

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors  
105 East Anapamu Street, Room 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** July 30, 2003  
**Department Name:** County Counsel  
**Department No.:** 0710  
**Agenda Date:** 08-12-03  
**Placement:** Departmental  
**Estimate Time:** 30 minutes  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Stephen Shane Stark, County Counsel  
Mary Ann Slutzky, Deputy County Counsel

**STAFF CONTACT:** Mary Ann Slutzky  
568-2950

**SUBJECT:** Extension and Amendment of Interim Ordinances Nos. 4499, 4500 and 4501 pursuant to Government Code Section 65858 for Article II, Coastal Zoning Ordinance, Article III, Inland Zoning Ordinance, and Article IV, Montecito Zoning Ordinance

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**Recommendations:**

That the Board of Supervisors:

- A. Find that the ordinances are statutorily exempt from the California Environmental Quality Act pursuant to Section 15282(i) of the Guidelines for Implementation of CEQA.
- B. Adopt the attached ordinances and associated findings extending and amending Interim Ordinances Nos. 4499, 4500 and 4501 to June 27, 2004.

**Alignment with Board Strategic Plan:**

The recommendation is primarily aligned with Goal No. 1, An Efficient Government Able to Respond Effectively to the Needs of the Community.

**Executive Summary and Discussion:**

On July 1, 2003 your Board adopted Interim Ordinances Nos. 4499, 4500 and 4501, pursuant to Government Code Section 65858, that imposed additional development standards on applications for detached residential second units located in front yards. These development standards were deemed necessary to protect the residential character of residential zone districts by providing restrictions on Residential Second Units in the front yard pending the adoption of the proposed amendments. The proposed amendments are not yet ready for adoption.

These interim ordinances would expire after 45 days on August 14, 2003 unless extended, after proper notice and public hearing, for an additional 10 months and 15 days. At the end of this period the interim ordinances may be extended one final time for an additional year. This and any future extension also requires a four-fifths vote of the Board of Supervisors for adoption.

However, if the proposed amendments are adopted prior to the expiration of the 10 month, 15 day extension (or any subsequent extension), then the interim ordinances will expire upon adoption of the proposed amendments.

In addition to extending the previously adopted interim ordinances, the proposed ordinances will do the following:

- 1) Clarify that the discretionary provisions for detached second units in the zoning ordinances continue to apply to detached units in agricultural zone districts;
- 2) Clarify that the development standards regulating detached second units in front yards do not apply in agricultural zone districts; and
- 3) Add ministerial development standards which protect biological resources. These development standards have been adopted as part of the Toro Canyon Plan to protect designated Environmentally Sensitive Habitats.

**Mandates and Service Levels:**

None.

**Fiscal and Facilities Impacts:**

None

**Special Instructions:**

Required noticing has been satisfied by Planning and Development.

Clerk of the Board will forward copies of the signed ordinances to County Counsel and to Planning and Development, attention Noel Langle.

**Concurrence:**

None.

**Attachments:**

- A. Ordinance to Extend and Amend Interim Ordinance, Article II
- B. Ordinance to Extend and Amend Interim Ordinance, Article III
- C. Ordinance to Extend and Amend Interim Ordinance, Article IV

**ORDINANCE NO. \_\_\_\_**

AN INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, EXTENDING AND AMENDING INTERIM ORDINANCE NO. 4499, WHICH AMENDED ARTICLE II CHAPTER 35 SECTION 35-142A.6 OF THE SANTA BARBARA COUNTY CODE, COASTAL ZONING ORDINANCE, TO ADD BIOLOGICAL DEVELOPMENT STANDARDS TO THE RESIDENTIAL SECOND UNIT REGULATIONS AND CLARIFY THAT DETACHED RESIDENTIAL SECOND UNITS IN AGRICULTURAL ZONE DISTRICTS CONTINUE TO BE SUBJECT TO DISCRETIONARY REVIEW.

