

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



F14b

City of Santa Barbara LCP Amendment

LCP-4-SBC-21-0052-1

December 17, 2021

Exhibits

Table of Contents

Exhibit 1 – LCP Amendment Proposed Text Changes in Strikethrough/Underline

Exhibit 2 – LUP Figure 3.1-2 “Key Public Access Parking Areas”

Strikethrough-Underline Copy of Code Language Adopted by City of Santa Barbara City Council on November 10, 2020 to amend ADU Regulations per State Law

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

28.86.010 Purpose.

The purpose of this chapter is to:

- A. Expand opportunities in the City to create additional housing to suit the spectrum of individual lifestyles and space needs, allow more efficient use of existing housing stock and public infrastructure, and provide a range of housing opportunities.
- B. Allow accessory dwelling units or junior accessory dwelling units as an accessory use to a primary residential unit, consistent with California Government Code Section 65852.2 or 65852.22 and the California Coastal Act, as applicable.
- C. Promote accessory dwelling units or junior accessory dwelling units with high-quality designs that are compatible with the surrounding neighborhood, historic resources, and historic districts; preserve the City's coastal resources; promote long-term sustainability; and contribute to a desirable living environment.

28.86.020 Definitions.

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

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

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

An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

B. Carshare Vehicle. A motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization which provides hourly or daily car sharing service to its members.

C. Efficiency Kitchen. A kitchen that includes at a minimum:

1. Appliances for cooking food and refrigeration, either built-in or countertop.
2. A sink for food preparation greater than 12 inches by 12 inches, excluding the sink located in the bathroom.
3. A food preparation counter.

D. Existing Floor Area. A legally permitted building constructed on the site with a final inspection or certificate of occupancy as of the date of application submittal, that conforms to current zoning standards or is legal nonconforming as to current zoning standards.

E. Junior Accessory Dwelling Unit. A unit that is no more than 500 square feet in size and contained entirely within the existing floor area of an existing or proposed single residential unit. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing or proposed single residential unit and includes an efficiency kitchen.

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

G. Primary Residential Unit. The existing or proposed residential unit on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted. The primary residential unit shall comprise one unit in either a single residential unit, two-residential unit, multiple residential unit, or mixed use development (as those terms are defined in Section 28.04.020 of this title).

H. Principal Place of Residence. The residence where a property owner actually lives for the greater part of time, or the place where the property owner remains when not called elsewhere for some special or temporary purpose and to which the property owner returns frequently and periodically, as from work or vacation. There may be only one "principal place of residence," and where more than one residence is maintained or owned, the burden shall be on the property owner to show that the primary residential unit, or accessory dwelling unit, or junior accessory dwelling unit is the property owner's principal place of residence as evidenced by qualifying for the homeowner's tax exemption, voter registration, vehicle registration, or similar methods that demonstrate owner-occupancy. If

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

28.86.030 Where Permitted.

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

28.86.035 Unit Configuration.

- A. Only one accessory dwelling unit or junior accessory dwelling unit shall be permitted on a lot in addition to the primary residential unit, pursuant to this Chapter. However, multiple accessory dwelling units may be permitted in accordance with all the configuration, standards, and special procedures outlined in Section 28.86.090, Development Standards for Special Accessory Dwelling Units.
- B. An accessory dwelling unit may be permitted in the following configurations:

1. Incorporated entirely within an existing or proposed primary residential unit.
 2. Incorporated entirely within an existing accessory building, including garages, located on the same lot as the primary residential unit.
 3. Attached to or increasing the size of an existing primary residential unit or accessory building located on the same lot as the primary residential unit.
 4. Detached from and located on the same lot as the existing or proposed primary residential unit. An accessory dwelling unit that is attached to another detached accessory building, but not the primary residential unit, or is attached by a breezeway or porch, is considered detached.
- C. A junior accessory dwelling unit must be incorporated entirely within the existing floor area of an existing or proposed single residential unit or attached garage.

