



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 8, 2018

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Introduction Of Ordinance Amendments Related To The Regulation Of Accessory Dwelling Units

RECOMMENDATION: That Council:

- A. Make the California Environmental Quality Act findings contained in this Council Agenda Report;
- B. Introduce and subsequently adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending Title 30 of the Santa Barbara Municipal Code Chapter 30.20 Regarding Accessory Dwelling Units in Residential Zones, Chapter 30.25 Regarding Accessory Dwelling Units in Commercial and Office Zones, Chapter 30.30 Regarding Accessory Dwelling Units in the Manufacturing Zones, Chapter 30.35 Regarding Accessory Dwelling Units in the Coastal-Oriented Zones, Section 30.140.020 Regarding Accessory Building Types, Front Yard Limitation, and Maximum Floor Area, Section 30.140.150 Regarding Required Features for Residential Units, Amending Chapter 30.185 Establishing Development Regulations for Accessory Dwelling Units, and Amending Chapter 1.28 Regarding Attorneys' Fees and Costs; and
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Accessory Dwelling Unit Covenants as to Form.

EXECUTIVE SUMMARY:

On April 17, 2018, the City Council was presented with amendments to Title 30 of the Santa Barbara Municipal Code (SBMC) establishing regulations for Accessory Dwelling Units (ADUs). While the majority of the regulations were either supported or not discussed by the City Council, a few issue areas required further refinement and the ordinance was not introduced on that date. Staff has since revised the ordinance based on the City Council's direction and summarized those changes in this report.

DISCUSSION:

On April 17, 2018, the City Council reviewed and discussed proposed local regulations for ADUs. This work effort has been underway since April 2017 and resulted in regulations that take into account input from the Single Family Design Board, Historic Landmarks Commission, Planning Commission, Council Ordinance Committee, City Council, California Department of Housing and Community Development, and the public.

Many of the proposed ordinance provisions mirror the state law and cannot be revised (e.g., number of units allowed, sale and rental terms, special rules for garage conversions, parking exceptions for certain ADUs). (See Attachment 1 – California Government Code.) Several other issue areas were refined throughout the public review process and were not a subject of discussion at the April 17, 2018, City Council hearing (e.g., allowed zones, minimum lot size, maximum unit size, configuration of ADUs).

The City Council took straw poll votes on April 17, 2018, to provide direction to staff on the few remaining issue areas that have generated the most discussion throughout development of the draft ordinance: owner-occupancy requirements as reflected in a recorded covenant, High Fire Hazard area considerations, and open yard requirements. These aspects of the ordinance were revised to reflect the City Council's direction and are further discussed below.

Owner Occupancy

The ADU ordinance presented to City Council on April 17, 2018, required owner occupancy for either the primary residential unit or the ADU in the Residential Single Unit (RS) zone only, for a period of not less than 10 years from the date that the final Certificate of Occupancy for the ADU is issued. After public comment and deliberation, the City Council voted 4-2, directing staff to revise the ordinance to require owner occupancy for either the primary unit or the ADU in the RS zone only, for as long as the ADU exists on the site. The ordinance and the associated covenant were revised to reflect this direction (SBMC §30.185.040.G). The ordinance requirements and related covenants regarding Junior ADUs (JADUs), and ADUs in zones other than RS (no owner occupancy requirement), were not revised. All three covenants specify that the ADU/JADU is not to be sold separately and is subject to rental terms of not less than 31 consecutive days.

High Fire Hazard Area Requirements

The ADU ordinance presented to City Council on April 17, 2018, allowed ADUs and JADUs in all four High Fire Hazard Areas (HFHA) of the City: Coastal, Coastal Interior, Foothill, and Extreme Foothill, with additional fire safety measures required for ADUs proposed in the Foothill and Extreme Foothill HFHA areas only. This issue area has evolved the most since the original draft of the ordinance was presented to the Planning Commission in September 2017. At that time, the draft ordinance prohibited ADUs and

JADUs in any of the four HFHAs. In response to City Council direction in October 2017 and further discussions with the Fire Department, the draft ordinance reviewed by the Planning Commission in January 2018 prohibited ADUs and JADUs in the Foothill and Extreme Foothill HFHAs only and allowed ADUs and JADUs in the Coastal and Coastal Interior HFHAs due to the lower fire risk factors in the coastal areas.