**FINDINGS:**

WHEREAS, on July 1, 2003 the Board of Supervisors approved Interim Ordinance No. 4499 which added development standards for second residential units in front yards, and

WHEREAS, this interim ordinance expires August 14, 2003, and

WHEREAS, the County is continuing to develop amendments to its second units regulations, and

WHEREAS, without the discretionary review which is currently required, approval of a detached residential second unit between the primary dwelling and the abutting street presents a current and immediate threat to the public welfare, and

WHEREAS, such approval without development standards would undermine the residential character of residential zone districts and would result in a threat to public welfare, and

WHEREAS, the existing development standards have discretionary provisions which are prohibited by AB1866 in residential zone districts;

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

SECTION 1. Interim Ordinance No. 4499 is hereby extended until June 27, 2004.

SECTION 2. SECTION 1 of Interim Ordinance No. 4499, Chapter 35 Section 35-142A.6 of the Santa Barbara County Code, Article II, the Coastal Zoning Ordinance, is hereby amended to read as follows:

**35-142A.6 Development Standards**

The following standards shall apply to all Detached Residential Second Units.

1. Except as herein provided the Detached Residential Second Unit shall be consistent with the provisions of the applicable base zone district and the goals, policies and development standards of the Comprehensive Plan. Pursuant to Government Code § 65852.2(a)(4), the County finds that Detached Residential Second Units are consistent with the allowable density and with the Comprehensive Plan designation and zoning district provided the units are located on properties zoned R-1, E-1, EX-1, RR-5, RR-10, RR-15, RR-20, AG-I-5, AG-I-10 and AG-I-20.
2. The lot shall contain an existing single family dwelling at the time an application for a Detached Residential Second Unit is submitted, or the application for the second unit shall be in conjunction with the principal unit.
3. The owner of the lot shall reside on said lot, either in the principal structure or in the Detached Residential Second Unit. The owner-occupant shall sign a recorded agreement with the County of Santa Barbara requiring that the owner reside on the property. Upon resale of the property, the new owner shall reside on the property or the use of the Detached Residential Second Unit shall be discontinued and the second unit shall be removed or converted to a legal use.
4. The gross floor area of a Detached Residential Second Unit shall not exceed one thousand (1000) square feet.

5. Existing second units built and first occupied prior to December 16, 1993 of up to twelve hundred (1200) square feet may be approved as provided above in Sec. 35-142A.5.3.
6. The total gross floor area of all covered structures, including a Detached Residential Second Unit, shall not exceed forty percent (40%) of the gross lot area.
7. A Detached Residential Second Unit shall not exceed 16 feet in height. The second unit may be permitted as part of another detached structure, provided that the height of the second unit shall not exceed 16 feet and that the height of the entire structure shall not exceed 25 feet.
8. A Detached Residential Second Unit shall not be permitted on a lot in addition to a guest house, dwellings other than the primary dwelling determined to be non-conforming as to use, or farm employee housing. If a Detached Residential Second Unit exists or has current approval on a lot, a guest house or similar structure may not also be approved unless the Detached Residential Second Unit is removed.
9. A Detached Residential Second Unit shall contain its own kitchen and bathroom facilities.
10. As an advisory, the County Building & Safety Division will require that the Detached Residential Second Unit shall be equipped with approved smoke detectors conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in an area giving access to rooms used for sleeping purposes.
11. In addition to the required parking for the principal structure, a minimum of one off-street parking space shall be provided for each bedroom in the

Detached Residential Second Unit; studio units shall provide one off-street space. The additional parking shall be provided as specified in the base zone district and in DIVISION 6, PARKING REGULATION. The decision-maker may grant modifications to allow the additional parking required by these provisions to be located within the setbacks based on a finding that, because of the topography of the site and the location of the principal structure on the site, the setback requirements cannot be met. In no case shall the required number of additional parking spaces for new units be reduced, nor shall any modification be granted to allow parking within the front setback area.

