

ORDINANCE NO. _____

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 BUILDINGS 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

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

SECTION 1. Table 30.20.020 of the Santa Barbara Municipal Code is amended to read as follows:

TABLE 30.20.020: LAND USE REGULATIONS–RESIDENTIAL ZONES					
<i>“A” Allowed Use</i>		<i>– “ Use Not Allowed</i>			
<i>“PSP” Performance Standard Permit Required</i>		<i>“(#)” Specific Limitations at the end of the table</i>			
<i>“CUP” Conditional Use Permit Required</i>					
<i>Use Classification</i>	<i>RS</i>	<i>R-2</i>	<i>R-M</i>	<i>R-MH</i>	<i>Additional Regulations</i>
Residential Uses					
Residential Housing Types					
<i>Single-Unit Residential</i>	A	A	A	A	
<i>Two-Unit Residential</i>	–	A	A	A	
<i>Multi-Unit Residential</i>	–	A(1)	A	A	
Special Residential Unit Types					
<i>Accessory Dwelling Unit</i>	A	A	A	A	§30.185.040, Accessory Dwelling Units
<i>Additional Residential Unit</i>	PSP	–	–	–	§30.185.050, Additional Residential Unit

SECTION 2. Table 30.20.030.A of the Santa Barbara Municipal Code is amended to read as follows:

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

SECTION 3. Section 30.20.030.A of the Santa Barbara Municipal Code is amended to read as follows:

30.20.030.A Additional Residential Zone Development Regulations

A. Maximum Floor Area (Floor to Lot Area Ratio).

1. ***Floor Area, Precluded Development—RS Zones.*** No application for a Building Permit may be approved for a project in an RS Zone that will: (1) result in an increase of the floor area on the lot, (2) change the location of any floor area on the second or higher story of any structure on the lot, or (3) increase the height of any portion of a structure on the lot to 17 feet or higher if any of the following will occur:
 - a. The floor area will exceed the allowable maximum floor area for the lot, or
 - b. The floor area will exceed 85 percent of the allowable maximum floor area and any of the following apply:
 - i. The average slope of the lot or the building site is 30 percent or greater;
 - ii. The height of any structure on the lot is more than 25 feet; or
 - iii. The lot is located in the Hillside Design District and 500 or more cubic yards of grading is proposed to occur outside the footprint of the main or accessory buildings. Soil located within five feet of an exterior wall of a main or accessory building that is excavated and re-compacted shall not be included in the calculation of the volume of grading outside the building footprint.
2. ***Measuring Floor Area Pursuant to this Section.*** In determining floor area pursuant to this Section see Section 30.15.070, Measuring Floor Area, and the following:
 - a. ***Below Grade Excluded.*** On any floor which is partly below and partly above grade, such as a basement, cellar, or understory, the total floor area of that floor may be excluded from the Floor to Lot Area Ratio (FAR) if no more than a cumulative total width of 12 feet per elevation has a distance from finished grade to ceiling greater than four feet.
 - b. ***Partially Below Grade Reduced.*** On any floor which is partly below and partly above grade, such as a basement, cellar or understory, the total floor area of that floor may be reduced by 50 percent from the Floor to Lot Area Ratio (FAR) if more than 12 feet, but less than one half the entire length of the perimeter has a distance from grade to ceiling greater than four feet.
 - c. ***All Other Floor Area Included.*** If more than one half the entire length of the perimeter of any floor has a distance from grade to ceiling greater than four feet, it is included in the Floor to Lot Area Ratio (FAR).
 - d. ***Accessory Dwelling Unit and Junior Accessory Dwelling Unit Included.*** Floor area within a portion of a structure designed and permitted as an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is included.

SECTION 4. Table 30.20.030.B of the Santa Barbara Municipal Code is amended to read as follows:

TABLE 30.20.030.B: DEVELOPMENT STANDARDS—TWO-UNIT AND MULTI-UNIT ZONES			
<i>Zone</i>	<i>R-2</i>	<i>R-M</i>	<i>R-MH</i>
Lot Size and Street Frontage			
Minimum Net Lot Area for Newly Created Lots (sq. ft.)			
<i>Average Slope less than 10%</i>	7,000	14,000	14,000
<i>Average Slope 10% to 20%</i>	10,500		
<i>Average Slope over 20% to 30%</i>	14,000		
<i>Average Slope over 30%</i>	21,000		
Minimum Public Street Frontage (ft.)	60	60	60
	See §30.140.190, Street Frontage and Access; and §30.140.130, Location of Lot Lines		
Maximum Base Residential Density			
Less than 5,000 sq. ft. Net Lot Area	1 unit		1 unit
5,000 to 5,999 sq. ft. Net Lot Area	1 unit		2 units
6,000 to 6,999 sq. ft. Net Lot Area	2 units if Average Slope less than 10%, 1 unit otherwise		2 units
7,000 and more sq. ft. Net Lot Area			
<i>Average Slope less than 10%</i>	1 unit/3,500 sq. ft. of net lot area	3 units, or 1 unit/3,500 sq. ft. of net lot area, whichever is greater	
<i>Average Slope 10% to 20%</i>	1 unit/5,250 sq. ft. of net lot area		
<i>Average Slope over 20% to 30%</i>	1 unit/7,000 sq. ft. of net lot area		
<i>Average Slope over 30%</i>	1 unit/10,500 sq. ft. of net lot area		
Additional Residential Density Allowances			
All lots, in compliance with the applicable section	See §30.185.040, Accessory Dwelling Units See §30.140.220, Variable Density in Certain Zones See Chapter 30.150, Average Unit-Size Density Incentive Program See Chapter 30.145, Affordable Housing and Density Bonus and Development Incentives		

