

# **CALIFORNIA COASTAL COMMISSION**

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# **Th13a**

## **LOCAL COASTAL PROGRAM AMENDMENT**

**NO. LCP-4-STB-18-0071-2-PART B**

**(ACCESSORY DWELLING UNITS)**

**FEBRUARY 21, 2019**

## **EXHIBITS**

### **Table of Contents**

**Exhibit 1** – Suggested Modifications to the proposed Coastal Zoning Ordinance amendment

**Exhibit 2** – Santa Barbara County Ordinance No. 5057 containing the proposed Coastal Zoning Ordinance text

# SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE

## LCP Amendment 4-STB-18-0071-2-Part B (Accessory Dwelling Unit Ordinance)

Exhibit 1

LCP-4-STB-18-0071-2-Part B

Existing language of the certified Implementation Plan/Coastal Zoning Ordinance is shown in straight type. The County's proposed amendment language to the certified Implementation Plan/Coastal Zoning Ordinance is shown in ~~strikeout~~ and underline. Language recommended by Commission staff to be deleted is shown in ~~double strikeout~~. Language recommended by Commission staff to be inserted is shown in double underline.

### SUGGESTED MODIFICATION NO. 1

**Section 35-142, Accessory Dwelling Units, shall be modified as follows:**

**Section 35-142. Accessory Dwelling Units.**

**Section 35-142.1 Purpose and Intent.**

The purpose of this Section is to establish permit procedures and development standards for attached and detached accessory dwelling units in compliance with California Government Code Section 65852.2. The intent is to encourage the development of accessory dwelling units that contribute needed housing to the community's housing stock.

**Section 35-142.2 Applicability.**

1. In addition to the allowable uses listed in Division 4, Zoning Districts, an accessory dwelling unit may be allowed on a lot zoned as follows:

**a. Agricultural zones.**

- 1) AG-I (Agriculture I).
- 2) AG-II (Agriculture II).

**b. Resource Protection Zones.**

- 1) MT-TORO (Mountainous Area - Toro Canyon Planning Area).
- 2) RES (Resource Management).

**c. Residential zones.**

- 1) EX-1 (One-Family Exclusive Residential).
- 2) R-1/E-1 (Single-Family Residential).
- 3) R-2 (Two-Family Residential).
- 4) DR (Design Residential).
- 5) PRD (Planned Residential Development).
- 6) RR (Rural Residential).
- 7) SR-H (High Density Student Residential).
- 8) SR-M (Medium Density Student Residential).

**d. Commercial zones.**

- 1) C-1 (Limited Commercial).
  - a) An accessory dwelling unit may only be approved on a lot where a single-family or multiple-family residence may be allowed, and subject to the regulations of Section 35-77A.6 (Minimum Lot Size) and Section 35-71 (R-1/E-1).

**Section 35-142.3 Allowed Density and Use.**

1. As required by Government Code Section 65852.2(a)(8), an accessory dwelling unit shall:
  - a. Be deemed to be an accessory use or an accessory building.
  - b. Not be considered to exceed the allowable density for the lot upon which it is located.
  - c. Be deemed to be a residential use that is consistent with the existing Coastal Land Use Plan and zoning designation for the lot on which the accessory dwelling unit is located.
  - d. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.
2. A lot may contain no more than one accessory dwelling unit, and it shall be accessory to and located on the same lot as an existing or proposed single-family or multiple-family dwelling.

**Section 35-142.4 Application and Processing Requirements.**

1. **Permit required.** Prior to the development or use of a building or portion thereof as an accessory dwelling unit, an application for a Coastal Development Permit shall be submitted in compliance with Section 35-57A (Application Preparation and Filing), and the Coastal Development Permit shall be issued in compliance with Section 35-169 (Coastal Development Permits).
2. ~~Ministerial review~~**Hearing Requirements.** An application for a Coastal Development Permit for an accessory dwelling unit shall be considered ~~ministerially without discretionary review or without a hearing.~~
3. **Conflicts with other sections of this Article.** Except as provided in Subsection 3.a (Coastal resource protection), where there are conflicts between the standards in this Section 35-142 (Accessory Dwelling Units), the standards in Section 35-119 (Accessory Structures), and the standards in the specific zone regulations (Division 4 Zoning Districts), the provisions of this Section shall prevail.
  - a. **Coastal resource protection.** If there is a conflict between the standards of this Section 35-142 (Accessory Dwelling Units) and standards that protect coastal resources, the requirements which are most protective of coastal resources shall prevail.

**Section 35-142.5 Accessory dwelling units located entirely within existing single-family dwellings or accessory buildings on lots zoned for single-family use.**

An accessory dwelling unit proposed entirely within an existing single-family dwelling or existing accessory building shall be approved with a Coastal Development Permit when in compliance with all of the following development standards:

1. The lot contains no more than one accessory dwelling unit.
2. The primary use of the lot is a single-family dwelling.
3. The accessory dwelling unit is proposed to be located in one of the following zones:
  - a. RR (Rural Residential).
  - b. R-1/E-1 (Single-Family Residential).
  - c. EX-1 (One-Family Exclusive Residential).
  - d. DR (Design Residential).
  - e. PRD (Planned Residential Development).
4. The accessory dwelling unit has independent exterior access from the existing single-family dwelling.
5. The existing side and rear setbacks are sufficient for fire safety purposes in compliance with the current, adopted edition of the California Fire Code.
6. Additional parking spaces are not required to be provided for accessory dwelling units permitted in

compliance with this Section 35-142.5.

7. Accessory dwelling units allowed in compliance with this Section 35-142.5 shall also comply with the development standards in Section 35-142.8 (Additional development standards that apply to accessory dwelling units).
8. Accessory dwelling units allowed in compliance with this Section 35-142.5 and proposed on lots in Special Problem Areas shall not be subject to the requirements in Section 35-142.9 (Accessory dwelling units in Special Problem Areas).
9. Accessory dwelling units located entirely within existing single-family dwellings or accessory buildings on lots zoned for single-family use that do not meet all of the standards in this Section 35-142.5 may be allowed in compliance with Section 35-142.6 (Accessory dwelling units located entirely within existing single-family or multiple-family buildings on lots zoned for single-family or multiple-family use), below.

**Section 35-142.6      Accessory dwelling units located entirely within existing single-family dwellings, ~~or~~ multiple-family buildings-dwellings, or accessory buildings on lots zoned for single-family or multiple-family use.**

Excluding accessory dwelling units that comply with Section 35-142.5 (Accessory dwelling units located entirely within existing one-family dwellings or accessory buildings on lots zoned for one-family use), above, an accessory dwelling unit proposed entirely within an existing single-family or multiple-family dwelling or existing accessory building shall be approved with a Coastal development Permit when in compliance with all of the following development standards:

1. Accessory dwelling units allowed in compliance with this Section 35-142.6 shall also comply with the development standards in Section 35-142.8 (Additional development standards that apply to accessory dwelling units).
2. Accessory dwelling units allowed in compliance with this Section 35-142.6 and proposed on lots in Special Problem Areas shall also comply with the requirements in Section 35-142.9 (Accessory dwelling units in Special Problem Areas).
3. **Appearance and style.** Any exterior alterations to an existing building that result from the conversion of all or a portion of the existing building to an accessory dwelling unit shall be limited to minor alterations such as the addition of doors and windows.
4. **Maximum and minimum living area requirements.** As used in Section 35-142 (Accessory Dwelling Units), living area means the interior habitable area of a dwelling unit including basements and attics but not including an attached garage or any other attached accessory structure.
  - a. **Maximum living area.** The living area of the accessory dwelling unit shall not exceed the following standards:
    - 1) **Attached accessory dwelling unit:** 50 percent of the living area of the principal dwelling that exists at the time of application for the accessory dwelling unit, provided that the living area of the accessory dwelling unit does not exceed 1,200 square feet.
    - 2) **Detached accessory dwelling unit:** 1,200 square feet.
  - b. **Minimum living area.** The living area of an accessory dwelling unit shall be a minimum of 300 square feet unless the accessory dwelling unit qualifies as an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1208.4.
5. **Parking requirements.** Additional parking spaces are not required to be provided for accessory dwelling units permitted in compliance with this Section 35-142.6.
6. **Setbacks.** Except as provided below in Section 35-142.6.6.a, the existing side and rear setbacks may be increased only when required to provide a sufficient setback for fire safety purposes in compliance with the current, adopted edition of the California Fire Code.

- a. No setback shall be required for an accessory dwelling unit that is proposed to be located entirely within an existing garage.