12. The Zoning Administrator may grant a modification to reduce the off-street parking requirement by one space for existing units with two or more bedrooms, provided that such units were built and first occupied prior to December 16, 1993. It is the responsibility of the applicant to provide sufficient evidence to Planning & Development documenting the date on which the second unit was first occupied. See Section 35-142A.10 (Expiration) for the termination date of this ability to make modifications.
  
13. If the principal structure is currently serviced by a public sewer or water district or an existing mutual water company, not subject to moratorium for new connections, the Detached Residential Second Unit shall be serviced by the appropriate district or company. If the principal structure is currently serviced by a water district or an existing water company subject to a moratorium for new connection, or if the existing service is by a private well or private water company, and if the property is not located in an overdrafted water basin, the Detached Residential Second Unit may be served by a private well or private water company subject to Health Department review and approval. If the principal structure is currently serviced by a public sewer district subject to moratorium for new connections, or if the existing service is by a private septic system, the Detached Residential Second Unit may be served by a private septic system subject to Health Department review and approval. Where public sewer or water service is available, the Detached

Residential Second Unit shall be required to be serviced by the appropriate district.

14. If public services are required, prior to approval of the Coastal Development Permit by the Director, the applicant of the Detached Residential Second Unit shall be required to provide documentation from the appropriate public service providers that water and sewer service will be provided.
15. Upon approval of a Detached Residential Second Unit on a lot, the lot shall not be further divided unless there is adequate land area to divide the lot consistent with the applicable Comprehensive Plan designation and zone district.
16. The development of a Detached Residential Second Unit in agricultural zone districts shall avoid or minimize significant impacts to biological resources to the maximum extent feasible. The development of a Detached Residential Second Unit shall be consistent with all applicable policies and procedures of the Local Coastal Program, including, but not limited to, the following
  - a. Site development shall include adequate buffers from sensitive habitats; and
  - b. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible.
17. The Detached Residential Second Unit shall not be sold or financed separately from the principal structure.
18. The Detached Residential Second Unit shall avoid prime soils and where there are no prime soils, be sited so as to minimize impacts to ongoing farm related activities.

19. Where there are conflicts between the standards set forth in this Section and those set forth in the specific district regulations, the provisions of this Section shall prevail provided that coastal resources are not compromised.
20. Prior to the issuance of zoning clearance for a Detached Residential Second Unit, the applicant shall pay to the County of Santa Barbara Parks Department a fee for the purpose of providing park and recreational facilities to serve the Detached Residential Second Unit. The amount of this fee shall be determined as specified in Board Resolution 88-328, or any subsequent amendment.
21. In agricultural zone districts the Zoning Administrator may add other conditions, consistent with general law and applicable State and County standards, as necessary to preserve the health, safety, welfare and character of the residential neighborhood provided that such conditions do not conflict with applicable policies and provisions of the Local Coastal Program.
22. In residential zone districts, except where the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, a detached residential second unit shall not be located closer to the principal abutting street than the principal dwelling unless approved by the Board of Architectural Review in order to ensure that the unit will be harmonious with the existing residential character of the neighborhood.
23. In residential zone districts, except where the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, the exterior appearance and architectural style of the residential second unit shall reflect that of the principal dwelling, and shall use the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.



24. The removal of any native tree greater than six inches in diameter measured 4.5 feet above existing grade and more than six feet in height, or non native trees which are used as a habitat by Monarch Butterflies for roosting or by nesting raptors, is prohibited unless an arborist's report is submitted by the applicant that concludes that one of the following circumstances is present:
  - a. The tree is dead and does not have significant habitat value.
  - b. The tree is diseased and poses a danger to healthy trees in the immediate vicinity.
  - c. The tree is so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any non-deliberate injury so as to cause imminent danger to persons or property.
  
25. All development associated with the construction of a detached residential second unit shall be located no less than 50 feet from a designated environmentally sensitive habitat area. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, this development standard shall not apply.

SECTION 3. Notice of an approved Coastal Development Permit for a residential second unit shall be mailed, at least ten calendar days prior to the date on which the Coastal Development Permit is to be issued, to property owners within 300 feet of the exterior boundaries of the parcel that the project is located on.

