motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization which provides hourly or daily car sharing service to its members.
- C. Efficiency Kitchen.** A kitchen that includes at a minimum:
1. Appliances for cooking food and refrigeration, either built-in or countertop.
 2. A sink for food preparation greater than 12 inches by 12 inches, excluding the sink located in the bathroom.
 3. A food preparation counter.
- D. Existing Floor Area.** A legally permitted building constructed on the site with a final inspection or certificate of occupancy as of the date of application submittal, that conforms to current zoning standards or is legal nonconforming as to current zoning standards.
- E. Junior Accessory Dwelling Unit.** A unit that is no more than 500 square feet in size and contained entirely within the existing floor area of an existing or proposed single residential unit. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing or proposed single residential unit and includes an efficiency kitchen.
- F. Passageway.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- G. Primary Residential Unit.** The existing or proposed residential unit on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted. The primary residential unit shall comprise one unit in either a single residential unit, two-

residential unit, multiple residential unit, or mixed use development (as those terms are defined in Section 28.04.020 of this title).

H. 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, or accessory dwelling unit, or junior accessory dwelling unit is the property owner’s 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. If multiple persons own the property as tenants in common or some other form of common ownership, a person or persons representing at least 50% of the ownership interest in the property shall reside on the property and maintain the property as a principal place of residence. Any person or persons who qualify for the homeowner’s tax exemption under the California State Board of Equalization rules, may qualify as an owner occupant.

28.86.030 Where Permitted.

- A. ACCESSORY DWELLING UNIT. An accessory dwelling unit may be permitted in any zone that allows residential use, located on a lot developed or proposed to be developed with one or more residential units, except as prohibited below.
- B. JUNIOR ACCESSORY DWELLING UNIT. A junior accessory dwelling unit may be permitted in any zone that allows residential use, and shall be located on a lot developed with an existing or proposed single residential unit.
- C. PROHIBITED LOCATIONS.
 - 1. No accessory dwelling unit shall be permitted in a location that would conflict with the coastal resource protection policies of the City’s Coastal Land Use Plan.
 - 2. No accessory dwelling unit shall be permitted on a lot located within the High Fire Hazard Area (Extreme Foothill and Foothill) or as subsequently amended for consistency with state-level Fire Hazard Severity Zone mapping terminology as defined in the City’s Community Wildfire Protection Plan adopted by City Council.
 - a. Exception for Special Accessory Dwelling Units. Accessory dwelling units permitted in accordance with all the configuration, standards, and special procedures outlined in Section 28.86.090, Development Standards for Special Accessory Dwelling Units, may be permitted on any lot, including lots located within any High Fire Hazard Area (Extreme Foothill and Foothill) or as subsequently amended for consistency with state-level Fire Hazard Severity Zone mapping terminology as defined in the City’s Community Wildfire Protection Plan adopted by City Council, if the lot is

zoned to allow for residential use and contains an existing or proposed primary residential unit.

28.86.035 Unit Configuration.

- A. Only one accessory dwelling unit or junior accessory dwelling unit shall be permitted on a lot in addition to the primary residential unit, pursuant to this Chapter. However, multiple accessory dwelling units may be permitted in accordance with all the configuration, standards, and special procedures outlined in Section 28.86.090, Development Standards for Special Accessory Dwelling Units.
- B. An accessory dwelling unit may be permitted in the following configurations:
 - 1. Incorporated entirely within an existing or proposed primary residential unit.
 - 2. Incorporated entirely within an existing accessory building, including garages, located on the same lot as the primary residential unit.
 - 3. Attached to or increasing the size of an existing primary residential unit or accessory building located on the same lot as the primary residential unit.
 - 4. Detached from and located on the same lot as the existing or proposed primary residential unit. An accessory dwelling unit that is attached to another detached accessory building, but not the primary residential unit, or is attached by a breezeway or porch, is considered detached.
- C. A junior accessory dwelling unit must be incorporated entirely within the existing floor area of an existing or proposed single residential unit or attached garage.

28.86.040 Sale, Rental, and Occupancy Terms.

All accessory dwelling units and junior accessory dwelling units shall be subject to the following sale, rental, and occupancy terms:

- A. **NOT TO BE SOLD SEPARATELY.** An accessory dwelling unit or junior accessory unit shall not be sold separately from the primary residential unit.
- B. **RENTAL TERMS.** The accessory dwelling unit or junior accessory dwelling unit may be rented; however, rental terms shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.
- C. **OWNER OCCUPANCY.** The following types of projects are subject to an owner occupancy requirement:
 - 1. All lots developed with junior accessory dwelling units; except that owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

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~~2. Any accessory dwelling unit located in a One-Family Residence Zone if an owner occupancy covenant was executed, submitted to the City, and recorded before January 1, 2020; and~~

3. Any accessory dwelling unit located in a One-Family Residence Zone submitted on or after January 1, 2025, unless otherwise prohibited by state law, or upon repeal of Government Code 65852.2 (a)(6)(B) removing the State-imposed prohibition of an owner occupancy requirement, whichever occurs first.

~~D. EXCEPTIONS. Owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.~~

E. D. OWNER'S UNIT. If owner occupancy is required in accordance with subsection C, Owner Occupancy, 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"). Owners of lots developed with an accessory dwelling unit/junior accessory dwelling unit shall live on the lot as long as the lot is developed with an accessory dwelling unit/junior accessory dwelling unit. Owners 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.

~~E.~~ HARDSHIP WAIVER. If owner occupancy is required in accordance with subsection C, Owner Occupancy, in the event of a hardship, such as the death or disability of the property owner, job transfer, or similar significant personal situation which prevents the property owner from occupying the owner's unit, a property owner or estate representative may apply for a temporary waiver of the owner-occupation requirement for a specific time period to allow the owner's unit to be occupied 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 circumstances preventing the property owner from occupying the owner's unit on the property. The Community Development Director shall review applications for a hardship waiver. 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.

F. REMOVAL OF RECORDED OWERN OCCUPANCY REQUIREMENT. With the exception of owner occupancy covenants required to permit a junior accessory dwelling unit, the Community Development Director will, in a form acceptable to the City Attorney, release an owner occupancy requirement recorded against the property prior to adoption of this ordinance upon the request of the property owner. No other covenants required

pursuant to this section, and contained in the agreement recorded against the property, shall be released.

28.86.050 Required Features.

Each accessory dwelling unit and junior accessory dwelling unit shall contain, at a minimum, the following features:

- A. RESIDENTIAL ELEMENTS. Permanent provisions for separate residential occupancy must be provided as follows within the contiguous livable floor space of the accessory dwelling unit or junior accessory dwelling unit and must be independent from the primary residential unit:
 - 1. A kitchen, consisting of a sink, cooking appliances, and refrigeration facilities. A junior accessory dwelling unit may utilize an efficiency kitchen.
 - 2. A bathroom consisting of a toilet, sink, and bathtub or shower. A junior accessory dwelling unit may share sanitation facilities with the existing or proposed single residential unit.
 - 3. A separate living room.
 - 4. A separate sleeping room, except in studio residential units, where a living room is considered a sleeping room.
- B. MINIMUM FLOOR AREA. Notwithstanding the dwelling unit minimum described in Section 28.87.150, Dwelling and Other Occupancies, the minimum floor area for a newly constructed accessory dwelling unit is as follows:
 - 1. Efficiency Unit: 150 square feet.
 - 2. Studio Unit: 220 square feet.
 - 3. All Other Units: 400 square feet.

Such usable floor area shall be exclusive of open porches, garages, basements, cellars and unfinished attics. The minimum floor area for accessory dwelling units that are created by converting existing structures is 150 square feet.
- C. EXTERIOR ACCESS. Exterior access to the unit, that is independent from the primary residential unit and, must be provided. An interior connection consisting of one fire-rated lockable door between the primary residential unit and an accessory dwelling unit or junior accessory dwelling unit may be provided.
- D. FIRE SPRINKLERS. Fire sprinklers are required only if they are required for the primary residential unit.
- E. PERMANENT FOUNDATION. Attached and detached units shall be constructed with an approved permanent foundation.

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- F. PROPERTY ADDRESSES. Addresses identifying all residential units on the lot, with minimum three- and one-half-inch numbers plainly visible from the street or road fronting the property shall be provided.
- G. PUBLIC SEWER. Accessory dwelling units and junior accessory dwelling units shall be connected to a public sewer. If public sewer connection is not available, approval of a new or expanded onsite wastewater treatment system shall be required in accordance with the procedures from the Code of the County of Santa Barbara California prior to issuance of a building permit.
- H. WATER METER. Accessory dwelling units shall comply with the water metering requirements of Title 14, Section 14.08.150 E.
- I. PASSAGEWAY. No passageway is required in conjunction with the construction of an accessory dwelling unit or junior accessory dwelling unit.

28.86.055 Development Standards for Standard Accessory Dwelling Units.

- A. DEVELOPMENT STANDARDS GENERALLY. The development standards listed in this section apply to standard accessory dwelling units and junior accessory dwelling units, except for those units permitted in accordance with all the configuration, standards, and special procedures outlined in Section 28.86.090, Standards for Special Accessory Dwelling Units.
 - 1. The reductions and exceptions to the development standards normally applicable to residential development allowed in this section are for the express purpose of promoting the development and maintenance of an accessory dwelling unit on the lot. If for any reason the accessory dwelling unit is not maintained on the lot in conformance with this section, the lot shall be brought into compliance with all of the requirements for the residential development, or with the legal nonconforming condition of the lot prior to the development of the accessory dwelling unit, including, but not limited to, the requirements for open yard, setbacks, and covered parking.
 - 2. Except as otherwise specified in this section, projects developed in accordance with this Chapter shall otherwise comply with the development standards applicable to an attached or detached accessory building for the housing type and base zone in which the lot is located.
 - 3. One primary residential unit shall be designated on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted.
 - 4. Notwithstanding the size limit of an attached accessory dwelling unit based on a percentage of the proposed or existing primary unit, or lot coverage, floor area ratio, open yard, and minimum lot size standards for an attached or detached accessory dwelling unit, an 800-square-foot, 16-foot high attached or detached accessory

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dwelling unit may be constructed in compliance with all other development standards for Standard ADUs.

- B. **MAXIMUM FLOOR AREA.** The maximum floor area for a standard accessory dwelling unit and junior accessory dwelling unit is as follows:
1. **Attached Accessory Dwelling Unit.** An accessory dwelling unit that is attached to, and increasing the size of, the primary residential unit shall not exceed 50% of the living area of the existing primary residential unit.
 2. **Converted Accessory Dwelling Unit.** An accessory dwelling unit that is incorporated entirely within an existing primary residential unit, or within an existing accessory building, is not limited in size.
 3. **Detached Accessory Dwelling Unit.** An accessory dwelling unit that is detached from the primary residential unit and may or may not be attached to another detached accessory building, including detached garages, shall not exceed the following maximum floor area based on lot size and number of bedrooms:
 - a. **Lots up to 14,999 square feet:**
 - i. **One-bedroom or studio units:** 850 square feet.
 - ii. **Two or more-bedroom units:** 1,000 square feet.
 - b. **Lots 15,000 square feet or larger:** 1,200 square feet.
 4. **Junior Accessory Dwelling Unit.** The maximum floor area of a junior accessory dwelling unit shall not exceed 500 square feet.
- C. **RELATIONSHIP TO OTHER FLOOR AREA LIMITATIONS.** The floor area of an accessory dwelling unit or junior accessory dwelling unit is included in any other floor area limitation in this Title that is applicable to an attached or detached accessory building for the housing type and in the base zone in which the lot is located.
1. **Exception.** The floor area of a detached accessory dwelling unit shall be excluded from the aggregate maximum floor area allowed for other detached accessory buildings, such as work or storage sheds, pursuant to Section 28.87.160 of this title.
- D. **BUILDING SEPARATION.** The minimum separation between the primary residential unit and a detached accessory dwelling unit shall be five feet.
- E. **OPEN YARD.** No open yard areas are required for accessory dwelling units or junior accessory dwelling units. The minimum area, dimensions, and location of the required open yard pursuant to Sections 28.15.060.C and 28.18.060.C of this title for the existing or proposed primary residential unit may be reduced to the area identified below in order to construct a standard accessory dwelling unit, or to construct an accessory dwelling unit proposed over a new or substantially redeveloped maximum 500 square foot garage or

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other conforming accessory structure, in the one-family and two-family residence zones, provided all other open yard requirements are met:

1. Minimum Area.
 - a. Lots less than 6,000 square feet: 500 square feet.
 - b. Lots 6,000 up to 7,999 square feet: 800 square feet.
 - c. .Lots 8,000 square feet up to 9,999 square feet: 1,000 square feet.
 - d. Lots 10,000 square feet or greater: 1,250 square feet.
2. Minimum Dimensions. 15 feet long and 15 feet wide.
3. Location in Driveways and Turnarounds. Notwithstanding Section 28.15.060 C.c. ii. Setback and Open Yard Requirements of this title, the required open yard may be located in driveways and turnarounds, but not required parking areas, in order to allow the construction of a new accessory dwelling unit.

G. SETBACKS. The following setbacks shall apply to new and converted standard accessory dwelling units approved pursuant to this section:

1. New Construction. Newly constructed accessory dwelling units shall comply with the following setback standards:
 - a. Front Setback: Meet the minimum front setback for residential structures in the zone, unless further limited by Section 28.86.060 H., Front Yard Location, below.
 - b. Interior Setback: Four feet.
2. Converted. No setback is required to convert the existing, legally permitted, floor area of a main or accessory building to an accessory dwelling unit. Improvements to existing nonconforming buildings, including conforming additions, are allowed pursuant to Section 28.87.030 D., Nonconforming Buildings of this title and the policies of the City's Coastal Land Use Plan.
3. Demolished and Converted. No setback is required when an existing main or accessory building is demolished or substantially redeveloped and converted to an accessory dwelling unit, provided that the new building is reconstructed in the same location and with the same dimensions and floor area as the existing building.
 - a. Exception for Small Conforming Additions. One small 150-square-foot conforming first floor addition may be permitted on a substantially redeveloped and converted nonconforming accessory building.
4. New Construction Combined with Replacement of a Nonconforming Garage. The construction of an accessory dwelling unit may be combined with the demolition

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and replacement of a nonconforming detached garage if all of the following requirements are met:

- a. The new garage is reconstructed in the same location and with the same dimensions as the existing garage; or
 - b. The new garage is enlarged only as necessary to provide the same number of parking spaces and to meet the dimension requirements of the City of Santa Barbara Access & Parking Design Standards, but located no closer to the property line as the existing garage; and
 - c. The accessory dwelling unit is constructed above the reconstructed garage; and
 - d. The accessory dwelling unit and any additions to the garage shall conform with current setbacks; and
 - e. The new structure shall comply with all applicable height and building story limitations, and all other development standards are met.
5. Encroachments. Encroachments allowed pursuant to Section 28.87.062, Setback, Open Yard, Common Outdoor Living Space, and Distance Between Main Buildings Encroachments, may be permitted for accessory dwelling units or junior accessory dwelling units. However, no setback encroachment shall be located closer than three feet from any property line, except roof eaves, which may be located as close as two feet from any property line.