**Section 35-142.7      *Accessory dwelling units located either partially within existing ~~buildings~~ or ~~within~~ new single-family dwellings, multiple-family dwellings, or accessory buildings on lots zoned for single-family or multiple-family use.***

An accessory dwelling unit proposed either partially or wholly within an addition to an existing single-family or multiple-family dwelling or existing accessory building, or is attached to a new single-family or multiple-family dwelling, or is located within a new accessory building, shall be approved with a Coastal Development Permit when in compliance with all of the following development standards:

1. Accessory dwelling units allowed in compliance with this Section 35-142.7 shall also comply with the development standards in Section 35-142.8 (Additional development standards that apply to accessory dwelling units).
2. Accessory dwelling units allowed in compliance with this Section 35-142.7 and proposed on lots in Special Problems Area shall also comply with the requirements in Section 35-142.9 (Accessory dwelling units in Special Problems Areas).
3. **Accessory to a principal dwelling.** If an application for an accessory dwelling unit is submitted for a lot that does not contain a principal dwelling at the time of application, then the application for a principal dwelling shall be submitted in conjunction with an application for an accessory dwelling unit.
  - a. Final building permit inspection for the proposed principal dwelling shall be approved prior to final building permit inspection approval for the accessory dwelling unit.

**4.      Appearance and style.**

- a. The exterior appearance and architectural style of the proposed accessory dwelling unit shall be in compliance with the following:
  - 1) The design of an accessory dwelling unit that will be attached to an existing building reflects the exterior appearance and architectural style of the existing building and uses the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
  - 2) The design of an accessory dwelling unit that will not be attached to an existing building reflects the exterior appearance and architectural style of the existing or proposed principal dwelling and uses the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
  - 3) The entrance to an accessory dwelling unit that will be attached to the existing or proposed principal dwelling is structurally shielded so that the entrance is not visible when viewed from any street abutting the lot on which the accessory dwelling unit is located. The Director may waive this standard if it would prohibit the construction of an attached accessory dwelling unit on the lot.
  - 4) All exterior lighting complies with Section 35-139 (Exterior Lighting) and lighting requirements in all applicable community plans, area plans, and overlay districts.
  - 5) Proposed landscaping will screen the accessory dwelling unit, including any architectural elements such as foundations and retaining walls, mechanical equipment, and parking required to be provided for the accessory dwelling unit, from public viewing areas (e.g., public road, trails, or recreation areas). Said landscaping shall be compatible with existing landscaping on the lot in terms of plant species and density of planting.
- b. **Within the Montecito Community Plan area.** The Chair of the Montecito Board of Architectural Review, or designee, may review the exterior appearance and architectural style of the proposed accessory dwelling unit proposed to be located within the Montecito Community Plan Area and

provide comments to the Director regarding whether the application complies with the design criteria listed above in Section 35-142.7.4.a.

## **5. Coastal resource protection.**

- a. All development associated with the construction of an accessory dwelling unit shall be located in compliance with the requirements of Section 35-97 (ESH - Environmentally Sensitive Habitat Area Overlay District) and all applicable ESH policies and provisions of the certified Local Coastal Program.
- b. Accessory dwelling units shall not significantly obstruct public views from any public road or from a public recreation area to, and along, the coast.
- c. Accessory dwelling units shall not obstruct public access to and along the coast or public trails.
- d. **Lots zoned AG-I and AG-II.** The development of a detached accessory dwelling unit on lots zoned AG-I (Agriculture I) and AG-II (Agriculture II) shall also comply with the Coastal Act Section 30241, the development standards shown above, and the agriculture protection policies and development standards of the certified Local Coastal Program. If these requirements are in conflict with other provisions of the Coastal Land Use Plan or any applicable community or area plan, this Article, or any permit conditions established by the County, the requirements which are most protective of coastal resources shall control.
  - ~~1) The proposed ADU shall be sited to so as to minimize impacts to ongoing agriculturally-related activities and shall avoid prime soils to the maximum extent feasible.~~
  - ~~2) The development of the accessory dwelling unit shall preserve natural features, landforms, and native vegetation such as trees to the maximum extent feasible.~~

## **6. Height limit.**

- a. An accessory dwelling unit shall be in compliance with the following height limits as applicable. However, these height limits may be exceeded when the portion of the accessory dwelling unit that is proposed to exceed these height limits is located within:
  - 1) The existing space of a single-family or multiple-family dwelling or an accessory building.
  - 2) A proposed addition to an existing building and increased height is necessary to allow the roofline of the addition to match the roofline of the existing building that is being added to.
- b. **Attached accessory dwelling units.**
  - 1) **Located below another floor.** The height of an accessory dwelling unit that is proposed to be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support system of the floor above.
  - 2) **Located above another floor or on-grade where there is no floor above.** The height of an accessory dwelling unit that is proposed to be located above another floor or on-grade where there is no floor above shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35-127 (Height).
- c. **Detached accessory dwelling units.**
  - 1) **Connected to a detached accessory structure.**
    - a) **Located above or below another floor.**
      - i) **Located above another floor.** The height of an accessory dwelling unit that is proposed to be located above another floor shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35-127 (Height).
      - ii) **Located below another floor.** The height of an accessory dwelling unit that is

proposed to be connected to a detached accessory structure and would be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support system of the floor above.

iii) Notwithstanding the above, the height of the combined structure shall not exceed a height of 25 feet as determined in compliance with Section 35-127 (Height).

b) ~~Located above another floor or on grade where there is no floor above.~~ The height of an accessory dwelling unit that is proposed to be located ~~above another floor or on-grade where there is no floor above~~ shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35-127 (Height).

2) **Not connected to a detached accessory structure.** The height of an accessory dwelling unit that is not connected by any means to another structure shall not exceed a height of 16 feet as determined in compliance with Section 35-127 (Height).

7. **Historic Landmarks Advisory Commission.** If the Director determines that the accessory dwelling unit is proposed to be located entirely or partially within a building that is historically significant, then the Director may require that the application for an accessory dwelling unit be submitted to the Historic Landmarks Advisory Commission for review and comment as to the compatibility of the proposed development with the historical context of the building, whether the development will result in a detrimental effect on any existing or potential historical significance of the building, and other factors on which the Historic Landmarks Advisory Commission may choose to comment.

#### 8. **Location on lot.**

- a. For lots that are less than two acres, a detached accessory dwelling unit shall not be located closer to the principal abutting street than the principal dwelling unless other zoning provisions such as setback requirements would prohibit compliance with this requirement.
- b. For lots that are two acres or larger but not larger than 20 acres, a detached accessory dwelling unit shall not be located closer to any property line than the lesser of 100 feet or the distance from the principal dwelling to that property line unless other zoning provisions such as setback requirements, or the location of existing development on the lot including agricultural operations, would prohibit compliance with this requirement.
- c. For lots that are larger than 20 acres, the location of a detached accessory dwelling unit is not restricted provided the location complies with zoning requirements such as applicable setback requirements or building envelopes.
- d. All new detached accessory dwelling units shall be clustered with other existing structures to the maximum extent feasible.

9. **Maximum and minimum living area requirements.** As used in Section 35-142 (Accessory Dwelling Units), living area means the interior habitable area of a dwelling unit including basements and attics but not including an attached garage or any other attached accessory structure.

a. **Maximum living area.** The living area of an accessory dwelling unit shall not exceed eight percent of the net lot area of the lot on which the accessory dwelling unit will be located, provided that the living area of the accessory dwelling unit does not exceed 1,200 square feet.

1) **Attached accessory dwelling unit.** In addition to the maximum living area specified above in Section 35-142.7.9.a) (Maximum living area), the living area of an attached accessory dwelling unit shall not exceed 50 percent of the living area of:

- a) The existing principal dwelling that exists at the time of application for the accessory dwelling unit, or
- b) The proposed principal dwelling if an application for the principal dwelling is submitted

concurrently with the application for the accessory dwelling unit.

- b. Minimum living area.** The living area of an accessory dwelling unit shall be a minimum of 300 square feet unless the accessory dwelling unit qualifies as an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1208.4.

**10. Parking requirements.** The following parking requirements shall apply to new, detached accessory dwelling units that are not connected by any means to another structure:

- a. Except as provided in Section 35-142.7.10.b, below, in addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot on which the new, detached accessory dwelling unit is located. The additional parking shall be provided as specified in the base zone and in Division 6 (Parking Regulations) except that said parking may be provided as tandem parking on a driveway and in compliance with the following:
- 1) The additional parking may be permitted in the side or rear setback areas, or through tandem parking, unless:
    - a) The Director finds that parking in setback areas or tandem parking is infeasible based upon specific site or regional topographical or fire and life safety conditions, or
    - b) The project site is located in a very high fire hazard severity zone, in which case tandem parking is not allowed.
- b. Additional off-street parking spaces are not required to be provided for new, detached accessory dwelling units that comply with any of the following criteria:
- 1) The accessory dwelling unit is located within one-half mile of public transit (e.g., a bus stop).
  - 2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
  - 3) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  - 4) When there is a car share vehicle located within one block of the accessory dwelling unit.