SECTION 4. Except as amended by this ordinance, Section 35-142A.6 of Article II of Chapter 35 of the Code of Santa Barbara County shall remain unchanged and in full force and effect.

SECTION 5. Urgency Clause. The Board of Supervisors declares that it is necessary for the public welfare, health or safety for this ordinance to amend and extend Ordinance

No. 4599 and to go into effect immediately because of the urgent need to protect the integrity and character of residential neighborhoods pending the adoption of development standards to regulate residential second units. This ordinance shall be of no further force or effect upon the effective date of the Residential Second Units amendments undergoing County review or 10 months and 15 days from the date of adoption, whichever occurs first. After notice pursuant to Government Code §65090, the Board of Supervisors may adopt an extension thereof.

SECTION 6. Publication and Effective Date. This ordinance shall take effect immediately under Government Code Section 65858. Before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Santa Barbara.

PASSED AND ADOPTED by the Board of Supervisors of Santa Barbara County, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2003, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: MICHAEL F. BROWN  
Clerk of the Board

COUNTY OF SANTA BARBARA

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

By \_\_\_\_\_  
Chair, Board of Supervisors

APPROVED AS TO FORM:  
STEPHEN SHANE STARK  
County Counsel

By \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_**

AN INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, EXTENDING AND AMENDING INTERIM ORDINANCE NO. 4500, WHICH AMENDED ARTICLE III CHAPTER 35 SECTION 35-291A.6 OF THE SANTA BARBARA COUNTY CODE, INLAND ZONING ORDINANCE, TO ADD BIOLOGICAL DEVELOPMENT STANDARDS TO THE RESIDENTIAL SECOND UNIT REGULATIONS AND CLARIFY THAT DETACHED RESIDENTIAL SECOND UNITS IN AGRICULTURAL ZONE DISTRICTS CONTINUE TO BE SUBJECT TO DISCRETIONARY REVIEW.

FINDINGS:

WHEREAS, on July 1, 2003 the Board of Supervisors approved Interim Ordinance No. 4500 which added development standards for second residential units in front yards, and

WHEREAS, this interim ordinance expires August 14, 2003, and

WHEREAS, the County is continuing to develop amendments to its second units regulations, and

WHEREAS, without the discretionary review which is currently required, approval of a detached residential second unit between the primary dwelling and the abutting street presents a current and immediate threat to the public welfare, and

WHEREAS, such approval without development standards would undermine the residential character of residential zone districts and would result in a threat to public welfare, and

WHEREAS, the existing development standards have discretionary provisions which are prohibited by AB1866 in residential zone districts;

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

SECTION 1. Interim Ordinance No. 4500 is hereby extended until June 27, 2004.

SECTION 2. Section 1 of Interim Ordinance No. 4500, Chapter 35 Section 35-291A.6 of the Santa Barbara County Code, Article III, the Inland Zoning Ordinance, is hereby amended to read as follows:

**35-291A.6 Development Standards**

The following standards shall apply to all Detached Residential Second Units.

1. Except as herein provided the Detached Residential Second Unit shall be consistent with the provisions of the applicable base zone district and the goals, policies and development standards of the Comprehensive Plan. Pursuant to Government Code § 65852.2(a)(C), the County finds that Detached Residential Second Units are consistent with the allowable density and with the Comprehensive Plan designation and zoning district provided the units are located on properties zoned R-1, E-1, EX-1, RR-5, RR-10, RR-15, RR-20, AG-I-5, AG-I-10 and AG-I-20.
2. The lot shall contain an existing single family dwelling at the time an application for a Detached Residential Second Unit is submitted, or the application for the second unit shall be in conjunction with the principal unit.
3. The owner of the lot shall reside on said lot, either in the principal structure or in the Detached Residential Second Unit. The owner-occupant shall sign a recorded agreement with the County of Santa Barbara requiring that the owner reside on the property. Upon resale of the property, the new owner shall reside on the property or the use of the Detached Residential Second Unit shall be discontinued and the second unit shall be removed or converted to a legal use.