28.86.060 Architectural Review.

All accessory dwelling units or junior accessory dwelling units shall be subject to the following architectural design criteria as applicable to either new construction or exterior alterations, which shall be reviewed ministerially by the Community Development Director. For purposes of this section, portions of a building or site considered to be the accessory dwelling unit shall include all of the contiguous interior livable floor area of the accessory dwelling unit and any exterior alterations directly attached to, and integral to, the livable floor area of the accessory dwelling unit.

- A. PROHIBITION OF SHINY ROOFING AND SIDING. New roofing and siding materials that are shiny, mirror-like, or of a glossy metallic finish are prohibited.
- B. ROOF TILE. Where a new clay tile roof is proposed, the use of two-piece terra cotta (Mission “C-tile”) roof is required and “S-tile” is prohibited, unless necessary to match the S-tile roof materials of the existing primary residential unit.
- C. SKYLIGHTS. New skylights shall have flat glass panels. “Bubble” or dome type skylights are not allowed.
- D. GLASS GUARDRAILS. New glass guardrails are not allowed, unless necessary to match the glass guardrails of the existing primary residential unit.

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- E. GARAGE CONVERSION. If a garage is converted to an accessory dwelling unit, the garage door opening shall be replaced with exterior wall coverings, or residential windows or doors, to match the existing exterior garage wall covering and detailing.
- F. GRADING. No more than 250 cubic yards of grading (i.e., cut or fill under the main accessory dwelling unit building footprint and outside the main building footprint to accommodate the accessory dwelling unit) is proposed in the Hillside Design District or on lots in other parts of the City with a slope of 15% or greater.
- G. HEIGHT. An accessory dwelling unit shall not exceed the following, whichever is greater:
 - 1. Height of the primary residential unit;
 - 2. Number of stories of the primary residential unit; or
 - 3. 17 feet.

This height limitation is not applicable to an accessory dwelling unit constructed above a garage; however, in no event shall the resulting building exceed the maximum height or number of stories allowed for a detached or attached accessory building in the zone.

- H. FRONT YARD LOCATION. The construction of a new detached accessory dwelling unit located in the front yard shall be subject to all of the following:
 - 1. The new accessory dwelling unit must be located a minimum of 20 feet back from all front lot lines, or meet the minimum front setback for the zone in which the lot is located, whichever is greater.
 - 2. Unless constructed over a garage, the new unit shall be:
 - a. No more than one-story and less than 17 feet in height; and
 - b. Screened from the street by topography, location, or landscape, in a manner designed to blend into the surrounding architecture or landscape, so as to minimize visibility of the accessory dwelling unit to the casual observer as viewed from the street.

- I. DESIGN STYLE. New detached or attached accessory dwelling units shall be compatible with the design of the primary residential unit regarding style, fenestration, materials, colors, and details if the accessory dwelling unit meets any of the following:
 - 1. Attached to, or if any portion of the accessory dwelling unit is located within 20 feet of, the primary residential unit;
 - 2. Located in the Hillside Design District and 20% or greater average slope;
 - 3. Two or more stories tall, or 17 feet or taller in building height;
 - 4. Located in the front yard.
 - 5. Located on a site on which there is a historical resource as follows:

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- a. Listed on the National Register of Historic Places or the California Register of Historic Resources;
 - b. Designated as a City of Santa Barbara Landmark or Structure of Merit; or
 - c. Located in a designated historic district.
- J. **PRIVACY STANDARDS.** The construction of an accessory dwelling unit where any portion of the proposed construction is either: two or more stories tall or 17 feet or taller in building height, shall comply with the following:
- 1. Upper story unenclosed landings, decks, and balconies greater than 20 square feet, that face or overlook the adjoining property, shall be located a minimum of 15 feet from the interior lot lines.
 - 2. Upper story unenclosed landings, decks and balconies, that do not face or overlook the adjoining property due to orientation or topography, may be located at the minimum interior setback line if an architectural screening element such as enclosing walls, trellises, awnings or perimeter planters with a five-foot minimum height is incorporated into the unenclosed landing, deck or balcony.
 - 3. Upper story windows that face or overlook the adjoining property, located within 15 feet of the interior lot lines, shall be installed a minimum of 42 inches above finish floor.
- K. **EXCEPTIONS.** Discretionary applications for design review may be requested in the following circumstances:
- 1. An applicant may propose an accessory dwelling unit that does not meet these ministerial design criteria subject to approval by the Single Family Design Board, Architectural Board of Review, or Historic Landmarks Commission, as appropriate.
 - 2. Discretionary design review may be required for any exterior alterations to the project site or main buildings that are not an integral part of the accessory dwelling unit, but are proposed in conjunction with the accessory dwelling unit, if required pursuant to Chapter 22.22, 22.68, or 22.69 of this code.

28.86.070 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 that is listed on the National Register of Historic Places or the California Register of Historical Resources, 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.

28.86.080 Parking Standards

Consistent with the requirements of the City’s Coastal Land Use Plan Policies, sufficient off-street parking must be provided for any new development and substantial redevelopment so as to avoid significant adverse impacts to public access to the shoreline and coastal recreation areas. Automobile parking, therefore, must be provided consistent with the Zoning Ordinance for lots developed with accessory dwelling units or junior accessory dwelling units located in the coastal zone, as follows:

- A. PRIMARY RESIDENTIAL UNIT. Automobile parking for the primary residential unit shall be provided in compliance with Chapter 28.90, except as provided below.
 - 1. Special Procedures for Conversion or Demolition of Existing Covered Parking to an Accessory Dwelling Unit. When an existing garage, carport, or other covered parking structure is converted to an accessory dwelling unit or junior accessory dwelling unit or demolished in conjunction with the construction of an accessory dwelling unit, the required covered parking spaces that are displaced by the conversion or demolition shall be replaced on the same lot as the primary residential unit in order to satisfy the automobile parking requirement of the existing residential unit. The replacement spaces may be covered, uncovered, in a mechanical lift, or in a tandem configuration. The replacement spaces shall meet all of the following:
 - a. Covered parking shall meet the development standards applicable to a residential unit within the zone in which the lot is located.
 - b. All parking spaces must meet the minimum dimensions and development standards consistent with the City of Santa Barbara Access & Parking Design Standards and Section 28.90.045.
 - c. In order to maintain visibility for adjacent driveways and intersections, uncovered parking spaces shall not obstruct the sightlines required for the safe operation of motor vehicles, as determined by the Public Works Director.
 - d. Required uncovered parking spaces may be allowed in a front or interior setback, provided the uncovered parking space is contained within the area of an existing paved driveway and no increase to paved areas occurs in the setbacks.
 - e. No more than two automobiles shall be placed one behind the other. Tandem parking shall not create any traffic safety issues.

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- f. Both automobile parking spaces parked in tandem shall be assigned to the same residential unit.
 - g. Tandem parking in multi-unit and commercial zones is subject to approval by the Public Works Director.
 - h. Vertical or stackable tandem parking, provided by means of mechanical lifts, is subject to approval by the Public Works Director. Mechanical lifts shall be fully enclosed within a structure and shall require a recorded maintenance agreement.
2. Nonconforming Conditions. If the accessory dwelling unit or junior accessory dwelling unit is developed in accordance with all the requirements of this Chapter, and is eligible for ministerial approval, the provision in Section 29.90.001.B, Existing Parking Space, that requires nonconforming parking to be brought up to current standards if an enlargement of more than 50% of the existing net floor area is proposed, shall not apply if the new floor area consists of a new accessory dwelling unit.
- B. JUNIOR ACCESSORY DWELLING UNITS. No automobile parking is required for junior accessory dwelling units, since they are not anticipated to increase parking demand generated by the development.
- C. NO PARKING REQUIRED FOR CERTAIN ACCESSORY DWELLING UNITS. The following types of accessory dwelling units are not anticipated to increase parking demand generated by the development and therefore automobile parking is not required for the accessory dwelling unit if it meets all of the following criteria:
- 1. Outside Key Public Access Areas. The accessory dwelling unit is not located in a key public access parking area (West Beach, Lower State, and East Beach Component Areas) as delineated in Figure 3.1-2 of the Coastal Land Use Plan; and
 - 2. On a Lot Developed with a Single Residential Unit. The accessory dwelling unit is located on a lot developed, or proposed to be developed with, only one single residential unit on the lot; and
 - 3. Measures to Reduce Demand. The accessory dwelling unit meets at least one of the following measures that will sufficiently reduce the demand for off-street parking:
 - a. The accessory dwelling unit is located within a walking distance of one-half mile of a public transit stop, such as a bus stop or train station; or
 - b. The accessory dwelling unit is located within an architecturally and historically significant historic district. For purposes of this provision, El Pueblo Viejo Landmark District constitutes an architecturally and

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historically significant historic district and any district hereafter created deemed to be architecturally and historically significant; or

- c. The accessory dwelling unit is contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building; or
 - d. When on-street parking permits are required but not offered to the occupants of the accessory dwelling unit; or
 - e. When there is a carshare vehicle located within a walking distance of 500 feet of the accessory dwelling unit.
- D. ALL OTHER UNITS. All other accessory dwelling units shall provide a minimum of one uncovered automobile parking space meeting all of the same parking standards required for the primary residential unit as described in Subsection A, above.
- E. 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 development standards applicable to a residential unit within the zone in which the lot is located. Uncovered parking spaces may be located three feet from any interior lot line, provided a minimum of three feet in width of planting area is provided for the length of the paved parking area along the interior lot line.

28.86.085 Fire Hazard Area Standards

All accessory dwelling units or junior accessory dwelling units located in any Fire Hazard Area as defined in the City’s Community Wildfire Protection Plan or as may be subsequently retitled in the future as the “High” or “Very High Fire Hazard Severity Zone” as defined in the Community Wildfire Protection Plan adopted by City Council shall comply with the following standards as applicable to new construction or parking:

- A. NO TANDEM PARKING. No parking space shall be developed in a tandem configuration.
- B. HIGH FIRE CONSTRUCTION. The accessory dwelling unit shall be designed to meet high fire construction standards adopted or enforced by the City, as determined by the Chief Building Official or the Fire Code Official.
- C. NO VARIANCE OR MODIFICATIONS. No variance or modification to any Fire Code requirements or high fire construction standards shall be permitted.
- D. DEFENSIBLE SPACE. The site must meet defensible space requirements, pursuant to Chapter 8.04 of this code and the policies of the Coastal Land Use Plan, prior to occupancy and those requirements must be maintained.

28.86.090 Development Standards for Special Accessory Dwelling Units.

- A. DEVELOPMENT STANDARDS GENERALLY. The development standards listed in this section apply to specific types of small accessory dwelling units and junior accessory dwelling units with certain size, height, and setback standards that, if followed, allow for an accessory dwelling unit to be permitted on lots in a Fire Hazard Area, or more than one accessory dwelling unit on a lot, and allows additional reductions and exceptions to development standards for open yard and maximum floor area. Applications utilizing the special standards described in this Section may not utilize the less restrictive configuration, size, and height standards allowed under another section to achieve a larger unit or more than one unit.
1. Any reductions and exceptions in this section are for the express purpose of promoting the development and maintenance of a special accessory dwelling unit or junior accessory dwelling unit on the lot. If for any reason the accessory dwelling unit or junior accessory dwelling unit is no longer maintained on the lot, the lot shall be brought into compliance with all of the requirements for the remaining residential development, or with the legal nonconforming condition of the lot prior to the development of the accessory dwelling unit or junior accessory dwelling unit.
 2. Except as otherwise specified in this section, projects developed in accordance with this Chapter shall otherwise comply with the development standards applicable to the housing type and base zone in which the lot is located.
- B. CONFIGURATION – SINGLE RESIDENTIAL UNIT LOTS. A lot developed with only one existing or proposed single residential unit, may permit one of the following types of special accessory dwelling units:
1. Converted Portion of Main Building. Only one accessory dwelling unit or junior accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed livable floor area of the existing or proposed primary residential unit; or
 2. Converted Accessory Building. Only one accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed floor area of a garage or other accessory building on the same lot as the primary residential unit, plus one 150-square-foot conforming first floor addition, if the expansion is limited to accommodating ingress and egress; or
 3. One Unit – New Construction. One newly constructed accessory dwelling unit, detached from any other main or accessory building; or
 4. Two Units – Combination. One junior accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed livable floor area of the

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existing or proposed primary residential unit, plus one newly constructed, accessory dwelling unit, detached from any other main or accessory building.

C. CONFIGURATION – TWO-RESIDENTIAL AND MULTIPLE RESIDENTIAL UNIT LOTS. A lot developed with two residential units or multiple residential units may permit one of the following types of special accessory dwelling units:

1. Converted Non-Livable Space. At least one accessory dwelling unit, and up to 25 percent of the existing number of residential units on a lot, may be converted on a lot if contained entirely within portions of existing, legally permitted, fully enclosed floor area of a residential structure that is not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages; or
2. Two Units – New Construction. No more than two newly constructed accessory dwelling units, detached from any other main or accessory building.

D. MAXIMUM FLOOR AREA

1. Detached Accessory Dwelling Unit. The maximum floor area of any detached, new construction, special accessory dwelling unit, approved pursuant to this Section, is 800 square feet.
2. Converted Accessory Dwelling Unit. An accessory dwelling unit that is incorporated entirely within portions of existing floor area, approved pursuant to this Section, is not limited in size.
3. Junior Accessory Dwelling Unit. The maximum floor area of a junior accessory dwelling unit shall not exceed 500 square feet.

E. MAXIMUM HEIGHT – DETACHED ACCESSORY DWELLING UNIT. The maximum building height of a detached, new construction, special accessory dwelling unit approved pursuant to this Section is 16 feet.

F. EXEMPT FROM OTHER SIZE LIMITATIONS. A special accessory dwelling unit or junior accessory dwelling unit approved pursuant to this Section is exempt from any other size limitation, including but not limited to, the aggregate maximum floor area allowed for detached accessory buildings pursuant to Section 28.87.160 of this title, or the Maximum Net Floor Area (Floor to Lot Area Ratio) for one-family residence zones per Section 28.15.083 of this title, or the provision in Section 29.90.001.B, Existing Parking Space, that requires nonconforming parking to be brought up to current standards if an enlargement of more than 50% of the existing net floor area is proposed.

G. EXEMPT FROM OPEN YARD. No open yard is required for a special accessory dwelling unit or junior accessory dwelling unit approved pursuant to this Section. Open yard for any

existing residential units on a lot may be reduced or eliminated entirely in order to permit a special accessory dwelling unit meeting all the standards and criteria in this Section.

28.86.100 Permits and Processing.

All accessory dwelling units and junior accessory dwelling units shall comply with applicable state and local building codes and shall require approval of either a Coastal Exemption, Coastal Exclusion, or Coastal Development Permit, and a building permit. The City shall ministerially approve or disapprove a complete building permit application for an accessory dwelling unit or junior accessory dwelling unit in compliance with time periods established by State law, following any applicable discretionary coastal permit approvals.