28.86.040 Sale, Rental, and Occupancy Terms.

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

- A. NOT TO BE SOLD SEPARATELY. An accessory dwelling unit or junior accessory unit shall not be sold separately from the primary residential unit.
- B. RENTAL TERMS. The accessory dwelling unit or junior accessory dwelling unit may be rented; however, rental terms shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.
- C. OWNER OCCUPANCY. The following types of projects are subject to an owner occupancy requirement:
1. All lots developed with junior accessory dwelling units; except that owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
 2. Any accessory dwelling unit located in a One-Family Residence Zone submitted on or after January 1, 2025, unless otherwise prohibited by state law, or upon repeal of Government Code 65852.2 (a)(6)(B) removing the State-imposed prohibition of an owner occupancy requirement, whichever occurs first.
- D. OWNER'S UNIT. If owner occupancy is required in accordance with subsection C, Owner Occupancy, the property owner shall reside in and maintain either the primary residential unit or the accessory dwelling unit/junior accessory dwelling unit as the property owner's principal place of residence ("owner's unit"). Owners of lots developed with an accessory dwelling unit/junior accessory dwelling unit shall live on the lot as long as the lot is developed with an accessory dwelling unit/junior accessory dwelling unit. Owners may re-designate the primary residential unit or the accessory dwelling unit/junior accessory dwelling unit as the

owner's unit upon written notice to the Community Development Director and written approval of the re-designation by the Community Development Director, which approval shall not be denied unreasonably. The property owner shall not rent or lease both the primary residential unit and the accessory dwelling unit/junior accessory dwelling unit simultaneously.

- E. HARDSHIP WAIVER. If owner occupancy is required in accordance with subsection C, Owner Occupancy, in the event of a hardship, such as the death or disability of the property owner, job transfer, or similar significant personal situation which prevents the property owner from occupying the owner's unit, a property owner or estate representative may apply for a temporary waiver of the owner-occupation requirement for a specific time period to allow the owner's unit to be occupied by a non-property owner pending disposition of the property through probate or non-probate transfer to a new owner, or the cessation of the circumstances preventing the property owner from occupying the owner's unit on the property. The Community Development Director shall review applications for a hardship waiver. Any such waiver shall specify the period of time for which it is granted, provided that no such waiver may be granted for a period longer than three years.
- F. REMOVAL OF RECORDED OWNER OCCUPANCY REQUIREMENT. With the exception of owner occupancy covenants required to permit a junior accessory dwelling unit, the Community Development Director will, in a form acceptable to the City Attorney, release an owner occupancy requirement recorded against the property prior to adoption of this ordinance upon the request of the property owner. No other covenants required pursuant to this section, and contained in the agreement recorded against the property, shall be released.

28.86.050 Required Features.

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

- A. RESIDENTIAL ELEMENTS. Permanent provisions for separate residential occupancy must be provided as follows within the contiguous livable floor space of the accessory dwelling unit or junior accessory dwelling unit and must be independent from the primary residential unit:
1. A kitchen, consisting of a sink, cooking appliances, and refrigeration facilities. A junior accessory dwelling unit may utilize an efficiency kitchen.
 2. A bathroom consisting of a toilet, sink, and bathtub or shower. A junior accessory dwelling unit may share sanitation facilities with the existing or proposed single residential unit.
 3. A separate living room.

4. A separate sleeping room, except in studio residential units, where a living room is considered a sleeping room.
- B. MINIMUM FLOOR AREA. Notwithstanding the dwelling unit minimum described in Section 28.87.150, Dwelling and Other Occupancies, the minimum floor area for a newly constructed accessory dwelling unit is as follows:
 1. Efficiency Unit: 150 square feet.
 2. Studio Unit: 220 square feet.
 3. All Other Units: 400 square feet.

Such usable floor area shall be exclusive of open porches, garages, basements, cellars and unfinished attics. The minimum floor area for accessory dwelling units that are created by converting existing structures is 150 square feet.
- C. EXTERIOR ACCESS. Exterior access to the unit, that is independent from the primary residential unit and, must be provided. An interior connection consisting of one fire-rated lockable door between the primary residential unit and an accessory dwelling unit or junior accessory dwelling unit may be provided.
- D. FIRE SPRINKLERS. Fire sprinklers are required only if they are required for the primary residential unit.
- E. PERMANENT FOUNDATION. Attached and detached units shall be constructed with an approved permanent foundation.
- F. PROPERTY ADDRESSES. Addresses identifying all residential units on the lot, with minimum three- and one-half-inch numbers plainly visible from the street or road fronting the property shall be provided.
- G. PUBLIC SEWER. Accessory dwelling units and junior accessory dwelling units shall be connected to a public sewer. If public sewer connection is not available, approval of a new or expanded onsite wastewater treatment system shall be required in accordance with the procedures from the Code of the County of Santa Barbara California prior to issuance of a building permit.
- H. WATER METER. Accessory dwelling units shall comply with the water metering requirements of Title 14, Section 14.08.150 E.
- I. PASSAGEWAY. No passageway is required in conjunction with the construction of an accessory dwelling unit or junior accessory dwelling unit.