4. The gross floor area of a Detached Residential Second Unit shall not exceed one thousand (1000) square feet.
5. Existing second units built and first occupied prior to December 16, 1993 of up to twelve hundred (1200) square feet may be approved as provided above in Sec. 35-291A.5.2 and Sec. 35-291A.5.3.
6. The total gross floor area of all covered structures, including a Detached Residential Second Unit, shall not exceed forty percent (40%) of the gross lot area.
7. A Detached Residential Second Unit shall not exceed 16 feet in height. The second unit may be permitted as part of another detached structure, provided that the height of the second unit shall not exceed 16 feet and that the height of the entire structure shall not exceed 25 feet.
8. A Detached Residential Second Unit shall not be permitted on a lot in addition to a guest house, dwellings other than the primary dwelling determined to be non-conforming as to use, or farm employee housing. If a Detached Residential Second Unit exists or has current approval on a lot, a guest house or similar structure may not also be approved unless the Detached Residential Second Unit is removed.
9. A Detached Residential Second Unit shall contain its own kitchen and bathroom facilities.
10. As an advisory, the County Building & Safety Division will require that the Detached Residential Second Unit shall be equipped with approved smoke detectors conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in an area giving access to rooms used for sleeping purposes.

11. In addition to the required parking for the principal structure, a minimum of one off-street parking space shall be provided for each bedroom in the Detached Residential Second Unit; studio units shall provide one off-street space. The additional parking shall be provided as specified in the base zone district and in DIVISION 6, PARKING REGULATION. The decision-maker may grant modifications to allow the additional parking required by these provisions to be located within the setbacks based on a finding that, because of the topography of the site and the location of the principal structure on the site, the setback requirements cannot be met. In no case shall the required number of additional parking spaces for new units be reduced, nor shall any modification be granted to allow parking within the front setback area.
12. The Zoning Administrator may grant a modification to reduce the off-street parking requirement by one space for existing units with two or more bedrooms, provided that such units were built and first occupied prior to December 16, 1993. It is the responsibility of the applicant to provide sufficient evidence to Planning and Development documenting the date on which the second unit was first occupied. See Sec. 35-291.9 (Expiration) for the termination date of this ability to make modifications.
13. If the principal structure is currently serviced by a public sewer or water district or an existing mutual water company, not subject to moratorium for new connections, the Detached Residential Second Unit shall be serviced by the appropriate district or company. If the principal structure is currently serviced by a water district or an existing water company subject to a moratorium for new connection, or if the existing service is by a private well or private water company, and if the property is not located in an overdrafted water basin, the Detached Residential Second Unit may be served by a private well or private water company subject to Health Department review and approval. If the principal structure is currently serviced by a public sewer district subject to moratorium for new connections, or if the existing service is by a private septic system, the Detached Residential Second Unit may be

served by a private septic system subject to Health Department review and approval. Where public sewer or water service is available, the Detached Residential Second Unit shall be required to be serviced by the appropriate district.

14. If public services are required, prior to approval of the Land Use Permit by the Director, the applicant of the Detached Residential Second Unit shall be required to provide documentation from the appropriate public service providers that water and sewer service will be provided.
15. Upon approval of a Detached Residential Second Unit on a lot, the lot shall not be further divided unless there is adequate land area to divide the lot consistent with the applicable Comprehensive Plan designation and zone district.
16. The development of a Detached Residential Second Unit in agricultural zone districts shall avoid or minimize significant impacts to biological resources to the maximum extent feasible. The development of a Detached Residential Second Unit shall be consistent with all applicable policies and procedures of the Local Coastal Program, including, but not limited to, the following
  - a. Site development shall include adequate buffers from sensitive habitats; and
  - b. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible.
17. The Detached Residential Second Unit shall not be sold or financed separately from the principal structure.
18. The Detached Residential Second Unit shall avoid prime soils and where there are no prime soils, be sited so as to minimize impacts to ongoing farm related activities.