- A. **COMBINED PERMITS.** An accessory dwelling unit or junior accessory dwelling unit permit shall not be combined with a permit for other proposed construction on the site unrelated to the accessory dwelling unit or junior accessory dwelling unit. If a permit application for an accessory dwelling unit or junior accessory dwelling unit is submitted at the same time as a permit application for a new single-unit dwelling, review of the permit for the accessory dwelling unit or junior accessory dwelling unit application shall be delayed until the permit for the single-unit dwelling has been approved.
- B. **MODIFICATIONS.** An accessory dwelling unit or junior accessory dwelling unit that is not in compliance with the development standards of this Chapter may be granted a modification if all the required findings can be met, pursuant to the procedures outlined in Section 28.92.110, Modifications of this title.
- C. **POSTED SIGN.** Within five calendar days after submitting an initial permit application to the City, the property owner shall install a public notice in the form of a posted sign on the property in a manner deemed acceptable by the Community Development Director. The sign shall remain posted until a building permit is issued, or the application expires or is withdrawn. At the time of application submittal, the applicant shall sign an affidavit stating that he or she will post the required sign per this subsection. The validity of the permit shall not be affected by the failure of any property owner, resident, or neighborhood or community organization to receive this notice.
- D. **RECORDED AGREEMENT.** Before obtaining a building permit for an accessory dwelling unit or junior accessory dwelling unit, the property owner shall execute an agreement, containing a reference to the deed under which the property was acquired by the present owner which outlines the requirements regarding the sale, rental, and owner occupancy of lots developed with accessory dwelling units and junior accessory dwelling units as specified in Section 28.86.040 of this chapter.
- E. **RESIDENTIAL DENSITY.** An accessory dwelling unit or junior accessory dwelling unit is a residential use that is consistent with the existing Coastal Land Use Plan designation and zoning for lots within the allowable residential zones. Any accessory dwelling unit or

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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.

SECTION 2. Section 28.04.020 of Chapter 28.04 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.04.020 Terms Defined.

Accessory Building. A subordinate building or portion of the main building, the use of which is incidental to that of the main building on the same lot. Where an accessory building is attached to and made a part of the main building, not less than eight feet in length of one of the walls or roof of such accessory building, or not less than 100% of any wall of such accessory building less than eight feet in length, shall be an integral part of the main building and such accessory building shall comply in all respects with the requirements of this title applicable to a main building. An accessory building, unless attached to and made a part of the main building, as above provided for, shall be not closer than five feet to the main building.

Accessory Use. A use customarily incidental and accessory to the principal use of a lot or of a main building or structure located upon the same lot as the accessory use.

Addition. An extension of or increase in the floor area of a building or structure.

Agent. Any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities who represent or act for or on behalf of a applicant in selling or offering to sell any dwelling unit.

Agriculture. The tilling of the soil, the raising of crops, horticulture and the harvesting, sorting, cleaning, packing and shipping of agricultural products produced on the premises preparatory to sale or shipment in their natural form including all activities or uses customarily incidental thereto, but not including a slaughter house, fertilizer works, commercial dairying, pasturage agriculture, commercial viticulture, commercial animal and poultry husbandry, retail sales, the commercial packing or processing of products not grown on the premises or operations for the reduction of animal matter or any other use which is similarly objectionable because of odor, smoke, dust, fumes, vibration or danger to life or property.

Alley. A public or private way 25 feet or less in width that is primarily used for vehicular access to the back or side of properties. Alleys typically do not meet standard requirements for City streets, which include curbs, gutters, sidewalks, or similar improvements. Typically, alleys are separated from adjacent parcels by a lot line. An alley may have an official name and may be shown on the official street map of the City of Santa Barbara.

Alteration. An exterior change or modification. For the purposes of this title, an alteration shall include, but not be limited to, exterior changes to or modification of a structure, including the architectural details or visual characteristics such as paint color and surface

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texture, grading, surface paving, new structures, a structural addition, cutting or removal of trees and other natural features, disturbance of archaeological or paleontological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

Antenna. Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves, including devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and arranged from a generally horizontal boom. It may be mounted upon and rotatable through a vertical mast interconnecting the boom and a support for the antenna.

Antenna, Cellular Telephone, and Two-Way and One-Way Paging Systems. Any radio or microwave repeating structure, and associated equipment and structures including microcells, used for transmitting or receiving radio signals for cellular telephones and pagers.

Antenna, Height Above Grade. The vertical distance from the ground to the point to be measured through the axis of the antenna, antenna support, or antenna tower.

Antenna, Radio or Television. Any antenna, and associated equipment and structures, used for transmission of commercial television and broadcast radio.

Antenna Support. Any devices for supporting an antenna which is other than a tower.

Antenna Tower. Any substantial wood or metal structure used to support one or more antennas and which is affixed to the ground or an existing structure. A tower may be self-supporting or supported by an existing structure or by guy wires.

Antennas, Emergency Service. Any antenna, and associated equipment and structures, used principally for communications related to government provided emergency services, including, but not limited to, police, fire, and paramedic services.

As-Graded. The extent of surface conditions on completion of grading.

Association. The organization of persons who own a lot, parcel, area, condominium or right of exclusive occupancy in a project.

Automated Teller Machine (ATM). An electronic device from which a person is able to withdraw cash, make a deposit, or undertake other financial transactions.

Automobile Service Station. A retail business establishment primarily supplying gasoline, other types of fuel, oil, minor accessories and services for motor vehicles, excluding painting, body work and steam cleaning.

Automobile Service Station/Mini-Market. A retail business establishment supplying gasoline, other types of fuel, oil and services for motor vehicles which also sells other products, merchandise or services that are not directly related to the operation of motor vehicles where such sale is by means other than vending machines.

Balcony. A cantilevered platform that projects from the wall of a building above the ground and is surrounded by a railing, balustrade, or parapet.

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Basement. That portion of a building between floor and ceiling which is partly below and partly above grade (as defined in this chapter), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. A basement shall be counted as a story.

Bed and Breakfast Inn. The definitions of “Bed and Breakfast Inn” and “Hotel” are synonymous. See “Hotel.”

Bedroom. Any habitable room in a dwelling other than a bathroom, a kitchen or a living room (except in studios, where a living room is considered a habitable room).

Birth Center. A structure that contains facilities to assist in human births, but is not licensed as a hospital.

Boarding House. A building, group of buildings or a portion of a building which is designed for or occupied as sleeping quarters for five or more paying guests and where meal service is included in the price of the lodging. A boarding house is not considered a single residential unit.

Building. Any structure having a roof supported by columns or walls for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

Building Height. The maximum vertical height of a building or structure at all points measured from natural or finished grade, whichever is lower. Architectural elements that do not add floor area to a building, such as chimneys, vents, antennae, and towers, are not considered a part of the height of a building, but all portions of the roof are included.

Building, Main. A building in which the principal use of the lot is conducted.

Bungalow Court. Three or more detached single or duplex dwellings located upon a single lot under one ownership, together with all open spaces as required by this title.

Car Wash. Any business whose activity involves washing, steam cleaning, or detailing motor vehicles.

Carport. A building with a solid weatherproof roof that is permanently open on at least two sides and is designed to shelter one or more vehicles. A carport may be freestanding or attached to another structure. A trellis or other similar structure is not considered a carport.

Cellar. That portion of a building between floor and ceiling which is wholly or partly below grade (as defined in this chapter) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. A cellar shall not be counted as a story if the vertical distance from grade to ceiling is four feet or less on all sides.

Child Care Center. Any State-licensed child care facility other than a family day care home in which less than 24-hour per day non-medical care and supervision is provided in a group setting for children under 18 years of age.

Club. Any organization, group or association supported by the members thereof, the purpose of which is to render a service customarily rendered for members and their guests, but shall

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not include any organization, group or association, the chief activity of which is to render a service customarily carried on as a business.

Commercial. Managed on a business basis for profit derived from the promise or delivery of compensation, money, rent, or other bargained-for consideration in exchange for: (1) goods; (2) services; (3) rights or interests in property; or (4) any other valuable consideration.

Common Area. Common area is an entire project excepting all units therein granted or reserved.

Community Apartment. As defined in Section 11004 of the Business and Professions Code.

Community Care Facility. A State-licensed facility, place or building which is maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, as further defined in Chapter 3 of Division 2 of the California Health and Safety Code; but not including a group home.

Compaction. The act of increasing the density of a fill by mechanical means.

Condominium. As defined in Sections 783 and 1350 of the Civil Code.

Condominium, Community Apartment. The development of land and attached structures as a condominium or community apartment project, regardless of the present or prior use of such land and structures, and regardless of whether substantial improvements have been made to such structures.

Condominium or Community Apartment Project. A plan by a developer to sell residential condominium or community apartment units in a building through conversion to condominium or community apartment status.

Condominium Unit. The elements of a condominium which are not owned in common with the owners of other condominiums in the project.

Congregate Dining Facility. A room or rooms which contain suitable space for group dining to feed all the residents of the facility in one or two sittings, accessible to and for the primary use of the residents of a State licensed residential facility for the elderly or similar residential facility. Such a facility shall provide full meal service for the residents which shall include at least two meals per day for seven days per week.

Court. An area open to the sky that is enclosed on at least three sides by walls, sometimes referred to as a courtyard.

Deck. An outdoor platform wholly or partially supported from the ground below, which may be surrounded by a railing, balustrade, or parapet. A deck can be freestanding or attached to a building.

Deck, Roof. A deck constructed above any top plate of a structure and which is designed to function as useable outdoor area.

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Distance Between Buildings. The shortest distance measured from the exterior wall or supporting post(s) of a building to the nearest exterior wall or supporting post(s) of another building.

Drive-Through Facility. Drive-through facility means a motor vehicle drive-through facility which is a commercial building or structure or portion thereof which is designed or used to provide goods or services to the occupants of motor vehicles. It includes, but is not limited to, banks and other financial institutions, fast food establishments, and film deposit/pick-up establishments, but shall not include drive-in movies, gasoline stations, or car-wash operations.

Driveway. A minor private way that provides vehicular access from a street or alley to an on-site parking facility. Driveways may provide vehicular access for up to four lots or to multiple buildings on the same lot. Driveways are usually differentiated from private streets by shorter lengths, narrower widths, and the lack of curbs, gutters, sidewalks, street lights, and similar improvements. Driveways are usually differentiated from alleys in that they are located on the lots to which they provide vehicular access, while alleys are normally separated from adjacent real property by a lot line. Except as otherwise specified in this title, setbacks do not apply to driveways.

Dwelling Unit. As used in this title, the terms dwelling unit and residential unit are synonymous.

Earth Material. Any rock, natural soil or fill or any combination thereof.

Educational Institution. An institution of learning giving general academic instruction equivalent to the standards prescribed by the State Board of Education; or, a non-profit institution or center of advanced study and research in the field of learning equivalent to or higher than the level of standards prescribed by the State Board of Education. An educational institution may include administrative offices, classrooms, technical and other support services directly related to the operations of the institution.

Emergency Shelter. Housing for homeless persons with minimal supportive services that is limited to a length of occupancy of not more than six months. Minimal supportive services shall mean administrative offices, intake and waiting areas, kitchen and dining facilities, and laundry facilities as long as the facilities are directly related to the operation of the emergency shelter or for the exclusive use of the residents of the emergency shelter. Homeless shelters providing more than minimal supportive services or supportive services to persons other than the residents of the shelter shall require a conditional use permit pursuant to Section 28.94.030.W of this title.

Erosion. The wearing away of the ground surface as a result of the movement of wind, water or ice.

Excavation. The mechanical removal of earth material.

Existing Grade. The grade prior to grading.

Family. A single residential unit or a person or group of persons living together as a domestic unit in a single residential unit.

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Family Day Care Home. A State-licensed home which regularly provides care, protection, and supervision of children under 18 years of age in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, as further defined and permitted pursuant to the California Health and Safety Code and other applicable State Regulations. The term “Family Day Care Home” includes the terms “Large Family Day Care Home” and “Small Family Day Care Home” as such terms are defined in Sections 1597.465 and 1597.44 of the California Health and Safety Code.

Fast Food Restaurant. Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes foods, frozen desserts, or beverages that are usually served in edible containers or in paper, plastic, or other disposable containers.

Fill. A deposit of earth material placed by artificial means.

Finished Grade. The final grade of the site that conforms to the approved plan.

Floor Area, Net. The net floor area of a building shall be calculated in accordance with the following general rule and any applicable special rules:

1. GENERAL RULE. Net floor area shall be defined as the area in square feet of all floors confined within the exterior walls of a building, but not including the area of the following: exterior walls, vent shafts, courts, and any areas with a ceiling height of less than five feet above the finished floor.
2. SPECIAL RULES.
 - a. The area occupied by stairs or an elevator shaft within the exterior walls of a building shall be counted only on one floor of the building.
 - b. Freestanding accessory buildings that do not require a building permit for construction or installation are excluded from the net floor area calculation.

Frontage of Block. That dimension along one side of a street between two intersecting streets, or between an intersecting street and the end of a street where such frontage is not between two intersecting streets.

Garage, Private. A building or portion of a building in which motor vehicles used by the occupants or tenants of the main building or buildings on the premises are stored or kept.

Garden Apartment Development. A multiple-family residence development of four or more dwelling units of high quality designed to provide greater amenities than are normally provided in R-3 apartment developments, the plans and specifications, site development plans, landscaping plans and general appearance of which meet the approval of the Board of Land Use Controls.

Gazebo. A freestanding, open-sided, roofed structure.

General Plan. The comprehensive General Plan of the City of Santa Barbara together with all Specific Plans adopted by the City Council.

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Grade. The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building. In case walls are parallel to and within five feet of a public sidewalk, alley or public way, the grade shall be the elevation of the sidewalk, alley or public way. The term exterior wall shall include columns or other supporting members, whether free-standing or connected to a wall.

Grading. Any excavating or filling or combination thereof.

Group Home. The residence of a group of persons with mental or other handicaps, or otherwise disabled, which is organized as a single, relatively stable, bonafide housekeeping unit. Residents of a group home are a household for purposes of this code, and a group home is one residential unit.

The term “group home” does not include any center for the medical treatment of non-handicapped persons, halfway house, club, fraternity or sorority house, boarding house, dormitory, or the commercial use of property as a bed and breakfast, hostel, hotel, inn, lodging, motel, resort, timeshare project or other temporary lodging where the term of occupancy, possession, or tenancy is fewer than 30 days.

Guest Room. Any habitable room, except a kitchen, designed or used for occupancy by one or more persons and not in a dwelling unit.

Hazardous Waste. A waste, or combination of wastes, which because of the quantity, concentration or physical and chemical characteristics may either (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed. Hazardous waste also includes those materials described in Title 22, Division 4.5, Chapter 11, California Code of Regulations (CCR).

Hazardous Waste Management Facility, Off-Site.

