

9/16/83

ORDINANCE NO. 4225

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADDING SECTION 28.04.475 TO CHAPTER 28.04, AMENDING SUBSECTION 28.87.150.1 OF CHAPTER 28.87, AND ADDING SUBSECTION 29 TO SECTION 28.94.030 OF CHAPTER 28.94 OF TITLE 28 OF THE SANTA BARBARA MUNICIPAL CODE PERTAINING TO DEFINITION AND REGULATION OF SECONDARY DWELLING UNITS IN SINGLE-FAMILY ZONES.

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

SECTION 1: Section 28.04.475 is hereby added to Chapter 28.04 of Title 28 of the Santa Barbara Municipal Code and reads as follows:

28.04.475 Secondary Dwelling Unit.

A Secondary Dwelling Unit is a separate, complete housekeeping unit consisting of two (2) or more rooms for living and sleeping purposes, one of which is a kitchen, and having a maximum square footage of six hundred (600) square feet, that is substantially contained within the structure of a one-family dwelling.

SECTION 2: Subsection 1 of Section 28.87.150 of Chapter 28.87 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

1. DWELLING AREA REQUIREMENTS. Every dwelling unit hereafter created shall contain not less than seven hundred twenty (720) square feet of usable floor area if in a one-family dwelling, except that Secondary Dwelling Units issued a conditional use permit under Chapter 28.94 of this Title shall not exceed six hundred (600) square feet of usable floor area; not less than six hundred (600) square feet of usable floor area if in a two-family dwelling; and not less than four hundred (400) square feet if in a multiple-family dwelling. Such usable floor area shall be exclusive of open porches, garages, basements, cellars and unfinished attics.

SECTION 3: Subsection 29 is hereby added to Section 28.94.030 of Chapter 28.94 of Title 28 of the Santa Barbara Municipal Code and reads as follows:

29. Secondary Dwelling Units in any A, E or R-1 zone, subject to the following provisions:
  - a. The minimum lot size for any parcel containing a Secondary Dwelling Unit shall be 7,000 square feet.
  - b. There shall be no more than one (1) existing single-family dwelling, hereinafter referred to as the primary dwelling, on the parcel.
  - c. 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 ten percent (10%) increase in the square footage of the primary dwelling

**EXHIBIT 1c**

- nor shall it constitute more than forty percent (40%) of the combined floor area of the primary dwelling and Secondary Dwelling Unit, exclusive of the garage or carport.
- d. The maximum floor area of the Secondary Dwelling Unit shall not exceed six hundred (600) square feet.
  - e. Setbacks and height limitations for the Secondary Dwelling Unit shall be the same as for the primary dwelling.
  - f. One (1) 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 Subsection 28.90.100.7a 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.
  - g. There shall be nor more than four (4) 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 Secondary Dwelling Unit. The Secondary Dwelling Unit shall also provide a separate entrance.
  - h. 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 Uniform Building Code as adopted by the City of Santa Barbara.
  - i. 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 Uniform Building Code, as adopted by the City of Santa Barbara.
  - j. 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:
    1. The Secondary Dwelling Unit shall not be sold separately from the primary dwelling.
    2. The Secondary Dwelling Unit is restricted to the approved size.
    3. 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 use permit shall remain valid if disability or infirmity require the institutionalization of the owner.
    4. 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 Subsection 28.94.030.29.1 of this Title.

5. The conditional use permit, and any conditions imposed by said permit, shall lapse upon removal of the Secondary Dwelling Unit.
  6. There shall be no more than two (2) inhabitants in any Secondary Dwelling Unit.
  7. The above declarations are binding upon any successors in ownership of the property; any lack of compliance shall revoke the conditional use permit.
- k. Secondary Dwelling Units shall be prohibited in High Fire Hazard Areas (as defined in the Fire Master Plan.)
1. 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:
    1. 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.
    2. Low income households (incomes less than 80 percent 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 (1/12) of thirty percent (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.
    3. Moderate income households (incomes between 81 and 120 percent 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 (1/12) of thirty percent (30%) of the median income for a family of four in the City adjusted for household/unit size according to the following factors:

<u>Unit Size</u>	<u>Factor</u>
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 the lease or rental agreement in effect that identifies the rent level and name and income of the lessee/renter.

- m. 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.
- n. Secondary Dwelling Units shall be prohibited if there is an accessory building containing additional dwelling space, an additional dwelling unit approved under Section 28.94.030.23, caretaker's residence or similar use on the parcel. Furthermore, no accessory building intended to provide additional dwelling space, additional dwelling unit under Section 28.94.030.25, caretaker's residence or similar use shall be constructed on a lot where there is an approved Secondary Dwelling Unit.
- o. The Architectural Board of Review 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 (1) 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.
- p. 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.

- q. In addition to the findings required under Section 28.94.020, the Planning Commission, or City Council on appeal, must find that:
  - 1. 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.
  - 2. The Secondary Dwelling Unit does not detract from the privacy of the surrounding residents.
  
- r. Modifications.
  - 1. 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 28.92.026a of this Code.
  - 2. Setbacks and height limitations. Modification of these requirements may be allowed subject to the provisions of Section 28.92.026.a of this Code.

Bill No. 4204  
Ordinance No. 4225  
Adopted September 27, 1983

STATE OF CALIFORNIA, }  
County of Santa Barbara. } ss.

I HEREBY CERTIFY That the foregoing Ordinance passed its first reading before the Council of the City of Santa Barbara, and was finally read and adopted on the.....27th... day of..... September....., 19<sup>83</sup>....., by the following vote on roll call:

YEAS: Councilmembers..... H. CONKLIN, G. DEWITT, J. GRAFFY, L. REYNOLDS, T. ROGERS, S. SMITH, MAYOR S. LODGE

NAYS: Councilmembers..... NONE

ABSENT: Councilmembers..... NONE

It is hereby presented to the Mayor of said City for her approval on this..... 27th day of..... September....., 19<sup>83</sup>.....

(SEAL)

*Barbara Remick*  
Deputy City Clerk of Said City

Received by me this..... 27th..... day of..... September....., 1983.....

*Sheila Lodge*  
Mayor of Said City

The foregoing Ordinance is hereby approved this..... 27th..... day of..... September....., 1983.....

*Sheila Lodge*  
Mayor of Said City