**11. Setbacks.** Except as provided below, an accessory dwelling unit shall comply with the setback regulations that apply to the principal dwelling.

- a. A setback of five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above an existing garage.
- b. No setback shall be required for an accessory dwelling unit that is proposed to be located partially within an existing garage.

**12. Tree protection.** An application for an accessory dwelling unit shall comply with the following standards or applicable community plan requirement, whichever is more protective.

- a. To the maximum extent feasible, all development associated with the accessory dwelling unit shall avoid the removal of or damage to all protected trees. ~~Trees that may be removed or damaged shall be relocated or replaced on-site.~~ For the purposes of this Section 35-142.7.12 (Tree protection), protected trees are ~~defined as trees~~ defined for the purpose of this policy as mature native, naturalized, or roosting/nesting trees that do not pose a threat to health and safety and include:
- 1) Oaks (*Quercus agrifolia*).
  - 2) Sycamores (*Platanus racemosa*).
  - 3) Willow (*Salix sp.*).
  - 4) Redwoods (*Sequoia sempervirens*).
  - 5) Maples (*Acer macrophyllum*).



- 6) California Bay Laurels (*Umbellularia californica*).
  - 7) Cottonwood (*Populus fremontii* and *Populus balsamifera*).
  - 8) White Alder (*Alnus rhombifolia*).
  - 9) California Walnut (*Juglans californica*).
  - 10) Any tree serving as known or discovered raptor nesting and/or raptor roosting sites.
  - 11) Any trees serving as Monarch butterfly habitat, including aggregation sites.
- b. No grading, paving, and other site disturbance shall occur within the dripline of a protected tree including the area six feet outside of tree driplines unless avoidance is not feasible ~~and the County finds, based on the conclusion of a report submitted by the applicant and prepared by a licensed arborist is that the proposed grading, paving, or other site disturbance will not damage or harm the tree(s).~~
  - c. ~~The protection measures included in Subsections 35-142.7.12.a and b, above do apply to invasive species.~~ Where removal of protected trees cannot be avoided through the implementation of project alternatives, or where development encroachments into the area within six feet of the dripline of protected trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees (native trees only) on-site, if suitable area exists on the project site, at a ratio of 10 replacement trees for every one tree removed. Where on-site mitigation is not feasible, the most proximal off-site mitigation shall be required.

**Section 35-142.8 Additional development standards that apply to accessory dwelling units.**

1. **Development standards that apply to accessory dwelling units.** The following development standards shall also apply to accessory dwelling units in addition to the development standards contained in Section 35-142.5 (Accessory dwelling units located entirely within existing single-family dwellings or accessory buildings on lots zoned for single-family use), Section 35-142.6 (Accessory dwelling units located entirely within existing single-family or multiple-family buildings on lots zoned for single-family or multiple-family use), or Section 35-142.7 (Accessory dwelling units located either partially within existing buildings or within new buildings on lots zoned for single-family or multiple-family use), as applicable.
  - a. **Fees.** The applicant shall pay development impact mitigation fees in compliance with ordinances and/or resolutions adopted by the County. The amount of the required fee shall be based on the fee schedules in effect when paid.
  - b. **Passageway not required.** A passageway shall not be required to be provided in conjunction with the construction of an accessory dwelling unit.
  - c. **Private and public services.**
    - 1) **Potable water.** Where public water service is available, the accessory dwelling unit shall be required to be served by the appropriate water district. If the principal dwelling is currently served by a public water district or an existing mutual water company, not subject to moratorium for new connections, the accessory dwelling unit shall be served the appropriate district or company. If the principal dwelling is currently served by a water district or an existing mutual water company subject to a moratorium~~;~~ for new connections, or if the existing service is by a private well or private water company, and if the property is not located in an over-drafted water basin, the accessory dwelling unit may be served by a private water system subject to review and approval by the Public Health Department or State as applicable.
    - 2) **Wastewater.** Where public sewer service is not available, the accessory dwelling unit may be served by an onsite wastewater treatment system subject to review and approval by the Public Health Department.
  - d. **Rental and sale.**
    - 1) An accessory dwelling unit may be used for rentals provided that the length of any rental shall be longer than 30 consecutive days.

2) An accessory dwelling unit shall not be sold separately from the principal dwelling.

- e. **Nonconforming Accessory Buildings.** An accessory dwelling unit located entirely or partially within a nonconforming accessory building may be allowed in compliance with Section 35-162 (Nonconforming Buildings and Structures); however, accessory dwelling units are not allowed within a nonconforming accessory building if the nonconforming accessory building is inconsistent with any of the coastal resource protection policies or development standards of the certified Local Coastal Program.

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<b>SUGGESTED MODIFICATION NO. 2</b>
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**Section 35-169.4.2, Coastal Development Permits, shall be modified as follows:**

c. **Decision-maker, hearing requirements and notice requirements.**

- 1) **Applications for certain solar energy facilities and ~~Residential Second~~ Accessory Dwelling Units.** Applications for freestanding solar energy facilities that are accessory and incidental to the principal use of the lot that the system is located on and are sized to primarily supply only the principal use that the system is accessory and incidental to, and ~~Residential Second~~ Accessory Dwelling Units, ~~on lots located in residential zone districts~~ shall be processed in compliance with the following:
- a) Notice of the submittal of the application and pending decision of the Director shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
  - b) The Director shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required.
  - c) The action of the decision-maker is final subject to appeal, including an appeal to the Coastal Commission, in compliance with Section 35-182 (Appeals).

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## ATTACHMENT 5: ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

ORDINANCE NO. 5057

AN ORDINANCE AMENDING ARTICLE II, THE COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 4, ZONING DISTRICTS, DIVISION 7, GENERAL REGULATIONS, DIVISION 11, PERMIT PROCEDURES, DIVISION 12, ADMINISTRATION, DIVISION 13, SUMMERLAND COMMUNITY PLAN OVERLAY, AND DIVISION 16, TORO CANYON PLAN (TCP) OVERLAY DISTRICT, TO IMPLEMENT NEW REGULATIONS AND DEVELOPMENT STANDARDS REGARDING ACCESSORY DWELLING UNITS.

16ORD-00000-00016

The Board of Supervisors of the County of Santa Barbara ordains as follows:

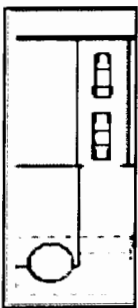
### **SECTION 1:**

DIVISION 2, Definitions, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add new definitions of “Accessory Dwelling Unit,” “Parking, Tandem,” and “Passageway” to read as follows:

**Accessory dwelling unit.** An attached or a detached residential dwelling unit on a permanent foundation that is located on the same lot as a single-family or multiple-family dwelling to which the accessory dwelling unit is accessory and (1) provides complete independent living facilities for one or more persons including permanent provisions for cooking, eating, living, sanitation, and sleeping, (2) provides interior access between all habitable rooms, and (3) includes an exterior access that is separate from the access to the principal dwelling or accessory structure in which the accessory dwelling unit is located. An accessory dwelling unit may also include an efficiency unit, as defined in Section 17958.1 of Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

1. **Attached accessory dwelling unit.** An accessory dwelling unit that is either attached to (e.g., shares a common wall) or is located within the living area of the existing or proposed principal dwelling.
2. **Detached accessory dwelling unit.** An accessory dwelling unit that is detached from the existing or proposed principal dwelling and is located on the same lot as the existing or proposed principal dwelling.

**Parking, Tandem.** The arrangement of not more than two parking spaces in depth, wherein one space is located directly in front of another space, such that it is necessary to pass through one space in order to enter or leave the other space, see the figure below.



**Passageway.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of an accessory dwelling unit.

## **SECTION 2:**

DIVISION 2, Definitions, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the existing definitions of “Floor Area - Gross,” “Owner,” and “Residential Second Unit” to read as follows:

**Floor Area - Gross:** The area included within the surrounding exterior walls of all floors or levels of a building or portion thereof, exclusive of vent shafts and unroofed courtyards, as measured to the interior surfaces of exterior walls, or from the centerline of a common or party wall separating two buildings, and including:

- (1) Corridors and halls;
- (2) Stairways;
- (3) Elevator shafts;
- (4) Closets, storage, service, utility and mechanical equipment rooms;
- (5) Attached garages;
- (6) Open or roofed porches, balconies, or porticos;
- (7) Roofed arcades, plazas, courts, walkways, or breezeways;
- (8) Permanently roofed and either partially enclosed or unenclosed, building features used for sales, service, display, storage or similar uses;
- (9) Basements, cellars or attic areas where the floor to ceiling height is six feet or greater and that are deemed usable by the building official;
- (10) In residential zone districts, additionally all roofed porches, arcades, balconies, porticos, breezeways or similar features when located above the ground floor.