1. An “off-site hazardous waste management facility” means a facility that accepts hazardous wastes from more than one generator, and may also be referred to as a commercial or specified hazardous waste facility.
2. An off-site hazardous waste management facility shall include the following:
 - a. Hazardous Waste Transfer Station. “Hazardous waste transfer station” means a facility where hazardous waste from more than one source is collected and consolidated for shipment to a treatment, recycling and/or disposal facility or facilities. Transfer stations which handle only latex paint, used oil, antifreeze, spent lead acid batteries and/or small household batteries in accordance with provisions of California Health and Safety Code Section 25201(c) and meet all conditions for exemption outlined in California Health and Safety Code Section 25201(c), and are known as a household hazardous waste collection facility, are specifically excluded from this definition.

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- b. Hazardous Waste Storage Facility. “Hazardous waste storage facility” means a hazardous waste facility at which hazardous waste is contained for a period greater than 96 hours at an off-site facility with specified exceptions provided in the California Health and Safety Code, Section 25123.3. On-site facilities which store hazardous wastes for periods of greater than 90 days shall be considered to be an Off-site Hazardous Waste Storage Facility.
- c. Hazardous Waste Treatment Facility. “Hazardous waste treatment facility” means a facility where the toxicity, chemical form and/or volume of a hazardous waste is altered to render the waste less toxic, less chemically active, or of a reduced volume.
- d. Hazardous Waste Recycling Facility. “Hazardous waste recycling facility” means a facility engaged in the process of reclaiming, using or reusing hazardous wastes.
- e. Hazardous Waste Residuals Repository. “Hazardous waste residuals repository” means a disposal facility for the long-term storage of the byproducts of treated hazardous waste for which there is no further means of practical treatment to render them less toxic or less chemically reactive.

Hazardous Waste Management Facility, On-Site. A facility that stores, treats, recycles and/or disposes of hazardous waste generated only within the facility’s boundaries.

Hazardous Waste Management Plan. A plan prepared, adopted and amended from time to time, pursuant to Section 25135 of the California Health and Safety Code by Santa Barbara County to direct the management of hazardous wastes within the boundaries of the County. It is also known as the Hazardous Waste Element of the Santa Barbara County Comprehensive Plan.

Home Occupation. Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof or adversely affect the use or uses permitted in the zone in which the dwelling is located, and in connection with which there shall be no exterior display, no display windows, no stock in trade or commodity stored or sold upon the premises, no persons employed, and no mechanical, electrical or other specialized equipment used except such as is necessary for ordinary housekeeping purposes. Clinics, hospitals, barber shops, beauty parlors, tea rooms, tourist courts, rest homes, insurance and real estate offices, dancing schools, retail stores, commercial manufacturing, animal hospitals, kennels, among others, and any business which requires a City permit or license, except licenses issued for revenue purposes only, shall not be deemed home occupations.

Hospice. A State-licensed facility which provides 24-hour nursing and supportive care and other services in a home-like setting to persons who have a medical diagnosis of terminal illness.

Hotel. A building, group of buildings or a portion of a building which is designed for or occupied as the temporary abiding place of individuals for less than 30 consecutive days

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including, but not limited to establishments held out to the public as auto courts, bed and breakfast inns, hostels, inns, motels, motor lodges, time share projects, tourist courts, and other similar uses.

Household. A person, or a group of persons living together as a single, relatively permanent, bonafide housekeeping unit in a residential unit. Any reference in this code to “family” means “household.” The term “household” does not include any center for the medical treatment of non-handicapped persons, halfway house, club, fraternity or sorority house, boarding house, dormitory, or the commercial use of property as a bed and breakfast, hostel, hotel, inn, lodging, motel, resort, timeshare project or other temporary lodging where the term of occupancy, possession, or tenancy is fewer than 30 consecutive calendar days.

Household Hazardous Waste Collection Facility. A facility run by, or under contract to, a public agency which only accepts certain types of hazardous materials and then only for transport to an authorized recycling facility or to a permitted hazardous waste collection facility. The types of wastes that can be accepted are latex paint, used oil, antifreeze, spent lead-acid batteries and small household batteries in accordance with all provisions of California Health and Safety Code Section 25201(c). The materials cannot be stored for more than 180 days. Such facilities shall be accessible to individuals, households or small businesses.

Junk Yard. The term junk yard includes automobile wrecking yards and includes any area of more than 200 square feet for the storage, keeping or abandonment of junk including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof.

Kitchen. Any room used or intended or designed to be used for cooking and/or preparation of food.

Lot. A parcel of land shown with a separate and distinct number on a plot or map recorded or filed with the Recorder of the County or a parcel of land held under separate ownership on the effective date of this title.

Lot, Corner. A lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.

Lot, Interior. A lot other than a corner lot.

Lot Line, Front. The line or lines dividing a lot from a public or private street. The line or lines that divide a lot from an alley or a driveway shall not be considered front lot lines. On lots that abut multiple streets, all lines that divide the lot from a street shall be considered front lot lines.

Lot Line, Interior. Any lot lines other than front lot lines.

Lot, Through. A lot having frontage on two parallel or approximately parallel streets.

Mezzanine. Mezzanine or mezzanine floor is an intermediate floor placed in any story or room. When the total area of any such mezzanine floor exceeds 33-1/3% of the total floor area in that room, it shall be considered as constituting an additional story. The clear height above or below a mezzanine floor construction shall be not less than seven feet.

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Microcell. A small cellular transceiver facility installed at or below ground level and comprised of a utility cabinet, one or more small antennas mounted on a steel pipe, an existing public utility pole or existing structure, and transmitters with an effective radiated power not exceeding five watts per channel and not to exceed a total of 200 watts per facility.

Mixed Use Development. A development in which both nonresidential and residential uses are permitted on the same lot.

Mobilehome. A structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the California Vehicle Code. Mobilehome includes a manufactured home, as defined in Section 18007 of the California Health and Safety Code, and a mobilehome as defined in Section 18008 of the California Health and Safety Code, but does not include a recreational vehicle as defined in this chapter and Section 18010 of the California Health and Safety Code, or a commercial coach as defined in Section 18001.8 of the California Health and Safety Code.

Mobilehome Park. An area of land where two or more mobilehome spaces are rented, or held out for rent, to accommodate mobilehomes for more than 30 days.

Mobilehome Park Space. That portion of a mobilehome park set aside and designated for the occupancy of one mobilehome, including any contiguous area designed or used for automobile parking, carport, storage, awning, cabana or other use which is clearly incidental and accessory to the primary use of the space.

Modular Cooking Unit. A self-contained cooking and food preparation area shall be permitted when located in a state-licensed residential care facility for the elderly, community care facility, or hospice after a performance standard permit or conditional use permit is obtained pursuant to either Chapter 28.93 or Chapter 28.94 of this code. The modular cooking unit shall contain no more than a two-burner stove, oven or microwave oven, single compartment sink, refrigerator, utensil drawer(s), and cabinet(s) in one detachable module. The modular cooking unit shall not be larger than 18 square feet. Dishwashers and garbage disposals shall not be allowed. The modular cooking unit shall not be located in a room separated from other living areas, but could be located in a small recessed opening off other living areas.

Motel. The definitions of “Motel” and “Hotel” are synonymous. See “Hotel.”

Multiple Residential Unit. A building, or portion thereof, configured and/or occupied as three or more residential units and including apartment houses, and may include one or more Accessory Dwelling Units, but not including hotels.

Nonconforming Building. A building, structure or portion thereof which does not conform to the regulations of this title and which lawfully existed at the time the regulations with which it does not conform became effective.

Nonconforming Use. A use of a building or land which does not conform to the regulations of this title and which lawfully existed at the time the regulations with which it does not conform became effective.

Non-Transient Tenant. A person who has resided in a residential hotel for a period of more than 30 days as of the time a development application is submitted for that residential hotel.

Owner. Any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be converted to commence, maintain, and complete proceedings to convert the same under this title.

Parcel. A general term including all plots of land shown with separate identification on the latest equalized county assessment roll. Parcels may or may not be separate lots, depending upon whether or not such parcels are created as required by the Subdivision Ordinance.

Patio. A hardscaped (e.g., concrete, tile, brick, stone, etc.) space, constructed on the ground, usually adjoining a building and intended for indoor-outdoor living and recreation. A patio may be surrounded by walls or roofed, but not both.

Planned Residence Development. One or more contiguous parcels of land in a single ownership or planning control which shall be planned and developed as a single unit, under provisions of this title, in a manner which shall be in harmony with the basic characteristics of the land use zone district in which it is located.

Porch. A raised platform, usually roofed and sometimes partly enclosed with low walls, that extends along an outside wall of a building, usually at an entrance to a dwelling. A porch may also be referred to as a veranda.

Public Facility. A facility open to the public and owned or operated by a governmental entity.

Public Utilities. The general classification for public water, gas, sewer, electrical, cable television and telephone lines and facilities; does not include natural or improved drainage facilities.

Public Works Director. The Public Works Director or any of his or her deputies or assistants.

Quasi-Public Facility. A facility that is open to the public and has a public purpose but is not owned or operated by a governmental entity. A community center, a public museum, and an art gallery are examples of a quasi-public facility.

Recreational Vehicle.

1. **RECREATIONAL VEHICLE.** A motor home, slide-in camper, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy.
2. **CAMPING TRAILER.** A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite and designed for human habitation for recreational or emergency occupancy.
3. **MOTOR HOME.** A vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis, chassis cab or van, which becomes an integral part of the completed vehicle, designed for human habitation for recreational or emergency occupancy.

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4. **SLIDE-IN CAMPER.** A portable unit, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck, and designed for human habitation for recreational or emergency occupancy and shall include a truck camper.

5. **TRAVEL TRAILER.** A portable unit, mounted on wheels, of such a size and weight as not to require special highway movement permits when drawn by a motor vehicle and for human habitation for recreational or emergency occupancy.

Recreational Vehicle Park. Recreational vehicle park includes a permanent recreational vehicle park and overnight recreational vehicle park as defined in this chapter.

Recreational Vehicle Park (Overnight). Any area of land where two or more recreational vehicle spaces are rented, or held out for rent, to owners or users of recreational vehicles used for travel or recreational purposes for less than 30 days.

Recreational Vehicle Park (Permanent). An area of land where two or more recreational vehicle spaces are rented, or held out for rent, to accommodate recreational vehicles for residential purposes for 30 or more days.

Recreational Vehicle Space. That portion of a recreational vehicle park set aside and designated for the occupancy of one recreational vehicle, including any contiguous area designed or used for automobile parking, carport, storage, awning, cabana or other use which is clearly incidental and accessory to the primary use of the space.

Residential Care Facility for the Elderly. A housing arrangement where the residents are at least 60 years of age and where varying levels of care, supervision, or health-related services are provided to the residents based on their varying needs. Persons under 60 years of age with compatible needs may be allowed to be admitted or retained in such a facility, not to exceed 25% of the residents, as further defined in Chapter 3.2 of Division 2 of the California Health and Safety Code.

Residential Hotel. A hotel or boarding house or similar residential facility where, on the date of the adoption of this chapter, the average duration of stay for the residents thereof exceeds 30 days.

Residential Unit.

1. A building or portion thereof designed or occupied for residential purposes, containing not more than one kitchen per residential unit, but not including hotels or boarding houses.

2. A residential unit may be declared by the Community Development Director when a building or portion thereof is configured or occupied for residential purposes, whether permanent or temporary, and contains elements evidencing separate residential occupancy. Elements to be considered may include, but are not limited to, the proximal arrangement and various combinations of:

- a. Sink or bar sink;
- b. Garbage disposal;

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- c. Dishwasher;
- d. Toilet;
- e. Bathing facility;
- f. Interior locking doors;
- g. Exterior entrance;
- h. Exterior staircase;
- i. Separate yard, patio, deck or balcony;
- j. Separate phone line, cable line, or utility line;
- k. Separate garage or parking area (covered or uncovered) or carport;
- l. Countertops or cupboards;
- m. Sleeping loft; or
- n. Separate address/mail box designation.

Issuance of a building permit or other approvals does not, of itself, establish that a building or portion thereof is not a residential unit.

3. Notwithstanding this section, a building or portion thereof configured or occupied for residential purposes, whether permanent or temporary, containing a modular cooking unit shall not be deemed a residential unit providing:

- a. A performance standard permit or conditional use permit has been issued pursuant to either Chapter 28.93 or Chapter 28.94 of this code; and
- b. The facility has current, valid state licenses to operate a residential care facility for the elderly, community care facility or hospice; and
- c. There is a staffed congregate kitchen and dining facility on-site providing regular meals to all residents.

Rough Grade. The stage at which the grade approximately conforms to the approved plan.

School, Elementary or High. An institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California. High schools include junior and senior, parochial and private.

~~**Secondary Dwelling Unit.** A separate, complete housekeeping unit consisting of two or more rooms for living and sleeping purposes, one of which is a kitchen, and having a maximum square footage of 600 square feet, that is substantially contained within the structure of a one-family dwelling.~~

Self-Service Laundry. Any establishment for laundering where there is no pick-up or delivery service and no steam or hand laundry of any type; provided, however, that all washing machines and accessory extractors and dryers shall be installed on a single floor and there shall be no intermingling of customers' laundry.

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Service Station. Service station includes both automobile service stations and automobile service station/mini-markets.

Setback, Front. An area between the front lot line and a line parallel to the front lot line bounded by the interior lot lines of the lot that are roughly perpendicular to the front lot line, the depth of such area being the distance required by this zoning ordinance. The front setback is to be provided and maintained as an open space on a lot or parcel of land, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

Setback, Interior. An area between an interior lot line and a line parallel to the interior lot line bounded by the two lot lines adjacent to the interior lot line from which the setback is measured, the depth of such area being the distance required by this zoning title. The interior setback is to be provided and maintained as an open space on a lot or parcel of land, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

Single Residential Unit. A residential building configured as not more than one primary residential unit and occupied by not more than one household, and up to one Accessory Dwelling Unit or one Junior Accessory Dwelling Unit located on a single lot.

Skilled Nursing Facility. A State-licensed health facility or a distinct part of a hospital which provides continuous skilled nursing care and supportive care to patients whose primary need is for the availability of skilled nursing care on an extended basis. It provides 24-hour inpatient care and, as a minimum, includes physician, nursing, dietary, pharmaceutical services and an activity program. Intermediate care programs which provide skilled nursing and supportive care for patients on a less than continuous basis shall be considered skilled nursing facilities for the purposes of this chapter. “Skilled Nursing Facility” and “Intermediate Care Facilities” are further defined in Chapter 2, Division 2 of the California Health and Safety Code.

Stock Cooperative. As defined in Section 11003.2 of the Business and Professions Code.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between such floor and the ceiling next above it. The number of stories in a building shall be construed to be the maximum number of stories through which any one of an unlimited number of possible vertical lines can pass, without passing through a wall, excluding certain mezzanines as provided in the definition for “Mezzanine.”