19. Where there are conflicts between the standards set forth in this Section and those set forth in the specific district regulations, the provisions of this Section shall prevail.
20. Prior to the issuance of zoning clearance for a Detached Residential Second Unit, the applicant shall pay to the County of Santa Barbara Parks Department a fee for the purpose of providing park and recreational facilities to serve the Detached Residential Second Unit. The amount of this fee shall be determined as specified in Board Resolution 88-328, or any subsequent amendment.
21. In agricultural zone districts the Zoning Administrator may add other conditions, consistent with general law and applicable State and County standards, as necessary to preserve the health, safety, welfare and character of the residential neighborhood provided that such conditions do not conflict with applicable policies and provisions of the Comprehensive Plan.
22. In residential zone districts, except where the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, a detached residential second unit shall not be located closer to the principal abutting street than the principal dwelling unless approved by the Board of Architectural Review in order to ensure that the unit will be harmonious with the existing residential character of the neighborhood.
23. In residential zone districts, except where the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, the exterior appearance and architectural style of the residential second unit shall reflect that of the principal dwelling, and shall use the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical

features.

24. The removal of any native tree greater than six inches in diameter measured 4.5 feet above existing grade and more than six feet in height, or non native trees which are used as a habitat by Monarch Butterflies for roosting or by nesting raptors, is prohibited unless an arborist's report is submitted by the applicant that concludes that one of the following circumstances is present:
  - a. The tree is dead and does not have significant habitat value.
  - b. The tree is diseased and poses a danger to healthy trees in the immediate vicinity.
  - c. The tree is so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any non-deliberate injury so as to cause imminent danger to persons or property.
  
25. All development associated with the construction of a detached residential second unit shall be located no less than 50 feet from a designated environmentally sensitive habitat area. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, this development standard shall not apply.

SECTION 3. Notice of an approved Land Use Permit for a residential second unit shall be mailed, at least ten calendar days prior to the date on which the Land Use Permit is to be issued, to property owners within 300 feet of the exterior boundaries of the parcel that the project is located on.

SECTION 4. Except as amended by this ordinance, Section 35-291A.6 of Article III of Chapter 35 of the Code of Santa Barbara County shall remain unchanged and in full force and effect.

SECTION 5. Urgency Clause. The Board of Supervisors declares that it is necessary for the public welfare, health or safety for this ordinance to amend and extend Ordinance No. 4500 and to go into effect immediately because of the urgent need to protect the integrity and character of residential neighborhoods pending the adoption of development standards to regulate residential second units. This ordinance shall be of no further force or effect upon the effective date of the Residential Second Units amendments undergoing County review or 10 months and 15 days from the date of adoption, whichever occurs first. After notice pursuant to Government Code §65090, the Board of Supervisors may adopt an extension thereof.

SECTION 6. Publication and Effective Date. This ordinance shall take effect immediately under Government Code Section 65858. Before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Santa Barbara.

PASSED AND ADOPTED by the Board of Supervisors of Santa Barbara County, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2003, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: MICHAEL F. BROWN  
Clerk of the Board

COUNTY OF SANTA BARBARA

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

By \_\_\_\_\_  
Chair, Board of Supervisors

APPROVED AS TO FORM:  
STEPHEN SHANE STARK  
County Counsel

By \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_**

AN INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, EXTENDING AND AMENDING INTERIM ORDINANCE NO. 4501, WHICH AMENDED ARTICLE IV CHAPTER 35 SECTION 35-470A.6 OF THE SANTA BARBARA COUNTY CODE, MONTECITO ZONING ORDINANCE, TO ADD BIOLOGICAL DEVELOPMENT STANDARDS TO THE RESIDENTIAL SECOND UNIT REGULATIONS.