The gross floor area of a structure that lacks walls shall be the area of all floors or levels included under the roofed or covered area of the structure.

**Owner:** The record owner or any person having possession and control of the subject property.

**Residential Second Unit:** See Accessory Dwelling Unit.

## **SECTION 3:**

DIVISION 2, Definitions, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete the existing definitions of “Attached Residential Second Unit” and “Detached Residential Second Unit.”

## **SECTION 4:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Subsection 9 of Section 35-68.3, Permitted Uses, of Section 35-68, AG-I - Agriculture I, and renumber existing Subsections 10 and 11 as Subsections 9 and 10, respectively.

## **SECTION 5:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Subsection 2 of Section 35-68.5, Uses Permitted

with a Minor Conditional Use Permit, of Section 35-68, AG-I - Agriculture I, and renumber existing Subsection 3 as Subsection 2.

**SECTION 6:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Section 35-68.12, Maximum Gross Floor Area (Floor Area Ratio or FAR), of Section 35-68, AG-I - Agriculture I, and renumber existing Subsection 13, Findings for Major Conditional Use Permit for Greenhouse Development, as Subsection 12.

**SECTION 7:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Subsection 9 of Section 35-70.3, Permitted Uses, of Section 35-70, RR - Rural Residential, and renumber existing Subsections 10 and 11 as Subsections 9 and 10, respectively.

**SECTION 8:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Section 35-70.10, Maximum Gross Floor Area (Floor Area Ratio or FAR), of Section 35-70, RR - Rural Residential.

**SECTION 9:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Subsection 8 of Section 35-71.3, Permitted Uses, of Section 35-71, R-1/E-1 - Single-Family Residential, and renumber existing Subsections 9 and 10 as Subsections 8 and 9, respectively.

**SECTION 10:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Section 35-71.13, Maximum Gross Floor Area (Floor Area Ratio or FAR), of Section 35-71, R-1/E-1 - Single-Family Residential.

**SECTION 11:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Subsection 9 of Section 35-73.3, Permitted Uses, of Section 35-73, EX-1 - One-Family Exclusive Residential, and renumber existing Subsections 10 and 11 as Subsections 9 and 10, respectively.

**SECTION 12:**

DIVISION 4, Zoning Districts, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Section 35-73.10, Maximum Gross Floor Area (Floor Area Ratio or FAR), of Section 35-73, EX-1 - One-Family Exclusive Residential.

### **SECTION 13:**

DIVISION 6, Parking Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 7 of Section 35-107, Required Number of Spaces: General, to read as follows:

7. Modifications to the parking requirement may be granted pursuant to Section 35-142 (Accessory Dwelling Units), Section 35-144C.4 (Density Bonus for Affordable Housing Projects), Section 35-172.12 (Conditional Use Permits), Section 35-173 (Variances), Section 35-174.8 (Development Plans), or Section 35-179 (Modifications).

### **SECTION 14:**

DIVISION 6, Parking Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35-108, Required Number of Spaces: Residential, to add a new Subsection 7 titled "Accessory dwelling units" and to read as follows:

7. **Accessory dwelling units.** As determined by Section 35-142 (Accessory Dwelling Units).

### **SECTION 15:**

DIVISION 6, Parking Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2, Location, of Section 35-114, Size, Location, and Design, to read as follows:

#### **2. Location.**

- a. Off-street parking spaces shall not be located in the required front or side setback area unless specifically allowed in the applicable zone district regulations. Provisions shall be made for direct access from the street to each parking space. Such access shall be adequate for standard size automobiles unless the parking area is restricted to compact cars.
  - 1) When a garage, carport, or covered parking structure, or portion thereof, is converted or demolished in conjunction with the construction of a new, detached accessory dwelling unit that is not connected by any means to another structure, any replacement parking spaces which are required to satisfy the parking requirement for the principal dwelling may be provided in any configuration on the same lot as the accessory dwelling unit, including covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.
    - a) A mechanical parking lift shall:
      - i) Not be located on a driveway between the principal dwelling and any adjacent street.
      - ii) Be located a sufficient distance away from any structures in order to comply with any fire clearance requirements.
      - iii) Not be used to provide replacement parking spaces if the project site is located in a very high fire hazard severity zone.
      - iv) Be rated for all-weather use unless located within a building.
      - v) Be located so that the lift and any vehicles parked thereon are screened from view from any public road or other area of public use (e.g., park, trail), or any adjoining lot.
- b. For all types of dwellings, the required parking spaces shall be provided on the same site on which the dwelling(s) is located, unless specifically permitted in the applicable zone district regulations.

- c. For non-residential structures or uses, the required parking spaces shall be provided within 500 feet of the main building or site, if there is not main building, as measured along streets not alleys.

#### **SECTION 16:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 4 of Section 35-119, Accessory Structures, to read as follows:

4. Except as provided in Subsection 4.a (Accessory dwelling units), below, accessory structures shall conform to the height measurements and the front and side setback regulations of the district. An accessory structure may be located in the required rear yard setback provided that it is located no closer than 10 feet to the principal structure and that it occupies no more than 40 percent of the required rear yard, and that it does not exceed a height of 12 feet.
  - a. **Accessory dwelling units.**
    - 1) See Section 35-142 (Accessory dwelling units) for height limits for accessory dwelling units.
    - 2) An accessory dwelling unit may be located in the required rear setback only when allowed in compliance with Section 35-142 (Accessory dwelling units).

#### **SECTION 17:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 8 of Section 35-119, Accessory Structures, to read as follows:

8. Accessory structures, including artist studios, cabañas, and guesthouses, shall not contain kitchen or cooking facilities unless the accessory structure is specifically permitted as a dwelling (e.g., accessory dwelling units). Artist studios, cabañas and guesthouses are not dwellings.

#### **SECTION 18:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 14 of Section 35-120, Guest House, Artist Studio, or Pool House/Cabaña, to read as follows:

14. If an accessory dwelling unit exists or is approved for development on a lot, a guesthouse or artist studio shall not also be approved.

#### **SECTION 19:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 3, General height limit exceptions, of Subsection A, Height measurement, of Section 35-127, Guest Height, to add a new Subsection g titled "Accessory Dwelling Units" and to read as follows:

- g. **Accessory dwelling units.** See Section 35-142 (Accessory Dwelling Units) for height limits and exceptions for accessory dwelling units.

## **SECTION 20:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to repeal existing Section 35-142, Residential Second Units, in its entirety and to adopt a new Section 35-142 to be titled "Accessory Dwelling Units" and to read as follows:

### ***Section 35-142. Accessory Dwelling Units.***

#### ***Section 35-142.1 Purpose and Intent.***

The purpose of this Section is to establish permit procedures and development standards for attached and detached accessory dwelling units in compliance with California Government Code Section 65852.2. The intent is to encourage the development of accessory dwelling units that contribute needed housing to the community's housing stock.

#### ***Section 35-142.2 Applicability.***

1. In addition to the allowable uses listed in Division 4, Zoning Districts, an accessory dwelling unit may be allowed on a lot zoned as follows:
  - a. **Agricultural zones.**
    - 1) AG-I (Agriculture I).
    - 2) AG-II (Agriculture II).
  - b. **Resource Protection Zones.**
    - 1) MT-TORO (Mountainous Area - Toro Canyon Planning Area).
    - 2) RES (Resource Management).
  - c. **Residential zones.**
    - 1) EX-1 (One-Family Exclusive Residential).
    - 2) R-1/E-1 (Single-Family Residential).
    - 3) R-2 (Two-Family Residential).
    - 4) DR (Design Residential).
    - 5) PRD (Planned Residential Development).
    - 6) RR (Rural Residential).
    - 7) SR-H (High Density Student Residential).
    - 8) SR-M (Medium Density Student Residential).
  - d. **Commercial zones.**
    - 1) C-1 (Limited Commercial).
      - a) An accessory dwelling unit may only be approved on a lot where a single-family or multiple-family residence may be allowed, and subject to the regulations of Section 35-77A.6 (Minimum Lot Size) and Section 35-71 (R-1/E-1).

#### ***Section 35-142.3 Allowed Density and Use.***

1. As required by Government Code Section 65852.2, an accessory dwelling unit shall:
  - a. Be deemed to be an accessory use or an accessory building.