Street. A public or private way constructed for the primary purpose of vehicular travel. An alley or a driveway is not a street. The term “street” describes the entire legal right-of-way or easement (public or private), including, but not limited to, the traffic lanes, bike lanes, curbs, gutters, sidewalk whether paved or unpaved, parkways, and any other grounds found within the legal street right-of-way. The name given to the right-of-way (avenue, court, road, etc.) is not determinative of whether the right-of-way is a street.

Street Frontage. The length of the front lot line along an adjacent street. For the purpose of computing the street frontage of an irregularly shaped lot which is narrower at the front than

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at the rear, said measurement shall be along a straight line approximately parallel to the street and at a distance from the front property line equal to the front setback.

Street, Private. A street that is privately owned. Private streets do not appear on the official dedicated street map of the City of Santa Barbara. Private streets generally provide access to multiple lots or units and are usually named, unlike driveways. Private streets may be constructed to public street standards. Private streets are generally differentiated from driveways by larger widths, longer lengths, and may include public or private utilities. A private street may also be referred to as private road, lane, or drive.

Street, Public. Any street shown on the official dedicated street map of the City of Santa Barbara, as such map may be amended from time to time.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists.

Structure. Anything constructed or erected and the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground.

Time Share Project; Time Share Estate; Time Share Use.

1. A “time-share project” is one in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided.
2. A “time-share estate” is a right of occupancy in a time-share project which is coupled with an estate in the real property.
3. A “time-share use” is a license or contractual or membership right of use in a time-share project which is not coupled with an estate in the real property.

Tourist Court. The definitions of “Tourist Court” and “Hotel” are synonymous. See “Hotel.”

Trellis. A structure or frame supporting open latticework, sometimes referred to as a pergola or arbor. A trellis is not considered an accessory building.

Two-Residential Unit. A building configured and/or occupied as not more than two residential units.

Vertical. Perpendicular to the plane of the horizon.

Yard.

1. A yard is an open space, on a lot or parcel of land, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.
2. It is the intent of this title to require yard area in all residential zones, which shall be adequate to provide light and air, separation of buildings, privacy of occupancy, reduction of fire hazards, control of building density, enjoyment of occupants, and preservation of residential amenities.

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3. For the purpose of this title, open parking of automotive vehicles, trailers and boats shall be considered as an obstruction.

Yard, Front. A yard extending across the full width of the lot between the front lot line and the nearest wall of any main building on the lot. This yard shall be measured by extending perpendicular lines from each point of the front lot line to the nearest wall of any main building on the lot. Where there is no wall of any main building on the lot which intercepts said perpendicular lines, said yard will terminate at a point determined by extending a line parallel to the front lot line from the corner of the front elevation of the main building to the nearest lot line. The front elevation of a building is any elevation that faces a street. If the corner of the front elevation is rounded (i.e., a tower), the corner of the elevation shall be established by drawing the smallest square or rectangle that will enclose the round element and extend the line from the corner of the superimposed square or rectangle that is closest to the front lot line.

Yard, Open. A required yard, the purpose of which is to provide usable outdoor living space and/or visual open space.

Yard, Primary Front. A front yard, on a lot with multiple front yards, designated by the property owner and approved by the Community Development Director or the Director's designee as the primary front yard. All other front yards on the lot shall be secondary front yards.

Yard, Remaining Front. The area of the front yard outside the required front setback.

Yard, Secondary Front. Any front yard on a lot with multiple front yards that is not designated as the primary front yard.

SECTION 3. Section 28.15.030 and Section 28.15.083 of Chapter 28.15 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.15.030 Uses Permitted.

- A. A single residential unit occupying a single lot, or a group home.
- B. Accessory buildings or uses as follows:
1. An accessory dwelling unit or junior accessory dwelling unit subject to the provisions in Chapter 28.86 of this title.
 - ~~1.2.~~ A private garage, carport or parking spaces.
 - ~~2.3.~~ Work or storage sheds for any non-commercial use or equipment.
 - ~~3.4.~~ The keeping of horses and necessary outbuildings in conjunction with the residential use of a lot and subject to the following conditions:
 - a. The keeping of horses shall be permitted only on lots having an area of 20,000 square feet or more, but in no event for commercial purposes, and provided that the

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number of animals on any one lot shall be limited to one for every 10,000 square feet of lot area, but not more than five per lot.

b. The keeping of such animals shall conform to all other provisions of law governing same, and no such animals nor any pen, stable, barn or corral shall be kept or maintained within 35 feet of any dwelling or other building used for human habitation, or within 75 feet of the front lot line of the lot upon which it is located, or within 75 feet of any public park, school, hospital or similar institution.

c. The keeping of any other animal is only permitted pursuant to the provisions of Title 6 of the Santa Barbara Municipal Code.

C. A home occupation.

D. A State-licensed small family day care home.

E. A State-licensed large family day care home, subject to the provisions in Chapter 28.93 of this title.

F. State authorized, licensed or certified use to the extent it is required by State Law to be an allowed use in residential zones.

G. A mobilehome which has been certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.), as amended from time to time, on an approved permanent foundation.

H. Agriculture, as defined in Chapter 28.04 of this title, subject to administrative guidelines necessary to monitor and carry out these standards which may be adopted and amended from time to time by resolution of the City Council and subject to the following performance standards:

1. Accessory Buildings. Accessory buildings for agricultural purposes shall not exceed 500 square feet in aggregate and shall be located a minimum of 100 feet from any property line. Accessory buildings used for agricultural purposes may be placed on a parcel without a main building. Accessory buildings shall not be placed on ridgelines or in such a manner that the peak of the roof exceeds the ridgeline elevation by more than six feet. All accessory buildings shall be placed outside of the 100-year floodplain of any creeks or drainages on the property. Building siding and roof colors shall be in earth or vegetation tones to minimize visibility unless otherwise approved by the Architectural Board of Review or the Historic Landmarks Commission. If an applicant proposes an agricultural accessory building in excess of 500 square feet in area, the applicant may apply for a modification under Chapter 28.92 of this title.

2. Storage Requirements. All flammables, pesticides and fertilizers shall be stored in accordance with the regulations of the California Fire Code and Santa Barbara County Department of Health Services or successor agency. At a minimum, any area where such materials are stored shall have a continuous concrete floor and lip which is tall enough to contain 110% of the volume of all the materials stored in the area. No pesticides, chemical fertilizers or other hazardous materials shall be stored outside of buildings.

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3. Large Vehicles. No vehicles in excess of five tons shall be kept, stored or parked on the property, except that such vehicles may be on the property as necessary for completion of grading performed in accordance with a grading permit issued by the City of Santa Barbara.
 4. Sanitation. Sanitary facilities shall be provided for agricultural workers as required by the Santa Barbara County Division of Environmental Health and the California Occupational Safety and Health Administration.
 5. Water Meters. All agricultural operations involving an area of one-half acre or greater shall be placed on "Irrigation" water meters, as defined by authorization of Title 14 of this code.
 6. Irrigation Systems. All new or retrofitted agricultural irrigation systems for agricultural uses other than those carried out in greenhouses, shall be designed in accordance with the standards of the Soil Conservation Service for water conserving irrigation.
- I. Improvements and additions of 500 square feet or less to existing Public Works Facilities including, but not limited to, sewer lift stations, pump stations, water wells, pressure reducing stations, generator enclosures, minor improvements to existing water storage reservoirs and other miscellaneous structures incidental to or improving the existing use. Standard construction conditions may be imposed on the building permit as deemed appropriate by the Community Development Director.

28.15.083 Maximum Net Floor Area (Floor to Lot Area Ratio)

- A. APPLICATION. The provisions of this section shall only apply to lots within these zones that have less than 15,000 square feet of net lot area and which are, or are proposed to be, developed with a main or accessory building that is either: (1) two or more stories tall, or (2) has a building height of 17 feet or more.
- B. DEFINITIONS. For purposes of this section, the following definitions shall apply:
1. Net Floor Area of a Building. The net floor area of a building shall be calculated in accordance with the following general rule and any applicable special rules:
 - a. General Rule. Net floor area is the area in square feet of all floors confined within the exterior walls of a building, but not including the area of the following: exterior walls, vent shafts, courts, and any areas with a ceiling height of less than five feet above the finished floor.
 - b. Special Rules.
 - (i) Stairs and Elevators. The area occupied by stairs or an elevator shaft within the exterior walls of a building shall be counted only on one floor of the building.

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(ii) Small Accessory Buildings. Freestanding accessory buildings that do not require a building permit for construction or installation are excluded from the net floor area calculation.

(iii) Basements and Cellars. The net floor area calculation for a basement or cellar shall be reduced by 50% if the vertical distance from grade to ceiling is four feet or less for at least one-half of the length of the perimeter of the basement or cellar. The floor area of a basement or cellar shall be excluded from the calculation of net floor area if the vertical distance from grade to the ceiling is four feet or less for the entire length of the perimeter of the basement or cellar. For purposes of the exclusion of floor area, one section of the basement or cellar perimeter length, not exceeding five feet in length, may have a distance from grade to ceiling greater than four feet in order to allow for an exterior door, and the basement or cellar may still qualify for the exclusion if the door is located outside the required front setback.

(iv) ~~Secondary Accessory~~ Dwelling Units. Net floor area within a portion of a building that is designed and permitted as an secondary accessory dwelling unit or junior accessory dwelling unit pursuant to Section 28.94.030-Z Chapter 28.86 of this title shall be ~~excluded~~-included in ~~from~~ the net floor area calculation.

(v) Carports. The area within the exterior walls or supporting columns of a carport shall be included in the calculation of net floor area.

2. Net Floor Area on a Lot. The net floor area on a lot shall be the sum of the net floor area of all existing and proposed buildings on the lot.

3. Net Lot Area. The total horizontal area within the lot lines of a lot subtracting the horizontal area within any public rights-of-way on the lot.

C. MAXIMUM NET FLOOR AREA (Floor to Lot Area Ratio). For purposes of this section, the maximum net floor area of a lot shall be calculated according to the following formulae:

| NET LOT AREA (SQ. FT.) | MAXIMUM NET FLOOR AREA (SQ. FT.) |
|------------------------|---|
| Less than 4,000 | 2,200 |
| 4,000 to 9,999 | 1,200 + (.25 multiplied by the net lot area) |
| 10,000 to 14,999 | 2,500 + (.125 multiplied by the net lot area) |

D. PRECLUDED DEVELOPMENT. No application for a building permit may be approved for any project that will: (1) result in an increase of the net floor area on the lot, (2) change the location of any floor area on the second or higher story of any building on the lot, or (3) increase the height of any portion of a building on the lot to a building height of 17 feet or higher if either of the following is true regarding the project:

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1. The net floor area on the lot will exceed the maximum net floor area for the lot as calculated pursuant to this section, or
2. The net floor area on the lot will exceed 85% of the maximum net floor area for the lot as calculated pursuant to this section and any of the following conditions apply to the lot:
 - a. The average slope of the lot or the building site (as calculated pursuant to Section 28.15.080 of this code) is 30% or greater, or
 - b. The building height of any new or existing building or structure on the lot is in excess of 25 feet, or
 - c. The lot is located in the Hillside Design District established in Section 22.68.080 of this title and the application proposes 500 or more cubic yards of grading outside the footprint of the main building (soil located within five feet of an exterior wall of a main building that is excavated and recompacted shall not be included in the calculation of the volume of grading outside the building footprint).

SECTION 4. Section 28.18.060, Section 28.18.070 and Section 28.18.075 of Chapter 28.18 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.18.060 Setback, Open Yard, and Private Outdoor Living Space Requirements.

The following setback, open yard, and private outdoor living space requirements shall be observed on all lots within the R-2 zone:

- A. Front Setback. A front setback of not less than the indicated distance shall be provided between the front lot line and all buildings, structures, and parking on the lot as follows:
 1. Ground floor of any building or structure: 15 feet
 2. Upper story portion of a multiple story building or structure: 20 feet
 3. Garage or carport with an opening that does not face an adjacent street or uncovered parking that does not back out onto the street: 15 feet
 4. Garage or carport with an opening that faces an adjacent street or uncovered parking that backs out onto the street: 20 feet
- B. Interior Setback. An interior setback of not less than the indicated distance shall be provided between the interior lot line and all buildings, structures, and parking on the lot as follows:
 1. Buildings and structures other than covered parking: 6 feet
 2. Covered or uncovered parking: 3 feet
- C. Open Yard and Private Outdoor Living Space. An open yard shall be provided on all lots within this zone. The required open yard shall observe the following general rules

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regarding dimension, location, and configuration, except as such general rules may be altered by any applicable additional rules or exceptions specified within this subsection C:

1. General Rules. In this zone, open yards shall conform to the following dimension, location, and configuration requirements:
 - a. Minimum Size. Total area of at least 1,250 square feet of lot area.
 - b. Minimum Dimensions. The open yard may be provided in one area or in multiple areas; however, each area of open yard shall be at least 20 feet long and 20 feet wide measured in perpendicular directions.
 - c. Common Area or Assigned. The open yard may be provided as a common open yard or as private open yard assigned to individual units.
 - d. Location and Configuration. The open yard may consist of any combination of ground level areas such as patios, ground floor decks, pathways, landscaped areas, natural areas, flat areas, or hillsides, so long as the overall size and dimensions of the open yard area meet the requirements specified in these general rules and the open yard is not located in any of the following locations:
 - i. Any portion of the front setback; however, up to 850 square feet of the open yard may be provided in the remaining front yard,
 - ii. Any areas designated for use by motor vehicles, including, but not limited to, driveways and parking areas, or
 - iii. On decks, patios, terraces, or similar improvements where the maximum height of the improvement above existing or finished grade, whichever is lower, is greater than 36 inches.
2. Additional Open Yard and Private Outdoor Living Space Requirements for Lots Developed with Four or More Dwelling Units.
 - a. Common Open Yard. On lots developed with four or more dwelling units, a common open yard shall be provided that meets the size, dimensional, and location requirements specified in the general rules.
 - b. Private Outdoor Living Space. In addition to the required common open yard, lots developed with four or more dwelling units shall provide private outdoor living space for each dwelling unit of not less than the size specified below based on the number of bedrooms in the dwelling unit:
 - i. Studio Unit: 100 square feet
 - ii. 1 Bedroom Unit: 120 square feet
 - iii. 2 Bedroom Unit: 140 square feet
 - iv. 3+ Bedroom Unit: 160 square feet.

The minimum dimensions of the private outdoor living space shall be at least 10 feet long and 10 feet wide measured in perpendicular directions. In addition, private outdoor living space provided pursuant to this paragraph shall observe the

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requirements specified in paragraphs c, e, f, g, and h of Section 28.21.081.A.1 of this code.