FINDINGS:

WHEREAS, on July 1, 2003 the Board of Supervisors approved Interim Ordinance No. 4501 which added development standards for second residential units in front yards, and

WHEREAS, this interim ordinance expires August 14, 2003, and

WHEREAS, the County is continuing to develop amendments to its second units regulations; and

WHEREAS, without the discretionary review which is currently required, approval of a detached residential second unit between the primary dwelling and the abutting street presents a current and immediate threat to the public welfare, and

WHEREAS, such approval without development standards would undermine the residential character of residential zone districts and would result in a threat to public welfare, and

WHEREAS, the existing development standards have discretionary provisions which are prohibited by AB1866 in residential zone districts;

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

SECTION 1. Interim Ordinance No. 4501 is hereby extended until June 27, 2004.

SECTION 2. SECTION 1 of Interim Ordinance No. 4501, Chapter 35 Section 35-470A.6 of the Santa Barbara County Code, Article IV, the Montecito Zoning Ordinance, is hereby amended to read as follows:

**35-470A.6 Development Standards**

The standards shall apply to all Detached Residential Second Units.

1. Except as herein provided the Detached Residential Second Unit shall be consistent with the provisions of the applicable base zone district and the goals, policies and development standards of the Comprehensive Plan. Pursuant to Government Code § 65852.2(a)(C), the County finds that Detached Residential Second Units are consistent with the allowable density and with the Comprehensive Plan designation and zoning district provided the units are located on properties zoned 5-E-1 or 10-E-1.
2. The lot shall contain an existing single family dwelling at the time an application for a Detached Residential Second Unit is submitted, or the application for the second unit shall be in conjunction with the principal unit.
3. The owner of the lot shall reside on said lot, either in the principal structure or in the Detached Residential Second Unit. The owner-occupant shall sign a recorded agreement with the County of Santa Barbara requiring that the owner reside on the property. Upon resale of the property, the new owner shall reside on the property or the use of the Detached Residential Second Unit shall be discontinued and the second unit shall be removed or converted to a legal use.
4. The gross floor area of a Detached Residential Second Unit shall not exceed one thousand (1000) square feet.

5. Existing second units built and first occupied prior to December 16, 1993 of up to twelve hundred (1200) square feet may be approved as provided above in Sec. 35-470A.5.c.
6. The total gross floor area of all covered structures, including a Detached Residential Second Unit, shall not exceed forty percent (40%) of the gross lot area.
7. A Detached Residential Second Unit shall not exceed 16 feet in height. The second unit may be permitted as part of another detached structure, provided that the height of the second unit shall not exceed 16 feet and that the height of the entire structure shall not exceed 25 feet.
8. The Detached Residential Second Unit shall have a separate entrance.
9. A Detached Residential Second Unit shall not be permitted on a lot in addition to a guest house, dwellings other than the primary dwelling determined to be non-conforming as to use, or farm employee housing. If a Detached Residential Second Unit exists or has current approval on a lot, a guest house or similar structure may not also be approved unless the Detached Residential Second Unit is removed.
10. A Detached Residential Second Unit shall contain its own kitchen and bathroom facilities.
11. As an advisory, the County Building & Safety Division will require that the Detached Residential Second Unit shall be equipped with approved smoke detectors conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in an area giving access to rooms used for sleeping purposes.
12. In addition to the required parking for the principal structure, a minimum of

one off-street parking space shall be provided for each bedroom in the Detached Residential Second Unit; studio units shall provide one off-street space. The additional parking shall be provided as specified in the base zone district and in DIVISION 6, PARKING REGULATION. The Director may grant modifications to allow the additional parking required by these provisions to be located within the setbacks based on a finding that, because of the topography of the site and the location of the principal structure on the site, the setback requirements cannot be met. In no case shall the required number of additional parking spaces for new units be reduced, nor shall any modification be granted to allow parking within the front setback area.

13. The Zoning Administrator may grant a modification to reduce the off-street parking requirement by one space for existing units with two or more bedrooms, provided that such units were built and first occupied prior to December 16, 1993. It is the responsibility of the applicant to provide sufficient evidence to Planning & Development documenting the date on which the second unit was first occupied. See Section 35-470A.10 (Expiration) for the termination date of this ability to make modifications.
  