- b. Not be considered to exceed the allowable density for the lot upon which it is located.
  - c. Be deemed to be a residential use that is consistent with the existing Coastal Land Use Plan and zoning designation for the lot on which the accessory dwelling unit is located.
  - d. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.
2. A lot may contain no more than one accessory dwelling unit, and it shall be accessory to and located on the same lot as an existing or proposed single-family or multiple-family dwelling.

***Section 35-142.4 Application and Processing Requirements.***

1. **Permit required.** Prior to the development or use of a building or portion thereof as an accessory dwelling unit, an application for a Coastal Development Permit shall be submitted in compliance with Section 35-57A (Application Preparation and Filing), and the Coastal Development Permit shall be issued in compliance with Section 35-169 (Coastal Development Permits).
2. **Ministerial review.** An application for a Coastal Development Permit for an accessory dwelling unit shall be considered ministerially without discretionary review or hearing.
3. **Conflicts with other sections of this Article.** Except as provided in Subsection 3.a (Coastal resource protection), where there are conflicts between the standards in this Section 35-142 (Accessory Dwelling Units), the standards in Section 35-119 (Accessory Structures), and the standards in the specific zone regulations (Division 4 Zoning Districts), the provisions of this Section shall prevail.
  - a. **Coastal resource protection.** If there is a conflict between the standards of this Section 35-142 (Accessory Dwelling Units) and standards that protect coastal resources, the requirements which are most protective of coastal resources shall prevail.

***Section 35-142.5 Accessory dwelling units located entirely within existing single-family dwellings or accessory buildings on lots zoned for single-family use.***

An accessory dwelling unit proposed entirely within an existing single-family dwelling or existing accessory building shall be approved with a Coastal Development Permit when in compliance with all of the following development standards:

1. The lot contains no more than one accessory dwelling unit.
2. The primary use of the lot is a single-family dwelling.
3. The accessory dwelling unit is proposed to be located in one of the following zones:
  - a. RR (Rural Residential).
  - b. R-1/E-1 (Single-Family Residential).
  - c. EX-1 (One-Family Exclusive Residential).
  - d. DR (Design Residential).
  - e. PRD (Planned Residential Development).
4. The accessory dwelling unit has independent exterior access from the existing single-family dwelling.
5. The existing side and rear setbacks are sufficient for fire safety purposes in compliance with the current, adopted edition of the California Fire Code.
6. Additional parking spaces are not required to be provided for accessory dwelling units permitted in compliance with this Section 35-142.5.
7. Accessory dwelling units allowed in compliance with this Section 35-142.5 shall also comply with the development standards in Section 35-142.8 (Additional development standards that apply to accessory

dwelling units).

8. Accessory dwelling units allowed in compliance with this Section 35-142.5 and proposed on lots in Special Problem Areas shall not be subject to the requirements in Section 35-142.9 (Accessory dwelling units in Special Problem Areas).
9. Accessory dwelling units located entirely within existing single-family dwellings or accessory buildings on lots zoned for single-family use that do not meet all of the standards in this Section 35-142.5 may be allowed in compliance with Section 35-142.6 (Accessory dwelling units located entirely within existing single-family or multiple-family buildings on lots zoned for single-family or multiple-family use), below.

***Section 35-142.6      Accessory dwelling units located entirely within existing single-family or multiple-family buildings on lots zoned for single-family or multiple-family use.***

Excluding accessory dwelling units that comply with Section 35-142.5 (Accessory dwelling units located entirely within existing one-family dwellings or accessory buildings on lots zoned for one-family use), above, an accessory dwelling unit proposed entirely within an existing single-family or multiple-family dwelling or existing accessory building shall be approved with a Coastal development Permit when in compliance with all of the following development standards:

1. Accessory dwelling units allowed in compliance with this Section 35-142.6 shall also comply with the development standards in Section 35-142.8 (Additional development standards that apply to accessory dwelling units).
2. Accessory dwelling units allowed in compliance with this Section 35-142.6 and proposed on lots in Special Problem Areas shall also comply with the requirements in Section 35-142.9 (Accessory dwelling units in Special Problem Areas).
3. **Appearance and style.** Any exterior alterations to an existing building that result from the conversion of all or a portion of the existing building to an accessory dwelling unit shall be limited to minor alterations such as the addition of doors and windows.
4. **Maximum and minimum living area requirements.** As used in Section 35-142 (Accessory Dwelling Units), living area means the interior habitable area of a dwelling unit including basements and attics but not including an attached garage or any other attached accessory structure.
  - a. **Maximum living area.** The living area of the accessory dwelling unit shall not exceed the following standards:
    - 1) **Attached accessory dwelling unit:** 50 percent of the living area of the principal dwelling that exists at the time of application for the accessory dwelling unit, provided that the living area of the accessory dwelling unit does not exceed 1,200 square feet.
    - 2) **Detached accessory dwelling unit:** 1,200 square feet.
  - b. **Minimum living area.** The living area of an accessory dwelling unit shall be a minimum of 300 square feet unless the accessory dwelling unit qualifies as an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1208.4.
5. **Parking requirements.** Additional parking spaces are not required to be provided for accessory dwelling units permitted in compliance with this Section 35-142.6.
6. **Setbacks.** Except as provided below in Section 35-142.6.6.a, the existing side and rear setbacks may be increased only when required to provide a sufficient setback for fire safety purposes in compliance with the current, adopted edition of the California Fire Code.
  - a. No setback shall be required for an accessory dwelling unit that is proposed to be located entirely within an existing garage.

***Section 35-142.7      Accessory dwelling units located either partially within existing buildings or within new buildings on lots zoned for single-family or multiple-family use.***

An accessory dwelling unit proposed either partially or wholly within an addition to an existing single-family or multiple-family dwelling or existing accessory building, or is attached to a new single-family or multiple-family dwelling, or is located within a new accessory building, shall be approved with a Coastal Development Permit when in compliance with all of the following development standards:

1. Accessory dwelling units allowed in compliance with this Section 35-142.7 shall also comply with the development standards in Section 35-142.8 (Additional development standards that apply to accessory dwelling units).
2. Accessory dwelling units allowed in compliance with this Section 35-142.7 and proposed on lots in Special Problems Area shall also comply with the requirements in Section 35-142.9 (Accessory dwelling units in Special Problems Areas).
3. **Accessory to a principal dwelling.** If an application for an accessory dwelling unit is submitted for a lot that does not contain a principal dwelling at the time of application, then the application for a principal dwelling shall be submitted in conjunction with an application for an accessory dwelling unit.
  - a. Final building permit inspection for the proposed principal dwelling shall be approved prior to final building permit inspection approval for the accessory dwelling unit.
4. **Appearance and style.**
  - a. The exterior appearance and architectural style of the proposed accessory dwelling unit shall be in compliance with the following:
    - 1) The design of an accessory dwelling unit that will be attached to an existing building reflects the exterior appearance and architectural style of the existing building and uses the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
    - 2) The design of an accessory dwelling unit that will not be attached to an existing building reflects the exterior appearance and architectural style of the existing or proposed principal dwelling and uses the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
    - 3) The entrance to an accessory dwelling unit that will be attached to the existing or proposed principal dwelling is structurally shielded so that the entrance is not visible when viewed from any street abutting the lot on which the accessory dwelling unit is located. The Director may waive this standard if it would prohibit the construction of an attached accessory dwelling unit on the lot.
    - 4) All exterior lighting complies with Section 35-139 (Exterior Lighting).
    - 5) Proposed landscaping will screen the accessory dwelling unit, including any architectural elements such as foundations and retaining walls, mechanical equipment, and parking required to be provided for the accessory dwelling unit, from public viewing areas (e.g., public road, trails, or recreation areas). Said landscaping shall be compatible with existing landscaping on the lot in terms of plant species and density of planting.
  - b. **Within the Montecito Community Plan area.** The Chair of the Montecito Board of Architectural Review, or designee, may review the exterior appearance and architectural style of the proposed accessory dwelling unit proposed to be located within the Montecito Community Plan Area and provide comments to the Director regarding whether the application complies with the design criteria listed above in Section 35-142.7.4.a.

**5. Coastal resource protection.**

- a. All development associated with the construction of an accessory dwelling unit shall be located in compliance with the requirements of Section 35-97 (ESH - Environmentally Sensitive Habitat Area Overlay District).
- b. Accessory dwelling units shall not significantly obstruct public views from any public road or from a public recreation area to, and along, the coast.
- c. Accessory dwelling units shall not obstruct public access to and along the coast or public trails.
- d. **Lots zoned AG-I and AG-II.** The development of a detached accessory dwelling unit on lots zoned AG-I (Agriculture I) and AG-II (Agriculture II) shall also comply with the Coastal Act Section 30241, the development standards shown above, and the agriculture protection policies and development standards of the certified Local Coastal Program. If these requirements are in conflict with other provisions of the Coastal Land Use Plan or any applicable community or area plan, this Article, or any permit conditions established by the County, the requirements which are most protective of coastal resources shall control.
  - 1) The proposed ADU shall be sited to so as to minimize impacts to ongoing agriculturally-related activities and shall avoid prime soils to the maximum extent feasible.
  - 2) The development of the accessory dwelling unit shall preserve natural features, landforms, and native vegetation such as trees to the maximum extent feasible.