~~3.—Alternative Open Yard and Private Outdoor Living Space Requirements for Lots Developed with Accessory Dwelling Units Pursuant to Section 28.18.075.E.~~

~~a.—Common Open Yard. On any lot developed with an Accessory Dwelling Unit pursuant to Section 28.18.075.E, a common open yard shall be provided that meets the following size, dimension, and location and configuration requirements:~~

~~i.—Minimum size: The open yard may be provided in one area of at least 600 square feet, or two areas, each of which must be at least 300 square feet.~~

~~ii.—Minimum dimensions: Each area of open yard shall be at least 10 feet long and 10 feet wide measured in perpendicular directions.~~

~~iii.—Location and configuration: The common open yard shall observe the location and configuration requirements specified in the general rules, except that any amount of the common open yard may be located in the remaining front yard.~~

~~b.—Private Outdoor Living Space. In addition to the required common open yard, any lot developed with an Accessory Dwelling Unit pursuant to Section 28.18.075.E shall provide private outdoor living space for each dwelling unit of not less than the size specified below, based on the number of bedrooms in the dwelling unit:~~

~~i.—Studio Unit: 60 square feet~~

~~ii.—1 Bedroom Unit: 72 square feet~~

~~iii.—2 Bedroom Unit: 84 square feet~~

~~iv.—3+ Bedroom Unit: 96 square feet~~

~~The minimum dimensions of the private outdoor living space shall be at least 6 feet long and 6 feet wide measured in perpendicular directions. The private outdoor living space may be provided by a patio, balcony, porch, deck, or similar improvement on the ground or on any upper floor. The private outdoor living space may be provided in the primary or secondary front setback, provided that it observes a setback of at least 9 feet from the front lot line. In addition, private outdoor living space provided pursuant to this paragraph shall observe the requirements specified in paragraphs b, c, e, f, and g of Section 28.21.081.A.1 of this code.~~

~~4.3.~~ Exception to Location Requirement for Lots with Multiple Front Yards. On lots with multiple front yards, the following exception to the location requirement specified in the general rules or any applicable additional requirements is available: an open yard may include area in a secondary front yard as long as the open yard observes a 10 foot setback from the front lot line.

28.18.070 Distance Between Buildings on the Same Lot.

No main building shall be closer than 15 feet to any other main building on the same lot, except that a one story building shall be no closer than 10 feet to another one story building.

~~A.—GENERAL SEPARATION REQUIREMENTS. No main building shall be closer than 15 feet to any other main building on the same lot, except that a one story building shall be no closer than 10 feet to another one story building.~~

~~B.—ACCESSORY DWELLING UNIT SEPARATION. Notwithstanding subsection A above, no portion of a one story accessory dwelling unit constructed pursuant to Section 28.18.075.E may be closer than five feet to another one story main building nor may a two story accessory dwelling unit or a main building be closer than 10 feet to another two story accessory or main building.~~

28.18.075 Lot Area and Frontage Requirements

A. NEWLY-CREATED LOTS. Every lot hereafter created in an R-2 Zone shall contain at least 7,000 square feet and 60 feet of frontage on a public street.

B. LOTS BETWEEN 6,000 AND 6,999 SQUARE FEET. Existing lots between 6,000 and 6,999 square feet of net lot area, inclusive, may be used as if it had 7,000 square feet of lot area.

C. LOTS WITH LESS THAN 6,000 SQUARE FEET. Existing lots of less than 6,000 square feet of net lot area may be used as a building site for a one-family dwelling, provided that all other regulations of the zone prescribed by this title are observed.

D. MINIMUM AREA PER DWELLING UNIT FOR STANDARD LOTS. For lots of 7,000 square feet or more, there shall be provided a lot area of 3,500 square feet or more for each dwelling unit hereafter erected.

~~E.—ACCESSORY DWELLING UNITS ON CERTAIN R-2 LOTS. Notwithstanding other requirements of this chapter, for an R-2 lot with a total lot area of between 5,000 and 6,000 square feet, two dwelling units on such lot may be allowed subject to the following requirements:~~

~~1.—Unit Size. One dwelling unit may have no more than three bedrooms and no more than 1,200 square feet of Habitable Dwelling Space and the other dwelling unit may have no more than one bedroom and no more than 600 square feet of Habitable Dwelling Space, provided that where appropriate in the determination of the Community Development Director, such maximum Habitable Dwelling Space square footage may be allocated differently between the two units provided the amount of Habitable Dwelling Space on one lot in no case exceeds a total of 1,800 square feet;~~

~~2.—Private Storage Space. Each dwelling unit shall have at least 200 cubic feet of enclosed, weatherproof, lockable, and separate storage space in addition to the guest, linen, pantry, and clothes closets customarily provided exclusively for the use of the~~

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~~occupants of the dwelling unit. Such storage space shall be accessible from the exterior of the unit for which it is provided.~~

~~3.—Accessory Unit Parking Requirements. Notwithstanding the parking requirements established for Two-Family Dwelling units on standard-sized lots in excess of 6,000 square feet as provided in Section 28.90.100.G.2, a two-dwelling unit development that meets the criteria delineated in this subsection shall provide not less than two covered and one uncovered parking spaces. Two of such parking spaces shall be allocated to the larger unit and the remaining space shall be allocated to the smaller unit through the use of appropriate signage on the site. Any such uncovered parking space may be provided in a tandem parking arrangement provided that both of the tandem parking spaces are allocated to the larger dwelling unit. Tandem parking spaces may be constructed within a nonconforming interior setback area under circumstances where the setback of the parking area remains consistent with the setback of a pre-existing nonconforming garage structure. The Community Development Director may require the recordation of a parking site plan in the official records of Santa Barbara County with respect to the lot involved for the purposes of memorializing the permanent use and availability of the required parking spaces as allocated to each permitted dwelling unit.~~

~~4.—Nonconforming Garages. Notwithstanding other provisions of this chapter to the contrary, a lot containing a garage or parking structure which is nonconforming as to its interior setback may be maintained or reconstructed in its same location in accordance with the requirements of Section 28.87.030.D or, in connection with the construction of an accessory dwelling unit pursuant to this subsection, it may be expanded in size along the nonconforming setback line so long as the expansion is to make the structure more in conformance with the City's Uniform Construction Code requirements or with City Parking Design Standards for Accessory Dwelling Units in R-2 Zone adopted pursuant to this subsection.~~

~~5.—Condominium Units Not Allowed; ABR Review. Notwithstanding other provisions of this code, including specifically but not limited to Section 28.88.120.B, the subdivision of a development of two family dwellings pursuant to this subsection, either as a new development or as a conversion of an existing two-family dwelling, shall be governed by the requirements of Section 27.13.040. In addition, an application to develop a lot with an accessory dwelling unit pursuant to this subsection shall receive design review approval from the Architectural Board of Review in accordance with the requirements of Section 22.68.020.B as noticed in accordance with the requirements of Section 22.68.040.~~

~~6.—Not Applicable To Sloped Lots. The provisions of this subsection E shall not apply to any lot with an average slope of 10% or greater as calculated pursuant to the formula specified in subsection F below.~~

~~F.E.~~ R-2 LOT SLOPE DENSITY. The minimum lot areas specified in this section shall be increased by the following factors where the average slope of the parcels falls within the percent of average slope ranges given:

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| Factor | Percent of Average Slope |
|----------------------------|---------------------------------|
| 1.5 times minimum lot area | 10% to 20% |
| 2.0 times minimum lot area | 20% to 30% |
| 3.0 times minimum lot area | over 30% |

“Average slope” of a parcel of land or any portion thereof shall be computed by applying the formula ($S = .00229 \text{ IL} / A$) to the natural slope of the land, before grading is commenced, as determined from a topographic map conforming to National Mapping Standards and having a scale of not less than 1 inch equals 200 feet and a contour interval of not less than five feet. The letters in this formula shall have the following significance:

S = The average slope of the land in percent.

I = The contour interval in feet.

L = The combined length of all contours in feet, excluding the length of contours in drainage channels and in natural water courses below the 25 year flood level.

A = The net area of parcel or portion thereof, in acres, after deducting all areas in drainage channels below the 25 year flood level, for which the slope is to be determined.

~~G.F.~~ **HABITABLE DWELLING SPACE - DEFINED.** For the purpose of this section, the term “Habitable Dwelling Space” shall be calculated to include all building square footage as measured from the inside of the walls of the building, excluding the square footage of the garage.

SECTION 5. Section 28.44.070, Section 28.44.110 and Section 28.44.120 of Chapter 28.44 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.44.070 Exclusions and Exemptions.

The following categories of development, through subsection C, are categorically excluded from the coastal development permit requirements of this chapter pursuant to Categorical Exclusion Order E-86-03 as amended by Categorical Exclusion Order E-06-1 and certified by the California Coastal Commission:

A. **TIME-SHARE CONVERSION EXCLUSION.** Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into

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condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.

B. VESTED RIGHTS EXCLUSION. Any development which, on the effective date of this subsection, has a valid approval from the Coastal Commission shall be considered to have a vested right until such time as said approval expires or lapses; provided, however, that no substantial change may be made in any such development without prior Coastal Commission and City approval having been obtained by the developer.

C. SINGLE FAMILY RESIDENCE EXCLUSIONS.

1. Construction of one single family residence on an existing vacant parcel in the area designated as Non-Appealable on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara.

2. Demolition and reconstruction of an existing single family residence in the area designated as Non-Appealable on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara. Notwithstanding the exclusion specified in this paragraph, if an application for demolition and reconstruction of an existing single family residence is submitted for a lot that either: (1) contains a City Landmark or Structure of Merit, (2) contains or is within 100 feet of archeological or paleontological resources, or (3) contains or is within 100 feet of an environmentally sensitive habitat area, stream, wetland, marsh, or estuary, regardless of whether such resources are mapped or unmapped, then the application shall require a coastal development permit.

The following categories of development, through the end of this section, are exempt from the coastal development permit requirements of this chapter pursuant to Section 30610 of the Public Resource Code and Sections 13250—13253 of Title 14 of the California Administrative Code.

D. SINGLE FAMILY RESIDENCE EXEMPTION. Improvements to existing single-family residences including an attached accessory dwelling unit or a junior accessory dwelling unit; provided, however, that those improvements which involve a risk of adverse environmental effect shall require a coastal development permit, as provided for in Section 13250 or Section 13553 of Title 14 of the California Administrative Code, as amended from time to time. Attached accessory dwelling units and accessory dwellings units located in an existing accessory structure or in a proposed or existing primary residence that meet the requirements of Section 28.86 are exempt from obtaining a Coastal Development Permit. A junior accessory dwelling unit that is created from at least one existing bedroom and is entirely within an existing single-family residence and does not change the building envelope is not considered development and is not subject to the LCP.

E. OTHER CONSTRUCTION EXEMPTION. Improvements to any structure other than a single family residence or a public works facility; provided, however, that those improvements which involve a risk of adverse environmental effect; or adversely affect public access; or result in a change in use contrary to any policy of the Coastal Act; shall require a

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coastal development permit, as provided in Section 13253 of Title 14 of the California Administrative Code, as amended from time to time.

F. MAINTENANCE OF NAVIGATION CHANNEL EXEMPTION. Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.

G. REPAIR OR MAINTENANCE EXEMPTION. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of the object of such repair or maintenance activity; provided, however, that extraordinary methods of repair and maintenance that involve a risk of substantial adverse environmental impact shall require a coastal development permit, as provided in Section 13252 of Title 14 of the California Administrative Code, as amended from time to time.

H. UTILITY CONNECTIONS EXEMPTION. The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to the California Coastal Act of 1976 and this chapter; provided that the Community Development Director may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

I. REPLACEMENT OF EXISTING STRUCTURES DESTROYED BY NATURAL DISASTER EXEMPTION. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10%, and shall be sited in the same location on the affected property as the destroyed structure. As used in this subsection I, the term:

1. “Disaster” means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.
2. “Bulk” means total interior cubic volume as measured from the exterior surface of the structure.
3. “Structure” includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

J. TEMPORARY EVENT EXEMPTION.

1. Definitions. For the purposes of this subsection J, the following words and phrases shall be construed as set forth below:
 - a. Exclusive Use. A use that precludes public uses in the area of the temporary event for recreation, beach access or access to coastal waters other than for or through the temporary event itself.
 - b. Limited Duration. A period of time that does not exceed a two-week period on a continual basis, or does not exceed a consecutive four-month period on an intermittent basis.

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- c. Non-Permanent Structure(s). Include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, booths, platforms, movie/film sets, which do not involve grading or landform alteration for installation.
 - d. Temporary Event. An activity or use that constitutes development as defined in Section 30106 of the California Coastal Act; and is an activity or function of limited duration; and involves the placement of non-permanent structures; and/or involves exclusive use of a sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use.
 - e. Coastal Resources. Include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.
 - f. Sandy Beach Area. Includes publicly-owned and privately-owned sandy areas fronting on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.
2. General Rule. Except as provided in paragraph 4 below, every temporary event is excluded from the coastal development permit requirements under this chapter, unless the temporary event meets all of the following criteria:
- a. The event is to be held between Memorial Day weekend and Labor Day, inclusive; and
 - b. The event occupies all or a portion of a sandy beach area; and
 - c. The event involves a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).
3. Other Exclusions. The Community Development Director may also exclude a temporary event that satisfies all of the criteria specified in paragraph 2 above, if:
- a. The fee is for preferred seating only and 75% of the provided seating capacity is available free of charge for general public use; or
 - b. The event is held on a sandy beach area in a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources; or
 - c. The event is less than one day in duration; or
 - d. The event has previously received a coastal development permit and will be held in the same location, at a similar season, and for a similar duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.
4. Special Circumstances. The Community Development Director, or the Planning Commission or City Council through direction to the Community Development Director, may determine that a temporary event shall require a coastal development

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permit, even if the criteria specified in paragraph 2 above are not met, if the Community Development Director determines that unique or changing circumstances exist relative to the particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include, but shall not be limited to, the following:

- a. The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;
- b. The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in paragraph 1 of this subsection;
- c. The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters; or
- d. The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.

28.44.110 Authority to Review.

Where a coastal development permit is required pursuant to Section 28.44.060, the authority to review an application for a coastal development permit is designated as follows:

A. APPEALABLE DEVELOPMENT.

1. Planning Commission. The Planning Commission shall review all applications for coastal development permits for proposed development in the appealable area unless authority is granted to the Staff Hearing Officer pursuant to paragraph 2 below.
2. Staff Hearing Officer. The Staff Hearing Officer shall review applications for coastal development permits for development proposed in the appealable area when:
 - a. The proposed development requires another discretionary action by the Staff Hearing Officer under any other provision of this code; or
 - b. The proposed development involves single family residential development unless the proposed development:
 - i. is located less than 50 feet from the edge of any coastal bluff or the inland extent of any beach; or
 - ii. is located seaward of the seacliff retreat line as defined in the City of Santa Barbara Coastal Plan; or
 - iii. involves an improvement that increases the internal floor area of any structure by more than 500 square feet; or
 - iv. involves a second story improvement; or

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v. requires a discretionary action by the Planning Commission under another provision of this code.

B. NON-APPEALABLE DEVELOPMENT.

1. Planning Commission. The Planning Commission shall review applications for coastal development permits for development proposed in the non-appealable area when the proposed development requires another discretionary action by the Planning Commission under any other provision of this code.

2. Staff Hearing Officer. The Staff Hearing Officer shall review applications for coastal development permits for development proposed in the non-appealable area when the proposed development does not require another discretionary action by the Planning Commission under another provision of this code.