SECTION 5. Table 30.25.020 of the Santa Barbara Municipal Code is amended to read as follows:

TABLE 30.25.020: LAND USE REGULATIONS—COMMERCIAL AND OFFICE ZONES					
“A” Allowed Use “PSP” Performance Standard Permit Required “CUP” Conditional Use Permit Required			“–” Use Not Allowed “(#)” Specific Limitations at the end of the table		
Use Classification	O-R	O-M	C-R	C-G	Additional Regulations
Residential Uses					
Residential Housing Types					
Single-Unit Residential	A	A	A	A	
Two-Unit Residential	A	A	A	A	
Multi-Unit Residential	A	A	A	A	
Special Residential Unit Types					
Accessory Dwelling Unit	A	A	A	A	§30.185.040, Accessory Dwelling Units
Caretaker Unit	A	A	A	A	§30.185.120, Caretaker Unit

SECTION 6. Table 30.25.030 of the Santa Barbara Municipal Code is amended to read as follows:

TABLE 30.25.030: DEVELOPMENT STANDARDS—COMMERCIAL AND OFFICE ZONES				
Zone	O-R	O-M	C-R	C-G
Lot Size and Street Frontage				
Minimum Net Lot Area for Newly Created Lots	None; except 3,500 sq. ft. of net lot area is required for lots that include residential uses			
Minimum Public Street Frontage	None, See §30.140.180, Street Frontage and Access; and §30.140.120, Location of Lot Lines			
Maximum Base Residential Density				
Less than 5,000 sq. ft. Net Lot Area	1 unit			
5,000 to 6,999 sq. ft. Net Lot Area	2 units			
7,000 and more sq. ft. Net Lot Area	3 units, or 1 unit/3,500 sq. ft. of net lot area, whichever is greater			
Additional Residential Density Allowances				
All lots, in compliance with the applicable section	See §30.185.040, Accessory Dwelling Units See §30.140.220, Variable Density in Certain Zones See Chapter 30.150, Average Unit-Size Density Incentive Program See Chapter 30.145, Affordable Housing and Density Bonus and Development Incentives			

SECTION 7. Table 30.30.020 of the Santa Barbara Municipal Code is amended to read as follows:

TABLE 30.30.020: LAND USE REGULATIONS—MANUFACTURING ZONES			
“A” Allowed Use “PSP” Performance Standard Permit Required “CUP” Conditional Use Permit Required		“–” Use Not Allowed “(#)” Specific Limitations at the end of the table	
Use Classification	M-C	M-I	Additional Regulations
Residential Uses			
Residential Housing Types			
Single-Unit Residential	A	–	
Two-Unit Residential	A	–	
Multi-Unit Residential	A	–	
Special Residential Unit Types			
Accessory Dwelling Unit	A	–	§30.185.040, Accessory Dwelling Units
Caretaker Unit	A	A(1)	§30.185.120, Caretaker Unit

SECTION 8. Table 30.30.030 of the Santa Barbara Municipal Code is amended to read as follows:

TABLE 30.30.030: DEVELOPMENT STANDARDS—MANUFACTURING ZONES		
Zone	M-C	M-I
Lot Size and Street Frontage		
Minimum Net Lot Area for Newly Created Lots (sq. ft.)	None; except 3,500 sq. ft. of net lot area is required for lots that include residential uses	
Minimum Public Street Frontage (ft.)	None, See §30.140.180, Street Frontage and Access; and §30.140.120, Location of Lot Lines	
Maximum Base Residential Density		
Less than 5,000 sq. ft. Net Lot Area	1 unit	One Caretaker Unit See §30.185.120, Caretaker Unit
5,000 to 6,999 sq. ft. Net Lot Area	2 units	
7,000 and more sq. ft. Net Lot Area	3 units, or 1 unit/3,500 sq. ft. of net lot area, whichever is greater	
Additional Residential Density Allowances		
All lots, in compliance with the applicable section	See §30.185.040, Accessory Dwelling Units See §30.140.220, Variable Density in Certain Zones See Chapter 30.150, Average Unit-Size Density Incentive Program See Chapter 30.145, Affordable Housing and Density Bonus and Development Incentives	
	None applicable	

SECTION 9. Table 30.30.030 of the Santa Barbara Municipal Code is amended to read as follows:

TABLE 30.35.020: LAND USE REGULATIONS—COASTAL-ORIENTED ZONES						
“A” Allowed Use “PSP” Performance Standard Permit Required “CUP” Conditional Use Permit Required			“–” Use Not Allowed “(#)” Specific Limitations at the end of the table			
Use Classification	CO-HR	CO-HV	CO-H	CO-CAR	CO-MI	Additional Regulations
Residential Uses						
Residential Uses	–	A	–	A	–	§30.185.360, Residential Uses in the CO-HV and CO-CAR Zones §30.185.040, Accessory Dwelling Units

SECTION 10. Section 30.140.020 of the Santa Barbara Municipal Code is amended to read as follows:

30.140.020 Accessory Buildings

- A. **Applicability.** The provisions of this Section apply to all attached and detached covered parking, and all other detached accessory buildings and structures having a solid roof supported by columns or walls located on lots developed with Residential, Agriculture, Community Garden, or Market Garden uses. Attached accessory buildings consistent with Section 30.140.030, Building Attachment, are not subject to this Section, and are considered part of the main building subject to all of the standards and regulations of the main building.
- B. **Types of Accessory Buildings.** Accessory buildings may include, but are not limited to, nonlivable buildings used as garages, carports, workshops, barns, greenhouses, agricultural buildings, pens, stables, sheds, and storage rooms; and livable floor area such as detached Accessory Dwelling Units, bedrooms, playrooms, or guestrooms.
- C. **Residential Units in Accessory Buildings.** Unauthorized or unpermitted Residential Building Elements listed in Subsection 30.140.150.E Determination of Residential Unit shall not be installed in an accessory building without first obtaining all required City approvals and permits. Bathing facilities, or more than one sink, or a kitchen are prohibited unless approved as a residential unit, or pursuant to Subsection 30.140.020.D, Additional Residential Building Elements, below, and a Performance Standard Permit, Chapter 30.255.
- D. **Additional Residential Building Elements.** The additional residential building elements that may be considered for a Performance Standard Permit, are limited to those which in the determination of the Community Development Director would not result in separate residential occupancy. The Performance Standard Permit shall include a Recorded Agreement providing for the automatic expiration of limited term approvals, or rescission of the permit or approval, if the City determines there is evidence of separate residential occupancy.
- E. **Relation to Existing Structures.** A detached accessory building may only be constructed on a lot on which there is a permitted main building to which the accessory building is related, with the exception of accessory buildings used for Agriculture, Community Garden, or Market

Garden uses, pursuant to Section 30.185.070, Agriculture, and Section 30.185.130, Community and Market Gardens.

- F. **Setbacks.** Accessory buildings shall comply with the minimum setback requirements of the zone. Accessory buildings used for the care and keeping of animals shall be subject to the distance limitations in Title 6 of the Santa Barbara Municipal Code.
- G. **Maximum Height.** Accessory buildings shall not exceed two stories and 30 feet in height.
- H. **Front Yard Limitation.** Detached accessory buildings, except covered parking or a building used exclusively as an Accessory Dwelling Unit approved under Section 30.185.040, are prohibited in a front yard.
- I. **Design Review Required.** Design review approval by the appropriate Design Review body pursuant to Title 22 of the Santa Barbara Municipal Code shall be required for any new building, additions, or other exterior alterations to an existing accessory building, when any of the following apply:
 - 1. The aggregate floor area of all detached accessory buildings on the lot is greater than 500 square feet, or
 - 2. The cumulative total of all buildings, or portions of buildings, on the lot providing covered parking, result in three or more covered parking spaces on the lot.

Exception for Accessory Dwelling Units. Design review approval under this Subsection is not required for any portion of an accessory building proposed for use as an Accessory Dwelling Unit approved under Section 30.185.040, Accessory Dwelling Units.

- J. **Maximum Floor Area.** In all zones, on lots developed with a single residential unit, Agriculture pursuant to Section 30.185.070, or Community and Market Gardens pursuant to Section 30.185.130, the maximum floor area for attached or detached covered parking and other detached accessory buildings is as follows:
 - 1. ***Maximum Total Square Footage Per Lot.***
 - a. *Lots less than 5,000 square feet:* 1,000 square feet
 - b. *Lots 5,000 square feet up to 9,999 square feet:* 1,300 square feet
 - c. *Lots 10,000 square feet up to 14,999 square feet:* 1,500 square feet
 - d. *Lots 15,000 square feet up to 19,999:* 1,750 square feet
 - e. *Lots 20,000 square feet or larger:* 1,950 square feet
 - 2. ***Covered Parking.*** Other than to permit the construction of an Accessory Dwelling Unit pursuant to Section 30.185.040, detached accessory buildings in excess of 500 square feet shall not be permitted unless the total amount of required covered parking is provided per Chapter 30.175, Parking Regulations.
 - 3. ***Maximum in a Single Building.*** The maximum floor area in any single detached building shall not exceed 1,250 square feet. The floor area of an Accessory Dwelling Unit attached to or constructed above a new or existing covered parking structure shall not be included in the calculation of floor area pursuant to this Subsection.