28.86.055 Development Standards for Standard Accessory Dwelling Units.

- A. DEVELOPMENT STANDARDS GENERALLY. The development standards listed in this section apply to standard accessory dwelling units and junior accessory dwelling units, except for those units permitted in accordance with all the configuration, standards, and special procedures outlined in Section 28.86.090, Standards for Special Accessory Dwelling Units.

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

B. MAXIMUM FLOOR AREA. The maximum floor area for a standard accessory dwelling unit and junior accessory dwelling unit is as follows:

1. Attached Accessory Dwelling Unit. An accessory dwelling unit that is attached to, and increasing the size of, the primary residential unit shall not exceed 50% of the living area of the existing primary residential unit.
2. Converted Accessory Dwelling Unit. An accessory dwelling unit that is incorporated entirely within an existing primary residential unit, or within an existing accessory building, is not limited in size.
3. Detached Accessory Dwelling Unit. An accessory dwelling unit that is detached from the primary residential unit and may or may not be attached to another detached accessory building, including detached garages, shall not exceed the following maximum floor area based on lot size and number of bedrooms:
 - a. Lots up to 14,999 square feet:
 - i. One-bedroom or studio units: 850 square feet.
 - ii. Two or more-bedroom units: 1,000 square feet.
 - b. Lots 15,000 square feet or larger: 1,200 square feet.

4. Junior Accessory Dwelling Unit. The maximum floor area of a junior accessory dwelling unit shall not exceed 500 square feet.
- C. RELATIONSHIP TO OTHER FLOOR AREA LIMITATIONS. The floor area of an accessory dwelling unit or junior accessory dwelling unit is included in any other floor area limitation in this Title that is applicable to an attached or detached accessory building for the housing type and in the base zone in which the lot is located.
1. Exception. The floor area of a detached accessory dwelling unit shall be excluded from the aggregate maximum floor area allowed for other detached accessory buildings, such as work or storage sheds, pursuant to Section 28.87.160 of this title.
- D. BUILDING SEPARATION. The minimum separation between the primary residential unit and a detached accessory dwelling unit shall be five feet.
- E. OPEN YARD. No open yard areas are required for accessory dwelling units or junior accessory dwelling units. The minimum area, dimensions, and location of the required open yard pursuant to Sections 28.15.060.C and 28.18.060.C of this title for the existing or proposed primary residential unit may be reduced to the area identified below in order to construct a standard accessory dwelling unit, or to construct an accessory dwelling unit proposed over a new or substantially redeveloped maximum 500 square foot garage or other conforming accessory structure, in the one-family and two-family residence zones, provided all other open yard requirements are met:
1. Minimum Area.
 - a. Lots less than 6,000 square feet: 500 square feet.
 - b. Lots 6,000 up to 7,999 square feet: 800 square feet.
 - c. Lots 8,000 square feet up to 9,999 square feet: 1,000 square feet.
 - d. Lots 10,000 square feet or greater: 1,250 square feet.
 2. Minimum Dimensions. 15 feet long and 15 feet wide.
 3. Location in Driveways and Turnarounds. Notwithstanding Section 28.15.060 C.c. ii. Setback and Open Yard Requirements of this title, the required open yard may be located in driveways and turnarounds, but not required parking areas, in order to allow the construction of a new accessory dwelling unit.
- G. SETBACKS. The following setbacks shall apply to new and converted standard accessory dwelling units approved pursuant to this section:
1. New Construction. Newly constructed accessory dwelling units shall comply with the following setback standards:

- a. Front Setback: Meet the minimum front setback for residential structures in the zone, unless further limited by Section 28.86.060 H., Front Yard Location, below.
 - b. Interior Setback: Four feet.
- 2. Converted. No setback is required to convert the existing, legally permitted, floor area of a main or accessory building to an accessory dwelling unit. Improvements to existing nonconforming buildings, including conforming additions, are allowed pursuant to Section 28.87.030 D., Nonconforming Buildings of this title and the policies of the City's Coastal Land Use Plan.
- 3. Demolished and Converted. No setback is required when an existing main or accessory building is demolished or substantially redeveloped and converted to an accessory dwelling unit, provided that the new building is reconstructed in the same location and with the same dimensions and floor area as the existing building.
 - a. Exception for Small Conforming Additions. One small 150-square-foot conforming first floor addition may be permitted on a substantially redeveloped and converted nonconforming accessory building.
- 4. New Construction Combined with Replacement of a Nonconforming Garage. The construction of an accessory dwelling unit may be combined with the demolition and replacement of a nonconforming detached garage if all of the following requirements are met:
 - a. The new garage is reconstructed in the same location and with the same dimensions as the existing garage; or
 - b. The new garage is enlarged only as necessary to provide the same number of parking spaces and to meet the dimension requirements of the City of Santa Barbara Access & Parking Design Standards, but located no closer to the property line as the existing garage; and
 - c. The accessory dwelling unit is constructed above the reconstructed garage; and
 - d. The accessory dwelling unit and any additions to the garage shall conform with current setbacks; and
 - e. The new structure shall comply with all applicable height and building story limitations, and all other development standards are met.
- 5. Encroachments. Encroachments allowed pursuant to Section 28.87.062, Setback, Open Yard, Common Outdoor Living Space, and Distance Between Main Buildings Encroachments, may be permitted for accessory dwelling units or junior accessory dwelling units. However, no setback encroachment shall be located closer than three feet from any property line,

except roof eaves, which may be located as close as two feet from any property line.

28.86.060 Architectural Review.

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

- A. PROHIBITION OF SHINY ROOFING AND SIDING. New roofing and siding materials that are shiny, mirror-like, or of a glossy metallic finish are prohibited.
- B. ROOF TILE. Where a new clay tile roof is proposed, the use of two-piece terra cotta (Mission "C-tile") roof is required and "S-tile" is prohibited, unless necessary to match the S-tile roof materials of the existing primary residential unit.
- C. SKYLIGHTS. New skylights shall have flat glass panels. "Bubble" or dome type skylights are not allowed.
- D. GLASS GUARDRAILS. New glass guardrails are not allowed, unless necessary to match the glass guardrails of the existing primary residential unit.
- E. GARAGE CONVERSION. If a garage is converted to an accessory dwelling unit, the garage door opening shall be replaced with exterior wall coverings, or residential windows or doors, to match the existing exterior garage wall covering and detailing.
- F. GRADING. No more than 250 cubic yards of grading (i.e., cut or fill under the main accessory dwelling unit building footprint and outside the main building footprint to accommodate the accessory dwelling unit) is proposed in the Hillside Design District or on lots in other parts of the City with a slope of 15% or greater.
- G. HEIGHT. An accessory dwelling unit shall not exceed the following, whichever is greater:
 - 1. Height of the primary residential unit;
 - 2. Number of stories of the primary residential unit; or
 - 3. 17 feet.

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

- H. FRONT YARD LOCATION. The construction of a new detached accessory dwelling unit located in the front yard shall be subject to all of the following:
1. The new accessory dwelling unit must be located a minimum of 20 feet back from all front lot lines, or meet the minimum front setback for the zone in which the lot is located, whichever is greater.
 2. Unless constructed over a garage, the new unit shall be:
 - a. No more than one-story and less than 17 feet in height; and
 - b. Screened from the street by topography, location, or landscape, in a manner designed to blend into the surrounding architecture or landscape, so as to minimize visibility of the accessory dwelling unit to the casual observer as viewed from the street.
- I. DESIGN STYLE. New detached or attached accessory dwelling units shall be compatible with the design of the primary residential unit regarding style, fenestration, materials, colors, and details if the accessory dwelling unit meets any of the following:
1. Attached to, or if any portion of the accessory dwelling unit is located within 20 feet of, the primary residential unit;
 2. Located in the Hillside Design District and 20% or greater average slope;
 3. Two or more stories tall, or 17 feet or taller in building height;
 4. Located in the front yard.
 5. Located on a site on which there is a historical resource as follows:
 - a. Listed on the National Register of Historic Places or the California Register of Historic Resources;
 - b. Designated as a City of Santa Barbara Landmark or Structure of Merit; or
 - c. Located in a designated historic district.
- J. PRIVACY STANDARDS. The construction of an accessory dwelling unit where any portion of the proposed construction is either: two or more stories tall or 17 feet or taller in building height, shall comply with the following:
1. Upper story unenclosed landings, decks, and balconies greater than 20 square feet, that face or overlook the adjoining property, shall be located a minimum of 15 feet from the interior lot lines.
 2. Upper story unenclosed landings, decks and balconies, that do not face or overlook the adjoining property due to orientation or topography, may be located at the minimum interior setback line if an architectural screening element such as enclosing walls, trellises, awnings or perimeter planters

with a five-foot minimum height is incorporated into the unenclosed landing, deck or balcony.