C. SECONDARY ACCESSORY DWELLING UNITS. When a proposed development only involves the addition of a secondary detached accessory dwelling unit to an existing single family residence, or any proposed accessory dwelling unit on a lot developed with two-residential unit, multiple residential unit, or mixed use development, the application shall be reviewed by the Staff Hearing Officer without a public hearing in accordance with subdivision (j) of Government Code sSection 65852.2. The Staff Hearing Officer shall not issue a decision on the application until at least 10 calendar days after notice having been given pursuant to Section 28.44.130. The Staff Hearing Officer may receive written comments regarding the application and consider such written comments during the review of the application, but the Staff Hearing Officer shall not conduct a public hearing on the application. The decision of the Staff Hearing Officer concerning an application for a coastal development permit pursuant to this subsection C shall constitute the final action of the City. In the appealable area, decisions of the Staff Hearing Officer made pursuant to this subsection C may be appealed to the Coastal Commission in accordance with Section 28.44.200. Actions on applications to construct secondary-accessory dwelling units shall be consistent with the provisions of the applicable zone and the policies and development standards of the City of Santa Barbara's certified Local Coastal Program and Chapter 3 of the California Coastal Act. Review of a coastal development permit application for an secondary accessory dwelling unit as an addition to an existing single family residence or any proposed accessory dwelling unit on a lot developed with two-residential unit, multiple residential unit, or mixed use development, shall comply with all procedures and development standards of this chapter, aside from the requirements to conduct a public hearing and City appeals as described in Section 28.44.120, 28.44.140, and 28.44.160.

28.44.120 Public Hearing.

At least one public hearing shall be held on each application requiring a coastal development permit, with the exception of applications that only include the addition of an accessory secondary dwelling unit to an existing single family residence or any proposed accessory dwelling unit on a lot developed with two-residential unit, multiple residential unit, or mixed use development pursuant to Section 28.44.110.C. The Planning Commission or the Staff Hearing Officer, as

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designated in Section 28.44.110, shall hold the public hearing regarding the coastal development permit concurrently with any other required public hearing or hearings before the reviewing body for any other applications regarding the proposed development.

SECTION 6. Section 28.94.030 of Chapter 28.94 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.94.030 Uses Permitted in Specific Zones.

The following uses may be permitted in the zones herein indicated upon the granting of a Conditional Use Permit, except that where another section of this title specifically allows such use in a zone in conflict with this section, the provision of such other section shall apply and a Conditional Use Permit shall not be required.

- A. Church in the A-1, A-2, E-1, E-2, E-3, R-1, R-2, R-3, R-4, C-1, C-P, C-L, C-O, R-O, C-X, H-C, HRC-1, HRC-2, OM-1 and OC zones.
- B. Convent and monastery in the A-1, A-2, E-1, E-2, E-3, R-1, R-2, C-X, H-C, HRC-1, HRC-2, OC, M-1, and OM-1 zones.
- C. Educational institution in the A-1, A-2, E-1, E-2, E-3, R-1, R-2, R-3, R-4, C-1, C-P, C-L, C-O, R-O, C-X, H C, HRC-1, HRC-2, OC, M-1, and OM-1 zones.
- D. Golf course or driving range (but excluding miniature golf) in any zone.
- E. Outdoor tennis club and lawn bowling club in the A, E and R Zones. Normal clubhouse facilities such as pro shop, coffee shop, administrative offices, lounge, etc. may be allowed in connection with a private club only, provided that such uses shall be clearly shown to be incidental and accessory to the outdoor recreational use of the premises, and that the clubhouse facilities shall be available only to the club members and their guests.

1. It is hereby declared that in addition to being special uses as set forth in Sections 28.94.001 and 28.94.005, the uses permitted under this subsection are of such a nature that it is impractical to establish in advance of development the minimum requirements for parking, site area, setbacks, hours or manner of operation, lighting, landscaping, or other standards usually applied to classes or types of use, and that distinct and different performance and development standards must be applied to each individual facility proposed to be established under these provisions.

2. This declaration is based on the fact that the type of club permitted by these provisions will usually be within the City area, unique in terms of the facilities provided, activities conducted, method and intensity of operation, relationship to topography and impact on surrounding urban development and potential, and that meaningful minimum standards can only be established in relation to the particular features of each individual development.

3. In lieu of prescribing herein minimum performance and development standards, the Planning Commission shall, as a part of any Conditional Use Permit issued to permit the

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establishment of outdoor tennis or lawn bowling clubs under this subsection, make the following findings and impose conditions necessary to secure and perpetuate the bases for such findings:

- a. That the total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.
- b. That the prescribed hours and days of operation of the various facilities of the club are such that the character of the area is not altered or disturbed.
- c. That the design and operation of outdoor lighting equipment will not be a nuisance to the use of property in the area.
- d. That adequate access and off-street parking is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.
- e. That the appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area.

F. Planned unit development in A, E and R-1 Zones in accordance with the provisions of Chapter 28.36 of this title.

G. Planned residence development in the A, E and R-1 Zones, subject to provisions of Chapter 28.33 of this title.

H. Child care centers in the A, E, R-1, R-2, R-3, R-4, R-O, C-O and C-X zones, subject to the following conditions, standards and limitations:

1. Location of Play Areas. Outdoor play areas shall be located in a manner that is compatible with the character of the surrounding area, that minimizes significant detrimental noise impacts to adjacent properties, and that complies with the minimum standards of State Law.

2. Passenger Loading. Facilities shall be provided for loading and unloading passengers, and shall be subject to the review and approval of the Planning Commission taking into consideration the recommendation of the Transportation Engineer.

I. Driveways and parking areas for nonresidential uses in residential zones.

J. Boarding house in the R-2, R-3 and R-4 Zones.

K. Club and lodge in the R-3, R-4 and R-O Zones.

L. Garden apartments in the R-2 Zone, subject to the provisions of Chapter 28.30 of this title.

M. Hospitals, skilled nursing facilities and other similar buildings and facilities for the treatment of human ailments where facilities are provided for the keeping of patients overnight or longer, in the R-4, C-O, C-P, C-1, C-2 and C-M Zones.

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N. Restaurant in the R-4 Zone, provided there is a minimum of 100 established hotel-motel guest rooms within 500 feet from the boundary of the proposed restaurant site. The 100 established hotel-motel guest rooms within 500 feet may be used to support any number of restaurants within the affected area.

O. Establishment or enterprises which involve large assemblages of people on more than four occasions per year, including, but not limited to, any open air theater, Certified Farmers Market, street market, trade fair, trade exchange, recreational or sport center, in the C Zones.

P. Automobile wrecking in the C-M and M-1 Zones.

Q. Car wash, auto polishing, auto steam cleaning establishment in the C-1, C-P and C-2 Zones, provided that such installation shall be subject to the noise restrictions established in Chapter 28.60 of this title.

R. State-licensed residential care facilities for the elderly, community care facilities and hospices serving more than 12 individuals in the A, E, R, and C Zones.

1. Standards.

a. If a new residential care facility for the elderly, community care facility or hospice which is subject to a Conditional Use Permit includes a staffed congregate kitchen and dining facility providing regular meals to residents, living units may include modular cooking units without being counted as residential units.

b. If an existing residential care facility for the elderly, community care facility or hospice as of the effective date of this chapter, which is subject to a Conditional Use Permit includes a staffed congregate kitchen and dining facility providing regular meals to residents, living units may be converted to include modular cooking units without being counted as residential units under the provisions of a new Conditional Use Permit.

c. If a new or existing residential care facility for the elderly, community care facility or hospice as of the effective date of this chapter, which is subject to a Conditional Use Permit does not include a congregate dining facility, but does include kitchens in its living units, living units shall be counted as residential units.

d. Recreational facilities and skilled nursing facilities intended primarily for the residents may be allowed in connection with residential care facilities for the elderly, community care facilities or hospices provided that such uses are incidental and accessory thereto. The use of the facilities by persons other than residents and staff may be limited.

2. Findings.

a. For new State licensed residential care facilities for the elderly, community care facility or hospice, in addition to the findings required under Section 28.94.020, the Planning Commission or City Council on appeal must find upon a showing of adequate information that:

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- i. The facility will generate a demand for resources such as water, traffic, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, and such resources are available in amounts adequate to service the proposed facility.
- ii. The intensity of use in terms of the number of people, hours of operation, hours of major activities, and other operational aspects of the proposed facility is compatible with any neighboring residential use.
- iii. The proposed facility shall be able to be converted to a density which conforms to the residential unit density of the underlying zone. Sufficient land area has been shown to be available to meet the parking demand of a future use.

b. For existing State-licensed residential care facilities for the elderly, community care facility or hospice as of the effective date of this chapter requesting an alteration or modification, in addition to the findings required under Section 28.94.020, the Planning Commission or City Council on appeal must find upon a showing of adequate information that:

- i. The proposal has been reviewed and approved by the City Fire Marshall and the City Building Official.
- ii. The facility will generate a demand for resources such as water, traffic and parking capacity, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, or if existing resource use exceeds the underlying zone, then resource use shall be equivalent to no more than that of the existing use.
- iii. The intensity of use in terms of the number of people, hours of operation, hours of major activities and other operational aspects of the proposed facility is compatible with any neighboring residential use.

S. Facilities and equipment, not to include offices, used by public utilities or quasi-public utilities, e.g., cable television, to provide services to the general public in any zone, except for Radio and Television Antennas, Cellular Telephone Antennas and Emergency Service Antennas and any facilities or equipment expressly permitted in the zone or authorized pursuant to Chapter 28.93 of this code.

T. Medical equipment and supply stores of more than 3,000 square feet of net floor area in the C-O Zone, subject to the following special provisions:

The Planning Commission shall find that the use is supportive and directly related to the providing of medical and related services. The Commission may permit a portion of the space to be used for non-medically related sales and/or a percentage of dollar volume of business for non-medically related sales, provided that said amount of non-medically related use is set forth in the Conditional Use Permit.

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U. Banks of more than 1,000 square feet of net floor area in the C-O Zone, subject to the following:

The intent is to allow branch banks as a convenience to the medical community and neighborhood, so that there will be less traffic into the commercial areas for deposits, and as a cash source for patients in the area. It is not the intent to establish a banking community in the area. As a result, the limitations set forth below shall apply.

Prior to issuance, the Planning Commission shall find the following:

1. No similar facility is located on adjacent property or on a parcel within 300 feet of the subject property.
2. There shall not be more than 1,000 square feet of space accessible to customers for services.
3. There shall be no drive-up window, but a walk-up window may be permitted.
4. The signing of the operation is in a manner as to identify but not advertise, and to blend in with the neighborhood.
5. Services are limited to deposits, check cashing, cashier and travelers checks, acceptance of loan applications, and night deposits. The following services are excluded: loan applications processing and safety deposit boxes.
6. The permitted number of employees is consistent with the above.

V. Automobile service station, automobile service station/mini-market or conversion to an automobile service station/mini-market shall be subject to the following conditions, standards and limitations:

1. Conditions. Specific conditions may be imposed to carry out the purposes of this code.
2. Lot Area. The minimum area of the parcel or lot shall not be less than 8,000 square feet.
3. Street Frontage. Each lot shall have a minimum frontage of not less than 100 feet on one abutting street.
4. Architecture. The architecture of the service station structures and landscaping shall be reviewed and approved by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark. The architectural theme shall be integrated into the design of all improvements of the site including canopies and fencing.
5. Driveways.
 - a. New Service Stations. For service stations constructed after the effective date of this subsection, driveway entrances to the service station shall not be within 20 feet of the curb return (beginning of curve) on corner lots.

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- b. Existing Service Stations. For driveway entrances of service stations that have been constructed prior to the effective date of this subsection, relocation of driveway entrances may be required to minimize interference with the movement and safety of vehicular and pedestrian traffic.
- 6. Internal Circulation. Where access from an internal circulation system of a shopping center or public parking area is available, direct street access to a service station may be prohibited or restricted.
- 7. Parking. Parking shall conform to the minimum parking requirements as outlined in Section 28.90.100 or a minimum of five parking spaces shall be provided or one parking space for each 250 square feet of gross floor area used for mini-market use and one space for each employee shall be provided; whichever is greater.
- 8. Lighting. Any perimeter flood lighting shall be hooded or shielded so that no direct beams fall upon adjacent residential property. Indirect soft lights and low garden lights shall be used wherever possible, and shall be required as necessary to assure compatibility with adjacent and surrounding properties.
- 9. Landscaping. All landscaped areas shall be as follows:
 - a. A planter shall be provided along all street-side property lines except for driveway openings.
 - b. On corner lots, a minimum of 150 square feet of planter area shall be provided on the property adjacent to the corner intersection.
 - c. At least 10% of the area not covered by buildings on the parcel shall be landscaped.
- 10. Restrooms. The entrance to all restrooms shall be screened from abutting properties by a decorative screen.
- 11. Fencing. A decorative fence six feet in height from finished grade shall be provided on all property lines that do not abut a street, alley or parking area, with the exception that a fence may not be required for a service station that is an integral part of a commercial, industrial or office center or where combined landscaping will be achieved with such adjacent properties.
- 12. Operations and Storage.
 - a. Repair of vehicles is only permitted within an enclosed building.
 - b. All servicing of vehicles other than minor servicing shall be conducted within an enclosed building.
 - c. All materials, products and merchandise shall be stored and displayed only within an enclosed building.
 - d. No used or discarded automotive parts or equipment or visible junk or wrecked vehicles shall be located or stored outside the service station building.

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e. Trash shall be stored in areas screened from public view by a fence with a minimum height of six feet. Trash shall not be stored or piled above the height of the fence.

13. Fire Department Approval. Prior to the issuance of any building permit for a service station or any portion thereof, the Fire Department shall review the plans and approve said plans if they comply with applicable Fire Department ordinances and regulations.

W. Public or quasi-public facility, including homeless shelters providing services and programs beyond the definition of minimal supportive services specified in Chapter 28.04 (subject to a separation of at least 300 feet from another emergency shelter or homeless shelter), in any zone, except those expressly permitted in the zone or authorized pursuant to Chapter 28.93 of this code, and Radio and Television Antennas, Cellular Telephone Antennas and Emergency Service Antennas.

X. Any use other than those permitted by Section 28.73.030.A of the OM-1 Zone and permitted in the M-1 Zone and subject to those findings required in Section 28.73.030.B and Section 28.94.020.

Y. General office uses in the HRC-2 Zone as permitted by Section 28.22.030.B.3, and subject to the findings required in Section 28.22.030.B.3 and Section 28.94.020.