4. **Maximum Livable Floor Area.** The maximum cumulative detached livable floor area in accessory buildings per lot, excluding the livable floor area of a permitted Accessory Dwelling Unit, shall not exceed 500 square feet.

SECTION 11. Section 30.140.150 of the Santa Barbara Municipal Code is amended to read as follows:

30.140.150 Residential Unit

- A. **Applicability.** The standards of this Section apply to all Residential Use Classifications except the following:
 1. Group Residential.
 2. Community Care Facilities, Residential Care Facilities for the Elderly, and Hospices (See Section 30.185.140).
- B. **Minimum Size.** Each studio residential unit shall contain a minimum of 220 square feet of livable floor area and all other residential units shall contain a minimum of 400 square feet of livable floor area. Accessory buildings shall not be included in the minimum unit size.
 1. **Exception for Affordable Efficiency Units.** An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, with a minimum floor area of 150 square feet, may be permitted; provided that the efficiency unit is provided for occupancy by persons who qualify as either low-income or very low-income households, as defined in the City's Affordable Housing Policies and Procedures, at the time of their initial occupancy, or permitted as a studio Accessory Dwelling Unit, approved under Section 30.185.040, Accessory Dwelling Units.
- C. **Required Features.** Each residential unit shall contain, at a minimum:
 1. A kitchen, consisting of a sink, range or built-in stove-top and oven, and refrigeration facilities.
 2. A bathroom consisting of a toilet, sink, and bathtub or shower.
 3. A separate living room.
 4. A separate sleeping room, except in studio residential units, where a living room is considered a sleeping room.
 5. Exterior access to the unit, with no interior access between abutting residential units.

SECTION 12. Section 30.185.040 of the Santa Barbara Municipal Code is amended to read as follows:

30.185.040 Accessory Dwelling Units

Accessory Dwelling Units and Junior Accessory Dwelling Units shall be located, developed, and occupied subject to the following provisions:

- A. **Purpose.** The purpose of this section is to:
 1. Expand opportunities in the City to create additional housing to suit the spectrum of individual lifestyles and space needs, allow more efficient use of existing housing stock and public infrastructure, and provide a range of housing opportunities.

2. Allow Accessory Dwelling Units or Junior Accessory Dwelling Units as an accessory use to single residential units, consistent with California Government Code Section 65852.2 or 65852.22, as applicable.
3. Promote Accessory Dwelling Units or Junior Accessory Dwelling Units with high-quality designs that are compatible with the surrounding neighborhood, historic resources, and historic districts; preserve the City's visual resources; promote long-term sustainability; and contribute to a desirable living environment.

B. **Definitions.** For the purposes of this Section, the following words and phrases shall have the following meanings:

1. ***Accessory Dwelling Unit.*** An attached or a detached residential unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single residential unit is situated. An Accessory Dwelling Unit also includes the following:
 - a. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
 - b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
2. ***Primary Residential Unit.*** The existing or proposed single residential unit on a lot on which an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is permitted.
3. ***Principal Place of Residence.*** The residence where a property owner actually lives for the greater part of time, or the place where the property owner remains when not called elsewhere for some special or temporary purpose and to which the property owner returns frequently and periodically, as from work or vacation. There may be only one "principal place of residence," and where more than one residence is maintained or owned, the burden shall be on the property owner to show that the Primary Residential Unit, or Accessory Dwelling unit, or Junior Accessory Dwelling Unit is his or her principal place of residence as evidenced by qualifying for the homeowner's tax exemption, voter registration, vehicle registration, or similar methods that demonstrate owner-occupancy. 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 percent of the ownership interest in the Property shall reside on the Property and maintain the Property as his, her, or their 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.
4. ***Passageway.*** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the Accessory Dwelling Unit.
5. ***Junior Accessory Dwelling Unit.*** A unit that is no more than 500 square feet in size and contained entirely within the structure of an existing single residential unit. A Junior Accessory Dwelling Unit may include separate sanitation facilities, or may share sanitation facilities with the existing single residential unit.

- C. **Located on a Lot Developed with a Single Residential Unit.** An Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall only be permitted on a lot that is developed with one single residential unit or in conjunction with the construction of a single residential unit.
- D. **Prohibited on a Lot Developed with Additional Residential Units.** An Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be prohibited on a lot developed with more than one residential unit, including but not limited to, an Additional Residential Unit, approved under Section 30.185.050, Additional Residential Unit, or a Caretaker Unit, approved under Section 30.185.120, Caretaker Unit, or similar use, or on a lot developed, or proposed to be developed, with additional detached livable floor area greater than 500 square feet.
- E. **Number of Units.** Only one Accessory Dwelling Unit or one Junior Accessory Dwelling Unit shall be permitted on a lot in addition to one single residential unit, not both.
- F. **Sale and Rental Terms.** An Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall not be sold separately from the Primary Residential Unit. 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.
- G. **Owner Occupancy.** The following owner-occupancy requirements shall apply to all Junior Accessory Dwelling Units and to any Accessory Dwelling Unit permitted in an RS zone.
 - 1. **Owner's Unit.** 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 Units shall live on the lot as long as the lot is developed with an Accessory Dwelling Unit/Junior Accessory Dwelling Unit. Owner may re-designate the Primary Residential Unit or the Accessory Dwelling Unit/Junior Accessory Dwelling Unit as the Owner's Unit upon written notice to the Community Development Director and written approval of the re-designation by the Community Development Director, which approval shall not be denied unreasonably. The property owner shall not rent or lease both the Primary Residential Unit and the Accessory Dwelling Unit/Junior Accessory Dwelling Unit simultaneously.
 - 2. **Hardship Waiver.** 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 one of the units as his or her primary residence, 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 Primary Residential Unit or the Accessory Dwelling Unit/Junior Accessory Dwelling 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 him or her from occupying the Primary Residential Unit or the Accessory Dwelling Unit/Junior Accessory Dwelling 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.
- H. **Configuration – Accessory Dwelling Unit.**