3. Upper story windows that face or overlook the adjoining property, located within 15 feet of the interior lot lines, shall be installed a minimum of 42 inches above finish floor.

K. EXCEPTIONS. Discretionary applications for design review may be requested in the following circumstances:

1. An applicant may propose an accessory dwelling unit that does not meet these ministerial design criteria subject to approval by the Single Family Design Board, Architectural Board of Review, or Historic Landmarks Commission, as appropriate.
2. Discretionary design review may be required for any exterior alterations to the project site or main buildings that are not an integral part of the accessory dwelling unit, but are proposed in conjunction with the accessory dwelling unit, if required pursuant to Chapter 22.22, 22.68, or 22.69 of this code.

28.86.070 Protection for Historic Resources.

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

28.86.080 Parking Standards

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

A. PRIMARY RESIDENTIAL UNIT. Automobile parking for the primary residential unit shall be provided in compliance with Chapter 28.90, except as provided below.

1. Special Procedures for Conversion or Demolition of Existing Covered Parking to an Accessory Dwelling Unit. When an existing garage, carport, or other covered parking structure is converted to an accessory dwelling unit or junior accessory dwelling unit or demolished in conjunction with the construction of an accessory dwelling unit, the required covered parking

spaces that are displaced by the conversion or demolition shall be replaced on the same lot as the primary residential unit in order to satisfy the automobile parking requirement of the existing residential unit. The replacement spaces may be covered, uncovered, in a mechanical lift, or in a tandem configuration. The replacement spaces shall meet all of the following:

- a. Covered parking shall meet the development standards applicable to a residential unit within the zone in which the lot is located.
- b. All parking spaces must meet the minimum dimensions and development standards consistent with the City of Santa Barbara Access & Parking Design Standards and Section 28.90.045.
- c. In order to maintain visibility for adjacent driveways and intersections, uncovered parking spaces shall not obstruct the sightlines required for the safe operation of motor vehicles, as determined by the Public Works Director.
- d. Required uncovered parking spaces may be allowed in a front or interior setback, provided the uncovered parking space is contained within the area of an existing paved driveway and no increase to paved areas occurs in the setbacks.
- e. No more than two automobiles shall be placed one behind the other. Tandem parking shall not create any traffic safety issues.
- f. Both automobile parking spaces parked in tandem shall be assigned to the same residential unit.
- g. Tandem parking in multi-unit and commercial zones is subject to approval by the Public Works Director.
- h. Vertical or stackable tandem parking, provided by means of mechanical lifts, is subject to approval by the Public Works Director. Mechanical lifts shall be fully enclosed within a structure and shall require a recorded maintenance agreement.

- 2. Nonconforming Conditions. If the accessory dwelling unit or junior accessory dwelling unit is developed in accordance with all the requirements of this Chapter, and is eligible for ministerial approval, the provision in Section 29.90.001.B, Existing Parking Space, that requires nonconforming parking to be brought up to current standards if an enlargement of more than 50% of the existing net floor area is proposed, shall not apply if the new floor area consists of a new accessory dwelling unit.

- B. JUNIOR ACCESSORY DWELLING UNITS. No automobile parking is required for junior accessory dwelling units, since they are not anticipated to increase parking demand generated by the development.
- C. NO PARKING REQUIRED FOR CERTAIN ACCESSORY DWELLING UNITS. The following types of accessory dwelling units are not anticipated to increase parking demand generated by the development and therefore automobile parking is not required for the accessory dwelling unit if it meets all of the following criteria:
1. Outside Key Public Access Areas. The accessory dwelling unit is not located in a key public access parking area (West Beach, Lower State, and East Beach Component Areas) as delineated in Figure 3.1-2 of the Coastal Land Use Plan; and
 2. On a Lot Developed with a Single Residential Unit. The accessory dwelling unit is located on a lot developed, or proposed to be developed with, only one single residential unit on the lot; and
 3. Measures to Reduce Demand. The accessory dwelling unit meets at least one of the following measures that will sufficiently reduce the demand for off-street parking:
 - a. The accessory dwelling unit is located within a walking distance of one-half mile of a public transit stop, such as a bus stop or train station; or
 - b. The accessory dwelling unit is located within an architecturally and historically significant historic district. For purposes of this provision, El Pueblo Viejo Landmark District constitutes an architecturally and historically significant historic district and any district hereafter created deemed to be architecturally and historically significant; or
 - c. The accessory dwelling unit is contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building; or
 - d. When on-street parking permits are required but not offered to the occupants of the accessory dwelling unit; or
 - e. When there is a carshare vehicle located within a walking distance of 500 feet of the accessory dwelling unit.
- D. ALL OTHER UNITS. All other accessory dwelling units shall provide a minimum of one uncovered automobile parking space meeting all of the same parking standards required for the primary residential unit as described in Subsection A, above.
- E. OPTIONAL PARKING SPACES. If new parking spaces are proposed, but are not required, for either the primary residential unit or the accessory dwelling unit, those optional parking spaces shall comply with the development standards applicable