**6. Height limit.**

- a. An accessory dwelling unit shall be in compliance with the following height limits as applicable. However, these height limits may be exceeded when the portion of the accessory dwelling unit that is proposed to exceed these height limits is located within:
  - 1) The existing space of a single-family or multiple-family dwelling or an accessory building.
  - 2) A proposed addition to an existing building and increased height is necessary to allow the roofline of the addition to match the roofline of the existing building that is being added to.
- b. **Attached accessory dwelling units.**
  - 1) **Located below another floor.** The height of an accessory dwelling unit that is proposed to be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support system of the floor above.
  - 2) **Located above another floor or on-grade where there is no floor above.** The height of an accessory dwelling unit that is proposed to be located above another floor or on-grade where there is no floor above shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35-127 (Height).
- c. **Detached accessory dwelling units.**
  - 1) **Connected to a detached accessory structure.**
    - a) **Located above or below another floor.**
      - i) **Located above another floor.** The height of an accessory dwelling unit that is proposed to be located above another floor shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35-127 (Height).
      - ii) **Located below another floor.** The height of an accessory dwelling unit that is proposed to be connected to a detached accessory structure and would be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support

system of the floor above.

iii) Notwithstanding the above, the height of the combined structure shall not exceed a height of 25 feet as determined in compliance with Section 35-127 (Height).

b) **Located above another floor or on grade where there is no floor above.** The height of an accessory dwelling unit that is proposed to be located above another floor or on-grade where there is no floor above shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35-127 (Height).

2) **Not connected to a detached accessory structure.** The height of an accessory dwelling unit that is not connected by any means to another structure shall not exceed a height of 16 feet as determined in compliance with Section 35-127 (Height).

7. **Historic Landmarks Advisory Commission.** If the Director determines that the accessory dwelling unit is proposed to be located entirely or partially within a building that is historically significant, then the Director may require that the application for an accessory dwelling unit be submitted to the Historic Landmarks Advisory Commission for review and comment as to the compatibility of the proposed development with the historical context of the building, whether the development will result in a detrimental effect on any existing or potential historical significance of the building, and other factors on which the Historic Landmarks Advisory Commission may choose to comment.

8. **Location on lot.**

- a. For lots that are less than two acres, a detached accessory dwelling unit shall not be located closer to the principal abutting street than the principal dwelling unless other zoning provisions such as setback requirements would prohibit compliance with this requirement.
- b. For lots that are two acres or larger but not larger than 20 acres, a detached accessory dwelling unit shall not be located closer to any property line than the lesser of 100 feet or the distance from the principal dwelling to that property line unless other zoning provisions such as setback requirements, or the location of existing development on the lot including agricultural operations, would prohibit compliance with this requirement.
- c. For lots that are larger than 20 acres, the location of a detached accessory dwelling unit is not restricted provided the location complies with zoning requirements such as applicable setback requirements or building envelopes.

9. **Maximum and minimum living area requirements.** As used in Section 35-142 (Accessory Dwelling Units), living area means the interior habitable area of a dwelling unit including basements and attics but not including an attached garage or any other attached accessory structure.

a. **Maximum living area.** The living area of an accessory dwelling unit shall not exceed eight percent of the net lot area of the lot on which the accessory dwelling unit will be located, provided that the living area of the accessory dwelling unit does not exceed 1,200 square feet.

1) **Attached accessory dwelling unit.** In addition to the maximum living area specified above in Section 35-142.7.9.a) (Maximum living area), the living area of an attached accessory dwelling unit shall not exceed 50 percent of the living area of:

- a) The existing principal dwelling that exists at the time of application for the accessory dwelling unit, or
- b) The proposed principal dwelling if an application for the principal dwelling is submitted concurrently with the application for the accessory dwelling unit.

b. **Minimum living area.** The living area of an accessory dwelling unit shall be a minimum of 300 square feet unless the accessory dwelling unit qualifies as an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1208.4.

**10. Parking requirements.** The following parking requirements shall apply to new, detached accessory dwelling units that are not connected by any means to another structure:

- a. Except as provided in Section 35-142.7.10.b, below, in addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot on which the new, detached accessory dwelling unit is located. The additional parking shall be provided as specified in the base zone and in Division 6 (Parking Regulations) except that said parking may be provided as tandem parking on a driveway and in compliance with the following:
  - 1) The additional parking may be permitted in the side or rear setback areas, or through tandem parking, unless:
    - a) The Director finds that parking in setback areas or tandem parking is infeasible based upon specific site or regional topographical or fire and life safety conditions, or
    - b) The project site is located in a very high fire hazard severity zone, in which case tandem parking is not allowed.
- b. Additional off-street parking spaces are not required to be provided for new, detached accessory dwelling units that comply with any of the following criteria:
  - 1) The accessory dwelling unit is located within one-half mile of public transit (e.g., a bus stop).
  - 2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
  - 3) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  - 4) When there is a car share vehicle located within one block of the accessory dwelling unit.

**11. Setbacks.** Except as provided below, an accessory dwelling unit shall comply with the setback regulations that apply to the principal dwelling.

- a. A setback of five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above an existing garage.
- b. No setback shall be required for an accessory dwelling unit that is proposed to be located partially within an existing garage.

**12. Tree protection.** An application for an accessory dwelling unit shall comply with the following standards.

- a. To the maximum extent feasible, all development associated with the accessory dwelling unit shall avoid the removal of or damage to all protected trees. Trees that may be removed or damaged shall be relocated or replaced onsite. For the purposes of this Section 35-142.7.12 (Tree protection), protected trees are defined as trees as defined for the purpose of this policy as mature native, naturalized, or roosting/nesting trees that do not pose a threat to health and safety and include:
  - 1) Oaks (*Quercus agrifolia*).
  - 2) Sycamores (*Platanus racemosa*).
  - 3) Willow (*Salix sp.*).
  - 4) Redwoods (*Sequoia sempervirens*).
  - 5) Maples (*Acer macrophyllum*).
  - 6) California Bay Laurels (*Umbellularia californica*).
  - 7) Cottonwood (*Populus fremontii* and *Populus balsamifera*).
  - 8) White Alder (*Alnus rhombifolia*).
  - 9) California Walnut (*Juglans californica*).

- 10) Any tree serving as known or discovered raptor nesting and/or raptor roosting sites.
- 11) Any trees serving as Monarch butterfly habitat, including aggregation sites.
- b. No grading, paving, and other site disturbance shall occur within the dripline of a protected tree including the area six feet outside of tree driplines unless avoidance is not feasible and the County finds, based on the conclusion of a report submitted by the applicant and prepared by a licensed arborist is that the proposed grading, paving, or other site disturbance will not damage or harm the tree(s).
- c. The protection measures included in Subsections 35-142.7.12.a and b, above do apply to invasive species.

***Section 35-142.8 Additional development standards that apply to accessory dwelling units.***

- 1. **Development standards that apply to accessory dwelling units.** The following development standards shall also apply to accessory dwelling units in addition to the development standards contained in Section 35-142.5 (Accessory dwelling units located entirely within existing single-family dwellings or accessory buildings on lots zoned for single-family use), Section 35-142.6 (Accessory dwelling units located entirely within existing single-family or multiple-family buildings on lots zoned for single-family or multiple-family use), or Section 35-142.7 (Accessory dwelling units located either partially within existing buildings or within new buildings on lots zoned for single-family or multiple-family use), as applicable.
  - a. **Fees.** The applicant shall pay development impact mitigation fees in compliance with ordinances and/or resolutions adopted by the County. The amount of the required fee shall be based on the fee schedules in effect when paid.
  - b. **Passageway not required.** A passageway shall not be required to be provided in conjunction with the construction of an accessory dwelling unit.
  - c. **Private and public services.**
    - 1) **Potable water.** Where public water service is available, the accessory dwelling unit shall be required to be served by the appropriate water district. If the principal dwelling is currently served by a public water district or an existing mutual water company, not subject to moratorium for new connections, the accessory dwelling unit shall be served the appropriate district or company. If the principal dwelling is currently served by a water district or an existing mutual water company subject to a moratorium, for new connections, or if the existing service is by a private well or private water company, and if the property is not located in an over-drafted water basin, the accessory dwelling unit may be served by a private water system subject to review and approval by the Public Health Department or State as applicable.
    - 2) **Wastewater.** Where public sewer service is not available, the accessory dwelling unit may be served by an onsite wastewater treatment system subject to review and approval by the Public Health Department.
  - d. **Rental and sale.**
    - 1) An accessory dwelling unit may be used for rentals provided that the length of any rental shall be longer than 30 consecutive days.
    - 2) An accessory dwelling unit shall not be sold separately from the principal dwelling.