1. An Accessory Dwelling Unit may be permitted in the following configurations:
 - a. Incorporated entirely within an existing or proposed single residential unit or existing or proposed accessory building located on the same lot as the Primary Residential Unit;
 - b. Attached to or increasing the size of an existing single residential unit or accessory building located on the same lot as the Primary Residential Unit; or
 - c. Detached from and located on the same lot as an existing or proposed single residential unit. An Accessory Dwelling Unit that is attached to another detached accessory building, but not the Primary Residential Unit, or is attached by a breezeway or porch, is considered detached.
2. The Accessory Dwelling Unit shall have exterior access that is independent from the Primary Residential Unit.
3. The Accessory Dwelling Unit shall meet all of the standards for a residential unit, pursuant to Section 30.140.150, Residential Unit.

I. Configuration – Junior Accessory Dwelling Unit.

1. A Junior Accessory Dwelling Unit must be created within the existing livable floor area of an existing single residential unit, and must include one of the bedrooms of the existing single residential unit.
2. A separate exterior entry shall be provided to serve a Junior Accessory Dwelling Unit.
3. An interior connection between the Primary Residential Unit and the Junior Accessory Dwelling Unit must be maintained, however a lockable door in the same location may be added for sound attenuation and privacy.
4. A Junior Accessory Dwelling Unit shall include an efficiency kitchen, which shall include all of the following components:
 - a. A sink with a waste line not to exceed a diameter of one-and-a-half (1.5) inches;
 - b. A cooking facility with appliances which do not require electrical service greater than one-hundred-and-twenty (120) volts, or natural or propane gas; and
 - c. A food preparation counter and storage cabinets that are reasonable to the size of the Junior Accessory Dwelling Unit.

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

1. ***Exceptions Dependent upon Maintenance of the Accessory Dwelling Unit.*** The reductions and exceptions to the development standards normally applicable to single unit 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 30.185.040, the lot shall be brought into compliance with all the requirements for Single Unit Residential Development, or 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.

K. Floor Area.

1. **Maximum Floor Area – Attached Accessory Dwelling Unit.** The maximum floor area of an attached Accessory Dwelling Unit shall not exceed 50 percent of the living area of the Primary Residential Unit, or 1,200 square feet, whichever is less.
2. **Maximum Floor Area – Detached Accessory Dwelling Unit.** The maximum floor area of a detached Accessory Dwelling Unit shall not exceed the following:
 - a. *Lots less than 5,000 square feet:* 600 square feet
 - b. *Lots 5,000 square feet up 9,999 square feet:* 800 square feet
 - c. *Lots 10,000 up to 14,999:* 1,000 square feet
 - d. *Lots 15,000 or larger:* 1,200 square feet
3. **Maximum Floor Area – Junior Accessory Dwelling Unit.** The maximum floor area of a Junior Accessory Dwelling Unit shall be 500 square feet.
4. **Relation to Other Accessory Buildings.** The floor area of a detached Accessory Dwelling Unit shall be included in the maximum total floor area allowed per lot for attached or detached covered parking and other detached accessory buildings, pursuant to Section 30.140.020.J, Maximum Floor Area.

L. Setbacks for Structures. Except for the special rules stated in this Subsection, the Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall comply with the setback standards applicable to residential structures within the zone in which the lot is located.

1. **Special Rule for Garage Conversions.** No setbacks shall be required for an existing, legally permitted, garage or other accessory building that is converted to an Accessory Dwelling Unit.
2. **Special Rule for an Accessory Dwelling Unit Constructed Above a Garage.** When an Accessory Dwelling Unit is constructed above a new or existing attached or detached garage, a setback of five feet from the interior lot lines shall be required for the Accessory Dwelling Unit. The five foot setback applies only to the upper story portions of the Accessory Dwelling Unit. Ground floor additions to the building shall comply with the setback standards applicable to residential structures within the zone in which the lot is located.
3. **Setback Encroachments.** Setback encroachments allowed pursuant to Section 30.140.090, Encroachments into Setbacks and Open Yards, may be permitted for Accessory Dwelling Units or Junior Accessory Dwelling Units.