to a residential unit within the zone in which the lot is located. Uncovered parking spaces may be located three feet from any interior lot line, provided a minimum of three feet in width of planting area is provided for the length of the paved parking area along the interior lot line.

28.86.085 Fire Hazard Area Standards

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

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

28.86.090 Development Standards for Special Accessory Dwelling Units.

- A. DEVELOPMENT STANDARDS GENERALLY. The development standards listed in this section apply to specific types of small accessory dwelling units and junior accessory dwelling units with certain size, height, and setback standards that, if followed, allow for an accessory dwelling unit to be permitted on lots in a Fire Hazard Area, or more than one accessory dwelling unit on a lot, and allows additional reductions and exceptions to development standards for open yard and maximum floor area. Applications utilizing the special standards described in this Section may not utilize the less restrictive configuration, size, and height standards allowed under another section to achieve a larger unit or more than one unit.
 - 1. Any reductions and exceptions in this section are for the express purpose of promoting the development and maintenance of a special accessory dwelling unit or junior accessory dwelling unit on the lot. If for any reason the accessory dwelling unit or junior accessory dwelling unit is no longer maintained on the lot, the lot shall be brought into compliance with all of the requirements for the remaining residential development, or with the legal nonconforming condition of the lot prior to the development of the accessory dwelling unit or junior accessory dwelling unit.

2. Except as otherwise specified in this section, projects developed in accordance with this Chapter shall otherwise comply with the development standards applicable to the housing type and base zone in which the lot is located.

B. CONFIGURATION – SINGLE RESIDENTIAL UNIT LOTS. A lot developed with only one existing or proposed single residential unit, may permit one of the following types of special accessory dwelling units:

1. Converted Portion of Main Building. Only one accessory dwelling unit or junior accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed livable floor area of the existing or proposed primary residential unit; or
2. Converted Accessory Building. Only one accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed floor area of a garage or other accessory building on the same lot as the primary residential unit, plus one 150-square-foot conforming first floor addition, if the expansion is limited to accommodating ingress and egress; or
3. One Unit – New Construction. One newly constructed accessory dwelling unit, detached from any other main or accessory building; or
4. Two Units – Combination. One junior accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed livable floor area of the existing or proposed primary residential unit, plus one newly constructed, accessory dwelling unit, detached from any other main or accessory building.

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

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

D. MAXIMUM FLOOR AREA

1. Detached Accessory Dwelling Unit. The maximum floor area of any detached, new construction, special accessory dwelling unit, approved pursuant to this Section, is 800 square feet.

2. Converted Accessory Dwelling Unit. An accessory dwelling unit that is incorporated entirely within portions of existing floor area, approved pursuant to this Section, is not limited in size.
 3. Junior Accessory Dwelling Unit. The maximum floor area of a junior accessory dwelling unit shall not exceed 500 square feet.
- E. MAXIMUM HEIGHT – DETACHED ACCESSORY DWELLING UNIT. The maximum building height of a detached, new construction, special accessory dwelling unit approved pursuant to this Section is 16 feet.
- F. EXEMPT FROM OTHER SIZE LIMITATIONS. A special accessory dwelling unit or junior accessory dwelling unit approved pursuant to this Section is exempt from any other size limitation, including but not limited to, the aggregate maximum floor area allowed for detached accessory buildings pursuant to Section 28.87.160 of this title, or the Maximum Net Floor Area (Floor to Lot Area Ratio) for one-family residence zones per Section 28.15.083 of this title, or the provision in Section 29.90.001.B, Existing Parking Space, that requires nonconforming parking to be brought up to current standards if an enlargement of more than 50% of the existing net floor area is proposed.
- G. EXEMPT FROM OPEN YARD. No open yard is required for a special accessory dwelling unit or junior accessory dwelling unit approved pursuant to this Section. Open yard for any existing residential units on a lot may be reduced or eliminated entirely in order to permit a special accessory dwelling unit meeting all the standards and criteria in this Section.