***Section 35-142.9 Accessory dwelling units in Special Problems Areas.***

- 1. Because of the adverse impact on the public health, safety, and welfare, accessory dwelling units shall not be permitted in Board of Supervisors-designated Special Problem Areas, except as provided in Section 35-142.9.2 below, given that Special Problem Areas by definition are areas having present or anticipated flooding, drainage, grading, soils, geology, road width, access, sewage disposal, water supply, location or elevation problems. However, accessory dwelling units allowed in compliance with Section 35-142.5 (Accessory dwelling units located entirely within existing single-family dwellings or accessory buildings on

lots zoned for single-family use) and proposed on lots in Special Problem Areas shall not be subject to the requirements in this Section 35-142.9 (Accessory dwelling units in Special Problem Areas).

2. Notwithstanding the above, the Director may approve a permit for an accessory dwelling unit that is proposed to be located within a designated Special Problems Area if:
  - a. All of the applicable development standards in this Section 35-142 (Accessory Dwelling Units) and applicable provisions and policies of this Article and the Coastal Land Use Plan can be met,
  - b. The project has been reviewed by the Special Problems Committee, and
  - c. The individual members of the Special Problems Committee are able to identify any and all reasonable conditions of approval that may be required to mitigate present or anticipated problems within the scope of the committee's charge, or to prevent damage to public or private property, risk of injury to persons, or creation of a public nuisance.
3. Where an individual member or members of the Special Problems Committee are unable to identify feasible mitigation of such problems, damage, or risk, each may recommend denial of the permit that would authorize the construction of the proposed accessory dwelling unit to the Director.

***Section 35-142.10 Findings for Approval.***

A Coastal Development Permit application for an accessory dwelling unit shall only be approved or conditionally approved if, in addition to the findings required under Section 35-169 (Coastal Development Permits), the decision-maker first finds that the proposal is consistent with the applicable policies and development standards of the certified Local Coastal Program.

***Section 35-142.11 Notice.***

1. Notice of an application for an accessory dwelling unit shall be given in compliance with Section 35-181 (Noticing) requirements for discretionary decision-maker actions.
2. Notice of applications for accessory dwelling units, and additions thereto, as may be allowed in compliance with Section 35-142 (Accessory Dwelling Units) shall also include a statement that the grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the standards set forth in the certified Local Coastal Program or does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).

***Section 35-142.12 Appeals***

1. The action of the decision-maker to approve, conditionally approve, or deny an application for an accessory dwelling unit is final subject to appeal in compliance with Section 35-182 (Appeals) except that the grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).
2. All decisions to approve, or conditionally approve, a Coastal Development Permit for an accessory dwelling unit that is defined as appealable development shall be subject to appeal to the Coastal Commission pursuant to Section 35-182.6.

***Section 35-142.13 Revocation.***

1. Revocation of Coastal Development Permit for an accessory dwelling unit shall comply with Section 35-169.8 (Revocation).



## **SECTION 21:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 3, Accessory structures, of Subsection B, Standards for address numbers, of Section 35-144.N.6, Address Numbers - Procedures, Standards and Display, of Section 35-144N, Road Naming and Address Numbering, to read as follows:

3. **Accessory structures.** Except as provided below, an accessory structure shall not be issued a street address number unless the property owner can demonstrate to the satisfaction of the Fire Department that special circumstances justify a separate number.
  - a. A street address number shall be issued for an accessory dwelling unit if required by the Fire Department.

## **SECTION 22:**

DIVISION 7, General Regulations, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection C, Exceptions, of Section 35-144O, Agricultural Buffers, to read as follows:

- C. **Exceptions.** This Section does not apply to the following:
  1. Single-family dwelling, accessory dwelling units and residential accessory structures.
  2. Farmworker housing allowed in compliance with Section 35-144P (Farmworker Housing) and Section 35-144R (Agricultural Employee Dwellings).
  3. Non-agricultural, discretionary development approved prior to March 11, 2015.
  4. Changes to a non-agricultural, discretionary project approved prior to March 11, 2015, provided that prior to an action by the decision-maker to approve an application in compliance with Subsections 35-172.11.1, 35-172.11.2, 35-174.10.1 and 35-174.10.2, the decision-maker shall first determine that the changes to the project proposed by the application do not result in any new or greater impacts to agriculture than those resulting from the already approved project.
    - a. If the decision-maker cannot make the determination required in compliance with Subsection C.4, above, then the project shall be subject to the provisions of this Section.
  5. **Non-commercial agricultural uses.** An agricultural buffer is not required adjacent to a common lot line between the project site and an adjacent agriculturally zoned lot if the adjacent lot is used for non-commercial agriculture.
  6. State and County roadway projects.
  7. Lot line adjustments and modifications to lot line adjustments that
    - a. Do not exceed a 10 percent increase or decrease in the area of the smallest existing lot; and
    - b. Do not result in an increase in the number of developable lots in compliance with Subsection 35-134.A.3.a(3).

## **SECTION 23:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2, of Section 35-169.2, Applicability, of Section 35-169, Coastal Development Permits, to read as follows:

2. Except as provided in Subsection 2.a (Final Development Plan not required for accessory dwelling units), the approval of a development plan as provided in Section 35-174 (Development Plans) shall be required prior to the approval of any Coastal Development permit for a structure that is not otherwise required to have a discretionary permit and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that, together with existing structures on the lot will total 20,000 square feet or more of gross floor area.
  - a. **Final Development Plan not required for accessory dwelling units.** If Development Plan approval would be required in compliance with Section 35-169.2.2, and the application for development includes an accessory dwelling unit, then only the approval of a Coastal Development Permit in compliance with Section 35-142 (Accessory Dwelling Units) is required for the proposed accessory dwelling unit.

## **SECTION 24:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection c, Decision-maker, hearing requirements and notice requirements, of Section 35-169.4.2, Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with Section 35-169.4.3, of Section 35-169.4, Processing, of Section 35-169, Coastal Development Permits, to read as follows:

### **c. Decision-maker, hearing requirements and notice requirements.**

**Applications for certain solar energy facilities and Accessory Dwelling Units.** Applications for freestanding solar energy facilities that are accessory and incidental to the principal use of the lot that the system is located on and are sized to primarily supply only the principal use that the system is accessory and incidental to, and Accessory Dwelling Units, shall be processed in compliance with the following:

- a) Notice of the submittal of the application and pending decision of the Director shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
  - b) The Director shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required.
  - c) The action of the decision-maker is final subject to appeal, including an appeal to the Coastal Commission, in compliance with Section 35-182 (Appeals).
- 2) All other applications.** Applications for development other than such development specified in Subsection 2.c.1) (Applications for certain solar energy facilities and Accessory Dwelling Units), above, shall be processed in compliance with the following:
- a) The decision-maker shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations.
  - b) The Zoning Administrator shall hold at least one noticed public hearing unless waived in compliance with Subsection 2.d (Waiver of public hearing), below, on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.
  - c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).

- d) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).

### **SECTION 25:**

DIVISION 11, Permit Procedures, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection f, of Subsection 3, of Section 35-179.2, Applicability, of Section 35-179, Modifications, to read as follows:

- f. **Reduction of parking spaces.** A reduction in the required number and/or a modification in the design or location of parking spaces and loading zones may be allowed provided that in no case shall:
- 1) The number of required parking spaces be reduced in the Medium Density Student Residential, High Density Student Residential, or Single Family Restricted Overlay Districts.
  - 2) The number of required bicycle parking spaces be reduced.
  - 3) The number of spaces required for an accessory dwelling unit be reduced or be allowed to be located within the required front setback, unless such reduction in the number of spaces is allowed in compliance with Section 35-142 (Accessory Dwelling Units).
  - 4) Any parking or screening requirement for a vehicle with more than two-axles, a recreational vehicle or bus, a trailer or other non-passenger vehicle be modified.

### **SECTION 26:**

DIVISION 12, Administration, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection e, Contents of Notice, of Subsection 1, By the Department, of Subsection A, Minimum requirements, of Section 35-181.3, Coastal Development Permits and Land Use Permits, of Section 35-181, Noticing, to add a new Subsection 1) to read as follows:

- e. **Contents of Notice.** The contents of the notice shall be in compliance with Section 35-181.8 (Contents of Notice).
- 1) Notice of applications for accessory dwelling units, and additions thereto, as may be allowed in compliance with Section 35-142 (Accessory Dwelling Units) shall also include a statement that the grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).