M. Nonconforming Structures. Additions, alterations, substantial redevelopment, or demolition and replacement of existing nonconforming structures shall comply with Chapter 30.165, Nonconforming Structures, Site Development, and Uses.

1. **Exception for Nonconforming Garages.** Notwithstanding the limitations on additions described in 30.165.050, Additions to Nonconforming Development, the

construction of an Accessory Dwelling Unit may be combined with the substantial redevelopment and replacement of a nonconforming detached garage if the Accessory Dwelling Unit is constructed above the reconstructed garage and all other development standards are met.

- N. **No Passageway Required.** No passageway is required in conjunction with the construction of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit.
- O. **Open Yard.** The required open yard pursuant to Section 30.140.140. C, Open Yards, may be reduced as follows in order to construct an Accessory Dwelling Unit pursuant to this Section, provided all other open yard requirements for Single Unit Residential Development in Section 30.140.140.C, Open Yards, 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 on lots developed with an Accessory Dwelling Unit.
 3. **Driveways and Turnarounds.** Notwithstanding Subsection 30.140.140.E.6.a, Vehicle Areas, the required open yard may be located in driveways and turnarounds, but not parking areas, in order to allow the construction of a new Accessory Dwelling Unit.
- P. **Permanent Foundation Required.** Attached and detached Accessory Dwelling Units shall be constructed with an approved permanent foundation.
- Q. **Property Address.** Property addresses identifying two residential units are on the lot, with minimum 3 ½ inch numbers, plainly visible from the street or road fronting the property shall be provided.
- R. **Parking.** Notwithstanding the provisions of Chapter 30.175, Parking Regulations, automobile parking for lots developed with Accessory Dwelling Units or Junior Accessory Dwelling Units shall be provided as follows:
1. **Required Parking for the Primary Residential Unit.** Automobile parking for the Primary Residential Unit shall be provided in compliance with Chapter 30.175, Parking Regulations, except as provided below.
 - a. *Special Procedures for Conversion or Demolition of Existing Covered Parking to an Accessory Dwelling Unit.* When a garage, carport, or other covered parking structure is converted to an Accessory Dwelling Unit or demolished in conjunction with the construction of an Accessory Dwelling Unit, the required covered parking spaces that 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 Primary Residential Unit. The replacement spaces may be covered, uncovered, in a mechanical lift, or in a tandem configuration pursuant to subsection 30.175.090.F, Tandem Parking. The replacement spaces shall meet all of the following:

- i. Covered parking shall meet the development standards applicable to a single residential unit within the zone in which the lot is located.
 - ii. All parking spaces must meet the minimum dimensions and development standards consistent with the City Standard for Parking Design and Section 30.175.090 Parking Area Design and Development Standards.
 - iii. In order to maintain visibility for adjacent driveways and intersections, uncovered parking spaces shall comply with Section 30.140.230, Visibility at Driveways and Intersections.
 - iv. 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.
2. ***Required Parking for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit.*** No additional parking spaces are required for an Accessory Dwelling Unit or for a Junior Accessory Dwelling Unit, unless as otherwise indicated in the Foothill High Fire Hazard Areas.
3. ***Optional Parking Spaces.*** If new parking spaces are proposed, but are not required, for either the Primary Residential Unit or the Accessory Dwelling Unit, those optional parking spaces shall comply with the development standards applicable to a single 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.
- S. **Utility Connection or Meter.** Provision of utility connection or meter shall comply with Title 14, Section 14.08.150.
- T. **Architectural Review.** The creation of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be subject to the following architectural design criteria, which shall be reviewed ministerially by the Community Development Director:
 1. ***Prohibition of Shiny Roofing and Siding.*** New roofing and siding materials that are, shiny, mirror-like, or of a glossy metallic finish are prohibited.
 2. ***Roof Tile.*** Where a new roof for architecture based on Hispanic, Spanish and Mexican cultural influences is proposed, the use of two-piece terra cotta (Mission “C-tile”) roof is required and clay S-tile is prohibited, unless necessary to match the roof of the existing Primary Residential Unit.
 3. ***Skylights.*** New skylights shall have flat glass panels. “Bubble” or dome type skylights are not allowed.
 4. ***Glass Guardrails.*** New glass guardrails are not allowed, unless necessary to match the guardrails of the existing Primary Residential Unit.
 5. ***Garage Conversion.*** If a garage is converted to an Accessory Dwelling Unit, the garage door opening shall be replaced with siding, or residential windows and doors, to match the existing garage walls and detailing.