28.86.100 Permits and Processing.

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

- A. COMBINED PERMITS. An accessory dwelling unit or junior accessory dwelling unit permit shall not be combined with a permit for other proposed construction on the site unrelated to the accessory dwelling unit or junior accessory dwelling unit. If a permit application for an accessory dwelling unit or junior accessory dwelling unit is submitted at the same time as a permit application for a new single-unit dwelling, review of the permit for the accessory dwelling unit or junior accessory dwelling unit application shall be delayed until the permit for the single-unit dwelling has been approved.
- B. MODIFICATIONS. An accessory dwelling unit or junior accessory dwelling unit that is not in compliance with the development standards of this Chapter may be

granted a modification if all the required findings can be met, pursuant to the procedures outlined in Section 28.92.110, Modifications of this title.

- C. POSTED SIGN. Within five calendar days after submitting an initial permit application to the City, the property owner shall install a public notice in the form of a posted sign on the property in a manner deemed acceptable by the Community Development Director. The sign shall remain posted until a building permit is issued, or the application expires or is withdrawn. At the time of application submittal, the applicant shall sign an affidavit stating that he or she will post the required sign per this subsection. The validity of the permit shall not be affected by the failure of any property owner, resident, or neighborhood or community organization to receive this notice.
- D. RECORDED AGREEMENT. Before obtaining a building permit for an accessory dwelling unit or junior accessory dwelling unit, the property owner shall execute an agreement, containing a reference to the deed under which the property was acquired by the present owner which outlines the requirements regarding the sale, rental, and owner occupancy of lots developed with accessory dwelling units and junior accessory dwelling units as specified in Section 28.86.040 of this chapter.
- E. RESIDENTIAL DENSITY. An accessory dwelling unit or junior accessory dwelling unit is a residential use that is consistent with the existing Coastal Land Use Plan designation and zoning for lots within the allowable residential zones. Any accessory dwelling unit or junior accessory dwelling unit permitted pursuant to this section does not exceed the allowable density for the lot upon which the accessory dwelling unit or junior accessory dwelling unit is located.

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

28.04.020 Terms Defined.

...

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

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

Single Residential Unit. A residential building configured as not more than one primary residential unit and occupied by not more than one household, and up to one

Accessory Dwelling Unit or one Junior Accessory Dwelling Unit located on a single lot.

...

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

28.15.030 Uses Permitted.

- A. A single residential unit occupying a single lot, or a group home.
- B. Accessory buildings or uses as follows:
 - 1. An accessory dwelling unit or junior accessory dwelling unit subject to the provisions in Chapter 28.86 of this title

...

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

A. APPLICATION. The provisions of this section shall only apply to lots within these zones that have less than 15,000 square feet of net lot area and which are, or are proposed to be, developed with a main or accessory building that is either: (1) two or more stories tall, or (2) has a building height of 17 feet or more.

B. DEFINITIONS. For purposes of this section, the following definitions shall apply:

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

- a. General Rule. Net floor area is the area in square feet of all floors confined within the exterior walls of a building, but not including the area of the following: exterior walls, vent shafts, courts, and any areas with a ceiling height of less than five feet above the finished floor.
- b. Special Rules.

...

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

...

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

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

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

...

C. Open Yard and Private Outdoor Living Space. An open yard shall be provided on all lots within this zone. The required open yard shall observe the following general rules regarding dimension, location, and configuration, except as such general rules may be altered by any applicable additional rules or exceptions specified within this subsection C:

...

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

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

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

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

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

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

~~i. Studio Unit: 60 square feet~~

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

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

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

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

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

28.18.070 Distance Between Buildings on the Same Lot.

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

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

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

28.18.075 Lot Area and Frontage Requirements

...

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

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

~~2. Private Storage Space. Each dwelling unit shall have at least 200 cubic feet of enclosed, weatherproof, lockable, and separate storage space in addition to the guest, linen, pantry, and clothes closets customarily provided exclusively for the use of the occupants of the dwelling unit. Such storage space shall be accessible from the exterior of the unit for which it is provided.~~

~~3. Accessory Unit Parking Requirements. Notwithstanding the parking requirements established for Two-Family Dwelling units on standard-sized lots in excess of 6,000 square feet as provided in Section 28.90.100.G.2, a two-dwelling unit development that meets the criteria delineated in this subsection~~

~~shall provide not less than two covered and one uncovered parking spaces. Two of such parking spaces shall be allocated to the larger unit and the remaining space shall be allocated to the smaller unit through the use of appropriate signage on the site. Any such uncovered parking space may be provided in a tandem parking arrangement provided that both of the tandem parking spaces are allocated to the larger dwelling unit. Tandem parking spaces may be constructed within a nonconforming interior setback area under circumstances where the setback of the parking area remains consistent with the setback of a pre-existing nonconforming garage structure. The Community Development Director may require the recordation of a parking site plan in the official records of Santa Barbara County with respect to the lot involved for the purposes of memorializing the permanent use and availability of the required parking spaces as allocated to each permitted dwelling unit.~~

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

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

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

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

...