~~Z. Secondary Dwelling Units in any A, E or R-1 Zone, subject to the following provisions:~~

~~1. The minimum lot size for any parcel containing a Secondary Dwelling Unit shall be 7,000 square feet.~~

~~2. There shall be no more than one existing single-family dwelling, hereinafter referred to as the primary dwelling, on the parcel.~~

~~3. The Secondary Dwelling Unit shall be attached to the primary dwelling by a common wall, floor or ceiling and not simply by an attached breeze way or porch. Said unit shall involve no more than a 10% increase in the square footage of the primary dwelling nor shall it constitute more than 40% of the combined floor area of the primary dwelling and Secondary Dwelling Unit, exclusive of the garage or carport.~~

~~4. The maximum floor area of the Secondary Dwelling Unit shall not exceed 600 square feet.~~

~~5. Setbacks and height limitations for the Secondary Dwelling Unit shall be the same as for the primary dwelling.~~

~~6. One off-street parking space, covered or uncovered, shall be required for a Secondary Dwelling Unit. In addition, if the primary dwelling does not provide parking as required by Section 28.90.100.G.1 of this title, such parking shall be provided. The garage or carport for the primary dwelling shall not be converted to provide a Secondary Dwelling Unit.~~

~~7. There shall be no more than four separate rooms in a Secondary Dwelling Unit, one of which shall be a kitchen and one a bathroom. The total number of rooms on the parcel shall not be increased by more than two, including the bathroom and kitchen for the~~

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~~Secondary Dwelling Unit. The Secondary Dwelling Unit shall also provide a separate entrance.~~

~~8.—Both the primary dwelling and the Secondary Dwelling Unit shall comply with all requirements of the housing code in effect on the date of issuance of the building permit for the Secondary Dwelling Unit. Any alteration or addition shall comply with all requirements of the California Building Code as adopted and amended by the City.~~

~~9.—A separate water meter shall be provided for the Secondary Dwelling Unit. The primary dwelling shall be retrofitted with water-conserving devices to the same extent as if the dwelling were being built under the California Building Code as adopted and amended by the City.~~

~~10.—Before obtaining a building permit for a Secondary Dwelling Unit, the property owner shall file with the County Recorder, upon approval by the City Attorney as to form and content, a covenant containing a reference to the deed under which the property was acquired by the present owner and stating that:~~

~~a.—The Secondary Dwelling Unit shall not be sold separately from the primary dwelling.~~

~~b.—The Secondary Dwelling Unit is restricted to the approved size.~~

~~c.—The conditional use permit for the Secondary Dwelling Unit shall be in effect only so long as either the primary dwelling or the Secondary Dwelling Unit is occupied by the owner of the lot on which the Secondary Dwelling Unit is located, except for bona fide temporary absences. The conditional use permit shall remain valid if disability or infirmity require the institutionalization of the owner.~~

~~d.—The Secondary Dwelling Unit shall be rented at a rate that is affordable to low and moderate income families or to immediate family members as required under paragraph 12 of this subsection below.~~

~~e.—The conditional use permit, and any conditions imposed by said permit, shall lapse upon removal of the Secondary Dwelling Unit.~~

~~f.—There shall be no more than two inhabitants in any Secondary Dwelling Unit.~~

~~g.—The above declarations are binding upon any successors in ownership of the property; any lack of compliance shall revoke the conditional use permit.~~

~~11.—Secondary Dwelling Units shall be prohibited in High Fire Hazard Areas (as defined in the Fire Master Plan.)~~

~~12.—The Secondary Dwelling Unit, or the primary dwelling if the owner chooses to live in the Secondary Dwelling Unit, shall be leased or rented to a person or persons falling within one or more of the following categories:~~

~~a.—A household whose head is a member of the owner's immediate family. For purposes of this section, "immediate family" shall be defined as parents, grandparents, children, grandchildren, sisters, brothers, and equivalent in laws.~~

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~~b.—Low income households (incomes less than 80% of the median income for the City), as determined by the United States Department of Housing and Urban Development (HUD). The rent level will be no more than the Fair Market Rent levels for the City as determined and adjusted from time to time by HUD, and the owner shall give priority for occupancy to households referred by the Santa Barbara Housing Authority. If the unit is rented or leased to households not referred by the Housing Authority, the income level of the renter selected must be certified by the Housing Authority as to eligibility and this certification must be submitted to the Community Development Director. The Housing Authority may assess a fee for certification of renters other than those referred by the Housing Authority. The rent level for such low income renters shall not exceed one twelfth of 30% of the certified income of the renter. In addition, the owner must submit annually to the Housing Authority a copy of the lease or rental agreement in effect that identifies the rent level and the name and income level of the lessee/renter.~~

~~c.—Moderate income households (incomes between 81 and 120% of the median income of the City), if the owner chooses not to rent to a family member and a sworn declaration supported by written documentation, such as loan documents, setting forth the financial reasons why the unit will not be rented to a low income household is submitted to the City. Generally, the only acceptable financial reason would be that higher rent is required in order to meet the carrying costs of new construction. The rent levels will be not more than one twelfth of 30% of the median income for a family of four in the City adjusted for household/unit size according to the following factors:~~

| Unit Size | Factor |
|--------------------------|-------------------|
| Studio | .70 |
| One Bedroom | .80 |
| Two Bedroom | .95 |
| Three Bedroom | 1.065 |

~~Prior to the rental or leasing of the unit, the income level of the household shall be certified by the Housing Authority. The Housing Authority may assess a fee for certification of renters other than those referred by the Housing Authority. In addition, the owner must submit annually to the Housing Authority a copy of the lease or rental agreement in effect that identifies the rent level and name and income of the lessee/renter.~~

~~13.—Approved Secondary Dwelling Units shall be subtracted from the Density Reserve established by Policy 5-1.0 of the City's Housing Element, as adopted by the City of Santa Barbara on June 8, 1982. When there are no units available in the Density Reserve, no conditional use permits shall be granted for Secondary Dwelling Units.~~

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~~14. Secondary Dwelling Units shall be prohibited if there is an accessory building containing additional dwelling space, an additional dwelling unit approved under Section 28.93.030.E, caretaker's residence or similar use on the parcel. Furthermore, no accessory building intended to provide additional dwelling space, additional dwelling unit under Section 28.93.030.E, caretaker's residence or similar use shall be constructed on a lot where there is an approved Secondary Dwelling Unit.~~

~~15. The Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, shall review all Secondary Dwelling Units which require exterior change to the primary dwelling to assure that there is minimal evidence of occupancy of the parcel by more than one family and that any changes or additions to the exterior of the primary dwelling necessary to establish the Secondary Dwelling Unit blend architecturally with the primary dwelling.~~

~~16. In order to encourage the development of housing opportunities for disabled and handicapped individuals, the Planning Commission may allow reasonable deviation from the stated physical requirements where necessary to install features that facilitate access and mobility for disabled persons. Otherwise, no modification of the requirements for a Secondary Dwelling Unit shall be allowed unless specifically stated in this section.~~

~~17. In addition to the findings required under Section 28.94.020, the Planning Commission, or City Council on appeal, must find that:~~

~~a. The Secondary Dwelling Unit does not overload the capacity of the neighborhood to absorb it or cause a concentration of such units sufficient to change the character of the single family neighborhood in which it is located.~~

~~b. The Secondary Dwelling Unit does not detract from the privacy of the surrounding residents.~~

~~18. Modifications:~~

~~a. Parking. No modification of the required number of parking spaces shall be allowed. Modification of other parking-related requirements may be allowed subject to the provisions of Section 28.92.110 of this code.~~

~~b. Setbacks and height limitations. Modification of these requirements may be allowed subject to the provisions of Section 28.92.110 of this code.~~

Z. Reserved

AA. Any interim use deemed appropriate by the Planning Commission in those areas identified by resolution of the City Council as impacted by governmental action. Such interim uses shall be limited in duration as specified by the Planning Commission, provided all such uses are discontinued within two years of the completion of the governmental action. Any authorization granted by the conditional use permit shall terminate at that time.

The conditional use permit granted pursuant to this subsection shall not be effective until the property owner has duly executed and recorded an instrument binding itself, its successors in interest and any person holding thereunder, which contains (1) notice of the conditional use

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permit; (2) notice of any conditions established thereunder; (3) an agreement to comply with the terms and conditions of the conditional use permit; (4) a waiver of any claim that a temporary use or any improvements on real property creates any vested right to continue a nonconforming use after completion of the governmental action; and (5) any other conditions as deemed necessary to comply with the purposes and intent of this subsection. This instrument shall be subject to the review and approval of the City Attorney and the Community Development Director.

BB. Bed and Breakfast Inns in Designated Historic Structures.

1. R-O Zone

- a. Bed and Breakfast Inns in Structures of Merit or Landmarks in the R-O zone, in accordance with the provisions of Chapter 22.22 of this title.
- b. Bed and Breakfast Inns in a structure located on a lot in the R-O zone, on which a Structure of Merit or Landmark used as a Bed and Breakfast Inn is also located.

2. R-3 Zone

- a. Bed and Breakfast Inns in Structures of Merit or Landmarks in the R-3 zone, in accordance with the provisions of Chapter 22.22 of this title, subject to the following conditions.
 - i. The owner or manager of the Bed and Breakfast Inn shall maintain his or her primary residence on the property that contains the Bed and Breakfast Inn.
 - ii. No meals shall be served to persons other than guests and residents of the Bed and Breakfast Inn.
 - iii. No conference or meeting rooms/facilities shall be provided.
 - iv. No outdoor swimming pool shall be provided; however, outdoor spas, hot tubs or similar facilities may be provided.
 - v. Other conditions imposed by the Planning Commission in order to ensure compatibility with the surrounding neighborhood.
- b. Bed and Breakfast Inns in a structure located on a lot in the R-3 zone, on which a Structure of Merit or Landmark used as a Bed and Breakfast Inn is also located, subject to the conditions listed in paragraph (a) above.

3. Review by the Historic Landmarks Commission. Plans for new structures or alterations to existing structures under paragraphs 1 and 2 above shall be submitted to the Historic Landmarks Commission for review and action in accordance with the provisions of Chapter 22.22 of this title.

CC. Offsite Hazardous Waste Management Facilities in the C-M, M-1, and OM-1 zones, subject to the provisions in Chapter 28.75, HWMF Overlay Zone.

DD. Television, Radio and Cellular Telephone Antennas in all zones, subject to the following provisions:

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1. Exemptions. The following are exempt from the requirement of a Conditional Use Permit, and shall be considered a permitted use in all zones:
 - a. Repairs and maintenance of existing facilities, whether emergency or routine, or replacement of transmitters, antennas, or other components of existing permitted facilities, provided there is little or no change in the visual appearance or any increase in radio frequency emission levels.
 - b. Satellite Dish Antennas designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite.
 - c. One or more cellular telephone antennas or paging antennas, provided that the Community Development Director finds as follows:
 - i. Height: The height of the antenna and supporting structure does not exceed Municipal Code height limits set forth in Sec. 28.87.260, except where said antenna is being installed on an existing structure, in which event the height limit is measured from the highest point of the building and cannot exceed 15 feet above the building height.
 - ii. Separation: There is at least 100 feet between the base of the antenna support structure and the nearest dwelling unit.
 - iii. Access Control: The applicant establishes that the general public will be excluded from an area at least 50 feet in all directions from the antenna if antenna is not at least 10 feet off the ground. If the antenna is at least 10 feet above grade, this distance may be reduced to 30 feet.
 - iv. No Resource Impacts: The project will have no significant impact on any biological or archeological resources and will not generate additional traffic. The applicant may be required to provide information to the Community Development Director regarding these matters.
 - v. No Visual Impacts: The project has been reviewed by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located in the El Pueblo Viejo Landmark District or another landmark district or if the property contains a designated City Landmark. The Board and Commission may take action regarding the location of the antenna(s) on the site, color and size of the proposed antennas so as to minimize any adverse visual impacts.
 - d. A microcell, provided it has been reviewed by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located in the El Pueblo Viejo Landmark District or another landmark district or if the property or a structure thereon is a designated City Landmark. The Board and Commission may take action regarding the location of the antenna(s) on the site, color and size of the proposed antennas so as to minimize any adverse visual impacts.

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2. Conditional Use Permit by Planning Commission. A Radio or Television Antenna shall be permitted only upon issuance of a conditional use permit by the Planning Commission, and only if each of the following findings has been made:

a. Shared Use of Support Structure. The applicant had made a good faith effort to demonstrate that no existing or planned support structure, including an antenna tower, is available to accommodate the proposed antenna.

b. Site Size. The site is of a size and shape sufficient to provide an adequate setback from the base of the antenna support structure to any property line abutting a residential use.

c. Visual Impact. The project has been reviewed by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located in the El Pueblo Viejo Landmark District or another landmark district or if the property contains a designated City Landmark. The Board and Commission may take action on the location of the antenna(s) on the site, color and size so as to minimize any adverse visual impacts by requiring that the antenna and its supporting structure be designed and placed so as to be as visually unobtrusive as feasible, taking into consideration technical engineering and other pertinent factors. The Planning Commission may grant a waiver from height limitations if it finds that no feasible alternative location or design would not require such a waiver.

d. Non-ionizing Electromagnetic Radiation (NIER) Emissions. Any new transmitters and/or antennas, when combined with existing sources of NIER emissions on or adjacent to the site and when operating as designed and licensed, shall not expose the general public to ambient radiation emissions which exceed American National Standards Institute (ANSI) C95.1-1992 standard (if the Federal Communications Commission (FCC) rulemaking committee adopts a revised standard, said standard shall apply).

EE. Outdoor performance areas involving structures such as bandshells or amphitheaters in the PR Zone.

SECTION 7. Severability and Interpretation.

A. Severability. If any provision of this Ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

B. Interpretation. This Ordinance shall be construed to confer upon the City the maximum power and authority allowed by state and federal law. In the event state or federal law is found to conflict with and preempt any provision of this Ordinance, or in the event state or federal law changes to conflict with and preempt any provision of this Ordinance, the remaining and non-conflicting provisions of this Ordinance shall be interpreted and construed to give

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maximum effect to the remaining and non-conflicting provisions so as to effectuate to the greatest extent possible the purposes and restrictions expressed herein.

SECTION 8. Local building codes

For purpose of Government Code section 65852.2(a)(D)(viii) “local building codes” shall mean, but not be limited to, the uniform technical codes adopted through Santa Barbara Municipal Code Chapter 22.04 and any and all objective development, design, and environmental standards and policies adopted by or implemented within the City.

SECTION 9. CEQA

Under California Public Resources Code 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 and 65852.22 of the Government Code, which is the State Accessory Dwelling Unit law.

SECTION 10. Effective Date and Effect on Projects in the Permit Process

Applications for Accessory Dwelling Units in the Coastal Zone received on or after January 1, 2017 will be processed in accordance with Government Code 65852.2 until such time that the California Coastal Commission certifies the proposed Title 28 ordinance amendments. At the time of certification and subsequent effective date of the ordinance, all applications may continue to be processed in accordance with Government Code 65852.2 provided that a building permit is issued within 60 days of the effective date of the proposed Title 28 ordinance amendments, or may elect to be processed in accordance with the proposed Title 28 ordinance amendments. All applications for Accessory Dwelling Units submitted on or after the effective date of Title 28 amendments, and any Accessory Dwelling Units applications which have not yet received a building permit by the deadline described above, shall be subject to the proposed Title 28 amendments.