6. **Height.** The construction of an Accessory Dwelling Unit shall not exceed the height or the number of stories of the Primary Residential Unit or 17 feet, whichever is greater. This height limitation is not applicable to an Accessory Dwelling Unit constructed above a garage.
7. **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:
 - a. The new Accessory Dwelling Unit must be located a minimum of 20 feet back from a front lot line, or meet the minimum front setback for the zone, whichever is greater.
 - b. Unless constructed over a garage, the new unit shall be:
 - i. No more than one-story and less than 17 feet in height, and
 - ii. 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.
8. **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:
 - a. Attached to, or if any portion of the Accessory Dwelling Unit is located within 20 feet of, the Primary Residential Unit;
 - b. Located in the Hillside Design District and 20% or greater average slope;
 - c. Two or more stories tall, or 17 feet or taller in building height;
 - d. Located on a site on which there is a historical resource listed on the National Register of Historic Places or the California Register of Historic Places, or designated as a City of Santa Barbara Landmark or Structure of Merit, or located in a designated historic district; or
 - e. Located in the front yard.
9. **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:
 - a. 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.
 - b. Upper story unenclosed landings, decks and balconies, that do not face or overlook the adjoining property, 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.

- c. 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.

The portions of a building or site considered to be the Accessory Dwelling Unit shall include all the contiguous interior livable floor area of the Accessory Dwelling Unit, as well as any exterior alterations directly attached to, and related to, the livable floor area of the Accessory Dwelling Unit. Discretionary design review may be required for any exterior alterations to the site or Primary Residential Unit that are not a part of the Accessory Dwelling Unit, but are proposed in conjunction with the Accessory Dwelling Unit, if required pursuant to Chapters 22.22, 22.68, or 22.69 of this Code. An applicant may propose an Accessory Dwelling Unit that does not meet these design criteria subject to approval by the Single Family Design Board or Historic Landmarks Commission, as appropriate.

- U. **Protection for Historic Resources.** No Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be permitted if the proposal would cause a substantial adverse change in the significance of a historical resource listed on the National Register of Historic Places or the California Register of Historic Places, or designated as a City of Santa Barbara Landmark or Structure of Merit, or located in a designated historic district. The Community Development Director shall make this determination by reviewing the proposal for compliance with appropriate Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

- V. **High Fire Hazard Areas.** A Junior Accessory Dwelling Unit is permitted in any High Fire Hazard Area. No Accessory Dwelling Unit shall be permitted on a lot located within the Extreme Foothill High Fire Hazard Areas as defined in the City's Wildland Fire Plan. No Accessory Dwelling Unit shall be permitted on a lot located within the Foothill High Fire Hazard Areas as defined in the City's Wildland Fire Plan, unless all the following requirements are met:

1. No parking space shall be developed in a tandem configuration.
2. 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.
3. No variance or modification to any Fire Code requirements or high fire construction standards shall be permitted.
4. The site must meet defensible space requirements, pursuant to Chapter 8.04 of this Code, prior to occupancy and those requirements must be maintained.
5. One covered or uncovered automobile parking space per unit or bedroom, whichever is less, meeting all of the same parking standards required for the Primary Residential Unit as described in Subsection 30.180.040.R.1, Parking, shall be required for an Accessory Dwelling Unit.
 - a. *Parking Exceptions for Certain Accessory Dwelling Units.* Automobile parking is not required for an Accessory Dwelling Unit in any of the following instances:
 - i. 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.
 - ii. The Accessory Dwelling Unit is located within an architecturally and historically significant historic district. For purposes of this provision,

El Pueblo Viejo Landmark District, Brinkerhoff Avenue Landmark District, Riviera Campus Historic District, and the El Encanto Hotel Historic District, constitute architecturally and historically significant historic districts within the City and any district hereafter created deemed to be architecturally and historically significant.

- iii. The Accessory Dwelling Unit is contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building.
- iv. When on-street parking permits are required but not offered to the occupant(s) of the Accessory Dwelling Unit.
- v. When there is a “carshare vehicle” as defined in Chapter 10.73 of this Code, located within a walking distance of 500 feet of the Accessory Dwelling Unit.

W. **Special Procedures for Accessory Dwelling Units Constructed Entirely Within Existing Structures.** The City shall ministerially approve an application for a building permit for an Accessory Dwelling Unit if all of the following requirements are satisfied:

- 1. The lot is located within any zone that allows single-unit residential as an allowed use,
- 2. The construction will result in no more than one Primary Residential Unit and one Accessory Dwelling Unit on the lot,
- 3. The proposed Accessory Dwelling Unit will be contained entirely within the permitted floor area of the existing Primary Residential Unit, or an existing accessory building on the same lot as the Primary Residential Unit,
- 4. The proposed Accessory Dwelling Unit meets all of the configuration standards provided in Section 30.185.040.H, Configuration,
- 5. When a garage is converted to an Accessory Dwelling Unit or demolished in conjunction with the construction of an Accessory Dwelling Unit, the required covered parking spaces that were displaced shall comply with the same parking requirements described in subsection 30.185.040.R.1, Required Parking for the Primary Residential Unit
- 6. When a garage is converted to an Accessory Dwelling Unit, the garage door opening shall be replaced with siding, or residential windows and doors, to match the existing garage walls and detailing.
- 7. State and local building codes that apply to detached dwellings, including provisions for fire safety pursuant to Section 30.185.040.V, High Fire Hazard Areas, shall apply.
- 8. Accessory Dwelling Units constructed pursuant to this Subsection shall not be required to provide fire sprinklers if they are not required for the Primary Residential Unit.
- 9. An Accessory Dwelling Unit constructed pursuant to this Subsection shall require a building permit. Before obtaining a building permit, the property owner shall execute an agreement, pursuant to Chapter 30.260, Recorded Agreements, containing a reference to the deed under which the property was acquired by the present owner and stating that the Accessory Dwelling Unit meets all the owner occupancy and rental

requirements provided in Sections 30.185.040.F, Sale and Rental Terms, and 30.185.040.G, Owner Occupancy.