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

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

28.44.070 Exclusions and Exemptions.

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

...

C. SINGLE FAMILY RESIDENCE EXCLUSIONS.

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

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

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

...

28.44.110 Authority to Review.

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

...

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

28.44.120 Public Hearing.

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

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

28.94.030 Uses Permitted in Specific Zones.

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

...

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

- ~~1. The minimum lot size for any parcel containing a Secondary Dwelling Unit shall be 7,000 square feet.~~
- ~~2. There shall be no more than one existing single-family dwelling, hereinafter referred to as the primary dwelling, on the parcel.~~
- ~~3. The Secondary Dwelling Unit shall be attached to the primary dwelling by a common wall, floor or ceiling and not simply by an attached breeze-way or porch. Said unit shall involve no more than a 10% increase in the square footage of the primary dwelling nor shall it constitute more than 40% of the combined floor area of the primary dwelling and Secondary Dwelling Unit, exclusive of the garage or carport.~~
- ~~4. The maximum floor area of the Secondary Dwelling Unit shall not exceed 600 square feet.~~
- ~~5. Setbacks and height limitations for the Secondary Dwelling Unit shall be the same as for the primary dwelling.~~
- ~~6. One off-street parking space, covered or uncovered, shall be required for a Secondary Dwelling Unit. In addition, if the primary dwelling does not provide parking as required by Section 28.90.100.G.1 of this title, such parking shall be provided. The garage or carport for the primary dwelling shall not be converted to provide a Secondary Dwelling Unit.~~
- ~~7. There shall be no more than four separate rooms in a Secondary Dwelling Unit, one of which shall be a kitchen and one a bathroom. The total number of rooms on the parcel shall not be increased by more than two, including the bathroom and kitchen for the Secondary Dwelling Unit. The Secondary Dwelling Unit shall also provide a separate entrance.~~
- ~~8. Both the primary dwelling and the Secondary Dwelling Unit shall comply with all requirements of the housing code in effect on the date of issuance of the building permit for the Secondary Dwelling Unit. Any alteration or addition shall comply with all requirements of the California Building Code as adopted and amended by the City.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~b.— Low income households (incomes less than 80% of the median income for the City), as determined by the United States Department of Housing and Urban Development (HUD). The rent level will be no more than the Fair Market Rent levels for the City as determined and adjusted from time to time by HUD, and the owner shall give priority for occupancy to households referred by the Santa Barbara Housing Authority. If the unit is rented or~~

~~leased to households not referred by the Housing Authority, the income level of the renter selected must be certified by the Housing Authority as to eligibility and this certification must be submitted to the Community Development Director. The Housing Authority may assess a fee for certification of renters other than those referred by the Housing Authority. The rent level for such low-income renters shall not exceed one-twelfth of 30% of the certified income of the renter. In addition, the owner must submit annually to the Housing Authority a copy of the lease or rental agreement in effect that identifies the rent level and the name and income level of the lessee/renter.~~

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

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

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

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

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

residence or similar use shall be constructed on a lot where there is an approved Secondary Dwelling Unit.

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

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

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

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

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

~~18. Modifications.~~

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

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

FIGURE 3.1-2 KEY PUBLIC ACCESS PARKING AREAS



Note: Southern city limits extend into the Santa Barbara Channel. See Official Annexation Map for official city limit boundary. The Coastal Zone Boundary depicted on this map is shown for illustrative purposes only and does not define the Coastal Zone. The delineation is representational, may be revised at any time in the future, is not binding on the Coastal Commission, and does not eliminate the possibility that the Coastal Commission must make a formal mapping determination. This map depicts key public access parking areas for access to the shoreline, coastal recreation, Stearns Wharf and the Harbor in specific locations for illustrative purposes. The parking areas depicted on this map serve multiple areas and purposes and are not reserved solely for public access to specific locations.