### **SECTION 27:**

DIVISION 12, Administration, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2, Additional requirements for certain appeals, of Subsection C, Requirements for Contents of an Appeal, of Section 35-182.2, General Appeal Procedures, of Section 35-182, Appeals, to add a new Subsection c. to read as follows:

- c. **Appeals regarding accessory dwelling units.** The grounds for appeal of an approved or conditionally approved Coastal Development Permit are limited to the demonstration that the project is inconsistent with the applicable provisions and policies of the certified Local Coastal Program or that the development does not conform to the public access policies set forth in the Coastal Act (Public Resources Code, Division 20).

## **SECTION 28:**

DIVISION 12, Administration, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 1, General, of Section 35-184.3, Exceptions, of Section 35-184, Board of Architectural Review, to read as follows:

1. **Exceptions to Design Review Requirements.** Board of Architectural Review approval is not required for the following:
  - a. Accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units).
  - b. Interior alterations.
  - c. Decks.
  - d. Swimming pools, hot tubs, and spas.
  - e. Fences, gates, gateposts and walls as follows; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to the structure) shall be included as part of the architectural review of a new residence, a remodeling, or an addition to a structure requiring architectural review:
    - 1) Fences, gates, and walls six feet or less in height and gateposts of eight feet or less in height, when located in the front setback area.
    - 2) Fences, gates, and walls of eight feet or less in height and gateposts of 10 feet or less in height when located outside of front setback areas and not closer than 20 feet from the right-of-way line of any street.
  - f. Solar panels.
  - g. Any other exterior alteration determined to be minor by the Director.

## **SECTION 29:**

DIVISION 13, Summerland Community Plan Overlay, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection a, One-family dwellings, of Subsection 1, Floor area limit, of Section 35-191.5, Floor Area Limit, of Section 35-191, Summerland - SUM, to read as follows:

- a. **One-family dwellings.** All new one-family dwellings and additions to existing one-family dwellings in any zone district except the Design Residential (DR) Zone District are subject to the following standards:
  - 1) **Lots having a lot area (net) of less than 12,000 square feet.** On lots with a lot area (net) of less than 12,000 square feet, the net floor area of structures subject to this Section 35-191 (Summerland - SUM) shall be in compliance with the following Table 13-1 (One-Family Dwelling Floor Area Limits). The net floor area shall not exceed the amount calculated using the FAR or the Maximum Allowable Square Footage per Lot Area, whichever is less.

**Table 13-1 - One-Family Dwelling Floor Area Limits**

<b>Net Lot Area (square feet)</b>	<b>FAR</b>	<b>Maximum Allowable Net Floor Area per Lot Area (square feet)</b>
2,500	.50	950
2,501 to 3,600	.38	1,296
3,601 to 4,700 sf	.36	1,598
4,701 to 5,800 sf.	.34	1,856
5,801 to 6,900 sf.	.32	2,070
6,901 to 8,100 sf.	.30	2,268
8,101 to 9,400 sf.	.28	2,538
9,401 to 10,800 sf.	.27	2,808
10,801 to 12,000 sf.	.26	3,100

- 2) **Lots between 12,000 square feet and 10 acres.** On lots with a lot area (net) of 12,000 square feet and greater but less than 10 acres, the net floor area of structures subject to this Section 35-191 (Summerland - SUM) shall not exceed 2,500 square feet plus five percent of the net lot area; however, in no case shall the net floor area exceed 8,000 square feet.
- 3) **Lots between 10 acres and 20 acres.** On lots with a lot area (net) of 10 acres and greater but less than 20 acres, the net floor area of structures subject to this Section 35-191 (Summerland - SUM) shall not exceed 8,000 square feet plus 0.25 percent of the net lot area; however, in no case shall the net floor area exceed 10,000 square feet.
- 4) **Lots between 20 acres and 40 acres.** On lots with a lot area (net) of 20 acres and greater but less than 40 acres, the net floor area of structures subject to this Section 35-191 (Summerland - SUM) shall not exceed 8,000 square feet plus 0.25 percent of the net lot area; however, in no case shall the net floor area exceed 12,000 square feet.
- 5) **Lots 40 acres and greater.** On lots with a lot area (net) of 40 acres or greater, the net floor area of structures subject to this Section 35-191 (Summerland - SUM) shall not exceed 8,000 square feet plus 0.25 percent of the net lot area; however, in no case shall the net floor area exceed 15,000 square feet.
- 6) **Accessory dwelling units.** The floor area limits enumerated above do not apply to proposed additions to existing one-family dwellings provided the addition is located within the living area of an accessory dwelling unit approved in compliance with Section 35-142 (Accessory Dwelling Units).

### **SECTION 30:**

DIVISION 13, Summerland Community Plan Overlay, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection e, Residential Second Units, of Subsection 2, Adjustments to maximum floor area, of Section 35-191.5, Floor Area Limit, of Section 35-191, Summerland - SUM, to read as follows:

- e. **Accessory Dwelling Units.** Up to 300 square feet of floor area (net) devoted to an attached accessory dwelling unit is not included in the net floor area used to determine compliance with the Subsection 1, above.

### **SECTION 31:**

DIVISION 16, Toro Canyon Plan (TCP) Overlay District, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 1, Nonconforming residential structures damaged or destroyed by calamity, of Section 35-194.5, Nonconforming Structures and Uses, of Section 35-194, General, to read as follows:

1. **Nonconforming residential structures damaged or destroyed by calamity:** Any nonconforming residential structure that is damaged or destroyed by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, "residential structure" shall mean primary dwellings, secondary dwellings including Accessory Dwelling Units, guesthouses, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage existed, one detached private garage structure may be included provided that evidence of such structure's use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction shall commence within 24 months of the time of damage or destruction and shall be diligently carried to completion. The 24 month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the 24 month period. Where the reconstruction permitted above does not commence within the specified 24 months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article.

## **SECTION 32:**

DIVISION 16, Toro Canyon Plan (TCP) Overlay District, of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2, Reconstruction of nonconforming residential structures located within Rural Neighborhood Areas and within or adjacent to an Environmentally Sensitive Habitat (ESH) area, of Section 35-194.5, Nonconforming Structures and Uses, of Section 35-194, General, to read as follows:

2. **Reconstruction of nonconforming residential structures located within Rural Neighborhood Areas and within or adjacent to an Environmentally Sensitive Habitat (ESH) area:** Lawfully established structures that serve as residences in an Existing Developed Rural Neighborhood located within ESH buffer areas or adjacent to ESH, which are damaged due to normal wear and tear such as structural pest damage or dry rot, may be reconstructed to the same or lesser size (square footage, height, and bulk) in the same footprint. If the reconstructed residence is proposed to be larger than the existing structure, it may only be permitted where findings are made that such development shall not adversely impact the adjacent riparian species, meets all other provisions of this Plan and the Local Coastal Program including development standards for native and non-native protected tree species, and complies with development standards DevStd BIO-TC-5.1 through DevStd BIO-TC-5.4. Reconstruction includes any project that results in the demolition of more than 50 percent of the exterior walls. For the purpose of this section, "residential structure" shall include primary dwellings, secondary dwellings including Accessory Dwelling Units, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage exists, one detached private garage structure may be included provided that evidence of such structure's use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction or structural repair shall commence within 24 months of the time of the owner's first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The 24 month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the 24 month period. Where the reconstruction or structural repair permitted above does not commence within the specified 24 months or the extended time period that may be granted by the Director, such structure shall not be reconstructed or repaired except in conformity with the regulations of the Toro Canyon Plan and this Article.

**SECTION 33:**

All existing indices, section references, and figure and table numbers contained in Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

**SECTION 34:**

Except as amended by this ordinance, Divisions 2, 4, 7, 11, 12, 13, and 16 of Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

**SECTION 35:**

For applicants that have an approved or issued Coastal Development Permit for a proposed residential second unit (accessory dwelling unit) on or before the effective date of this ordinance, the Coastal Development Permit shall remain valid, provided that a building permit for the proposed residential second unit (accessory dwelling unit) is issued by August 14, 2019, or the date that this ordinance is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later. Otherwise, the Coastal Development Permit shall be invalid.

**SECTION 36:**

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara.


PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 14th day of August, 2018, by the following vote:

AYES: Supervisors Williams, Wolf, Hartmann, Adam, and Lavagnino

NOES: None

ABSTAIN: None

ABSENT: None

  
\_\_\_\_\_  
DAS WILLIAMS, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

By   
\_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By   
\_\_\_\_\_  
Deputy County Counsel