For purposes of this Subsection, in order to be considered an existing single residential unit or an existing garage or accessory building, the structure must be a legally permitted structure constructed on the site with a Final Inspection or Certificate of Occupancy as of the date of application submittal, and conforms to current zoning standards or is legal nonconforming as to current zoning standards.

- X. **Building Permit Required.** All Accessory Dwelling Units and Junior Accessory Dwelling Units shall comply with applicable State and local building codes and shall require approval of a building permit. Applications shall be processed pursuant to Chapter 30.205, Common Procedures, and the specific requirements of this Section. The City shall ministerially approve or disapprove an application for a building permit for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit in compliance with the provisions of this Section within 120 days of receiving a complete application.
1. ***Modifications and Minor Zoning Exceptions for Accessory Dwelling Units or Junior Accessory Dwelling Unit.*** An Accessory Dwelling Unit or Junior Accessory Dwelling Unit that is not in compliance with the development standards of this Section may be granted a Modification or Minor Zoning Exception if all the required findings can be met, pursuant to the procedures outlined in Chapter 30.250, Modifications, or Chapter 30.245 Minor Zoning Exceptions.
 2. ***Posted Sign.*** Within 5 calendar days after submitting an initial building 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.
- Y. **Recorded Agreement.** Before obtaining a building permit for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit, the property owner shall execute an agreement, pursuant to Chapter 30.260, Recorded Agreements, containing a reference to the deed under which the property was acquired by the present owner 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 Subsections F and G of this Section.
- Z. **Residential Density.** An Accessory Dwelling Unit or Junior Accessory Dwelling Unit is a residential use that is consistent with the existing General Plan designations and zoning for lots within the allowable residential zones. Any Accessory Dwelling Unit or Junior Accessory Dwelling Unit permitted pursuant to this Section does not exceed the allowable density for the lot upon which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.

SECTION 13. Chapter 1.28 of the Santa Barbara Municipal Code is amended to add Section 1.28.070 to read as follows:

1.28.070 Recovery of costs of abatement and attorneys' fees.

In any civil action filed pursuant to this chapter, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs; provided, that, pursuant to Government Code Section 38773.5, attorneys' fees shall only be available in an action or proceeding in which the City has elected, at the commencement of such action or proceeding, to seek recovery of its own attorneys' fees. In no action or proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

SECTION 14. Complete applications for Accessory Dwelling Units received on or after January 1, 2017 and before the effective date of this ordinance shall be processed in accordance with California Government Code Section 65852.2, subject to the execution of a recorded agreement approved as to form by Council Resolution, and shall comply with all other applicable City ordinances and standards.

SECTION 15. 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 (Policy LG1). In particular, Housing Element policies encourage new smaller, rental housing units close to transit and other services (Policy H14), flexible development standards (Policy H17), legalization of illegal dwelling units (Policy H20), and preservation of community character (Policy H16). The City Council also considered Housing Element Policy H15, which encourages second units in single-family residential zones, exclusive of High Fire Hazard zones to the extent allowed by state laws, and Housing Element Implementation Action H15.1, which directs more site planning flexibility and affordable-by-design concepts through amendments to the existing Secondary Dwelling Unit (Accessory Dwelling Unit) Ordinance. The City Council found that a strategic approach to allowing Accessory Dwelling Units in areas that have a lower fire safety risk, such as the Coastal and Coastal Interior High Fire Hazard Areas, allowing Accessory Dwelling Units in the Foothill High Fire Hazard Areas subject to certain additional fire safety provisions, and prohibiting Accessory Dwelling Units in the Extreme Foothill High Fire Hazard Area, provided a balanced facilitation of Accessory Dwelling Units in the City while also addressing public safety concerns. This approach implements Housing Element Policy H15 in light of changes to state law since 2015 that further encourage and facilitate Accessory Dwelling Units with minimal local regulation.

SECTION 16. The City Council makes the following findings in accordance with the California Environmental Quality Act (CEQA) for City Council Adoption of the Amendments to Title 30 for ADUs, pursuant to PRC Section 21080.17:

1. 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 (LCP) are statutorily exempt from CEQA environmental review.
2. The City Planner is the custodian of the record of proceedings for the amendments to Title 30 of the Santa Barbara Municipal Code to establish regulations for ADUs and JADUs. The documents and other materials which constitute the record of proceedings for these City

actions are located at the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, California. Copies of these documents are available for public review during normal business hours upon request at the office of the City of Santa Barbara Community Development Department, Planning Division.