After public comment and deliberation, the City Council voted 5-1 to revise the ordinance to prohibit ADUs in the Extreme Foothill HFHA. The ordinance was revised to reflect that direction, and continues to allow JADUs in any of the four HFHAs, ADUs in the Coastal and Coastal Interior HFHAs, and ADUs in the Foothill HFHA subject to regulations that address some safety concerns in high fire hazard areas (SBMC §30.185.040.V).

Open Yard Requirements

The current open yard requirement for lots developed with single-unit and two-unit residential uses is as follows:

1. Minimum Open Yard Area:
 - a. 800 square feet on lots less than 5,000 square feet
 - b. 1,250 square feet on lots 5,000 square feet or greater
2. Minimum Open Yard Dimensions: 20 feet long and 20 feet wide
3. Open Yard Location: May be located in one or multiple areas that meet the minimum dimensions. May include setbacks, except for the primary front setback or the first 10 feet of any secondary front setback.

The existing regulations recognize that smaller lots (less than 5,000 square feet) are constrained and would be challenged to provide a 1,250 square-foot open yard area. The ordinance presented to City Council on April 17, 2018, included a provision to allow ADUs to reduce a conforming or nonconforming open yard, regardless of lot size, by up to 20 percent, or 150 square feet, whichever is greater.

After public comment and deliberation, the City Council voted 6-0 to decrease the overall area and minimum dimension for open yard on lots less than 6,000 square feet when developed with an ADU. After further discussion with representatives of the American Institute of Architects, the ordinance was revised to allow a range of minimum open yard area relative to the size of the lot developed with an ADU, and a reduced minimum open yard dimension of 15 feet. In these instances, the open yard may be provided in multiple areas and overlap the driveway, but not be located in a designated parking area.

On-Site Notice

Pursuant to state law, applications for ADUs and JADUs are reviewed and approved/disapproved ministerially and are not subject to a public hearing. In order to provide some notice to surrounding residents and interested parties, City Council voted 6-0 to require that a notice be posted on the site within a certain time period after building

permit submittal. Staff revised the ordinance to require such a notice within five calendar days after initial application.

ENVIRONMENTAL REVIEW:

Under California Public Resources Code (CPRC) Section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 and 65852.22 of the Government Code, which is the State Accessory Dwelling Unit Law. Therefore, the draft ADU Ordinance is statutorily exempt from CEQA in that the draft ADU Ordinance implements the state accessory dwelling unit law.

Findings

The City Council makes the following findings with respect to CEQA:

- CEQA Findings for City Council Adoption of the Amendments to Title 30 for ADUs pursuant to PRC Section 21080.17.

Local government actions in connection with preparation and adoption of an ordinance implementing the provisions of Section 65852.2 and 65852.22 of the Government Code are statutorily exempt from CEQA environmental review.

GENERAL PLAN CONSISTENCY

Adoption of local regulations for ADUs and JADUs is consistent with the relevant policies and implementation actions of the City's General Plan. The Housing and Land Use Elements of the General Plan encourage additional housing affordable to a range of household types over all other new development. In particular, Housing Element policies encourage new smaller, rental housing units close to transit and other services, flexible development standards, legalization of illegal dwelling units, and preservation of community character. A strategic approach to allowing ADUs and JADUs in areas that have a lower fire safety risk, such as the Coastal and Coastal Interior HFHAs, allowing ADUs in the Foothill HFHA subject to certain additional safety provisions, and prohibiting ADUs in the Extreme Foothill HFHA, provides a balanced facilitation of ADUs in the City while also addressing public safety concerns.

BUDGET/FINANCIAL INFORMATION:

This work effort has been underway since April 2017 and has required, on average, approximately 1.0 full-time equivalent (FTE) in the Planning Division (divided among a Project Planner, Associate Planner, and the City Planner), as well as assistance from Rincon Consultants, Inc. (\$17,658 professional services contract).

As of April 30, 2018, the City has received 343 applications for ADUs proposed under state law, which represents a 20 percent increase in zoning plan check workload.

Staff anticipates that trend will slightly decrease upon adoption of a local ADU ordinance. Review of applications for ADUs against a local ordinance should be more expeditious than interpreting and applying the current state law.

ATTACHMENTS: 1. California Government Code Sections 65852.2 and 65852.22
2. Accessory Dwelling Unit/Junior Accessory Dwelling Unit
Submittal Packet

PREPARED BY: Renee Brooke, AICP, City Planner

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office