14. If the principal structure is currently serviced by a public sewer or water district or an existing mutual water company, not subject to moratorium for new connections, the Detached Residential Second Unit shall be serviced by the appropriate district or company. If the principal structure is currently serviced by a water district or an existing water company subject to a moratorium for new connection, or if the existing service is by a private well or private water company, and if the property is not located in an overdrafted water basin, the Detached Residential Second Unit may be served by a private well or private water company subject to Health Department review and approval. If the principal structure is currently serviced by a public sewer district subject to moratorium for new connections, or if the existing service is by a private septic system, the Detached Residential Second Unit may be served by a private septic system subject to Health Department review and



approval. Where public sewer or water service is available, the Detached Residential Second Unit shall be required to be serviced by the appropriate district.

15. If public services are required, prior to approval of the Land Use Development Permit by the Director, the applicant of the Detached Residential Second Unit shall be required to provide documentation from the appropriate public service providers that water and sewer service will be provided.
16. The Detached Residential Second Unit shall not be sold or financed separately from the principal structure.
17. Where there are conflicts between the standards set forth in this Section and those set forth in the specific district regulations, the provisions of this Section shall prevail.
18. Prior to the issuance of zoning clearance for a Detached Residential Second Unit, the applicant shall pay to the County of Santa Barbara Parks Department a fee for the purpose of providing park and recreational facilities to serve the Detached Residential Second Unit. The amount of this fee shall be determined as specified in Board Resolution 88-328, or any subsequent amendment.
19. In residential zone districts, except where the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, a detached residential second unit shall not be located closer to the principal abutting street than the principal dwelling unless approved by the Board of Architectural Review in order to ensure that the unit will be harmonious with the existing residential character of the neighborhood.
20. In residential zone districts, except where the proposed detached residential

second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, the exterior appearance and architectural style of the residential second unit shall reflect that of the principal dwelling, and shall use the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.

21. The removal of any native tree greater than six inches in diameter measured 4.5 feet above existing grade and more than six feet in height, or non native trees which are used as a habitat by Monarch Butterflies for roosting or by nesting raptors, is prohibited unless an arborist's report is submitted by the applicant that concludes that one of the following circumstances is present:
  - a. The tree is dead and does not have significant habitat value.
  - b. The tree is diseased and poses a danger to healthy trees in the immediate vicinity.
  - c. The tree is so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any non-deliberate injury so as to cause imminent danger to persons or property.
  
22. All development associated with the construction of a detached residential second unit shall be located no less than 50 feet from a designated environmentally sensitive habitat area. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, this development standard shall not apply.

SECTION 3. Notice of an approved Land Use Permit for a residential second unit shall be mailed, at least ten calendar days prior to the date on which the Land Use Permit is to be issued, to property owners within 300 feet of the exterior boundaries of the parcel that the project is located on.

SECTION 4. Except as amended by this ordinance, Section 35-470A.6 of Article IV of Chapter 35 of the Code of Santa Barbara County shall remain unchanged and in full force and effect.

SECTION 5. Urgency Clause. The Board of Supervisors declares that it is necessary for the public welfare, health or safety for this ordinance to amend and extend Ordinance No. 4501 and to go into effect immediately because of the urgent need to protect the integrity and character of residential neighborhoods pending the adoption of development standards to regulate residential second units. This ordinance shall be of no further force or effect upon the effective date of the Residential Second Units amendments undergoing County review or 10 months and 15 days from the date of adoption, whichever occurs first. After notice pursuant to Government Code §65090, the Board of Supervisors may adopt an extension thereof.

SECTION 6. Publication and Effective Date. This ordinance shall take effect immediately under Government Code Section 65858. Before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Santa Barbara.

PASSED AND ADOPTED by the Board of Supervisors of Santa Barbara County, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2003, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: MICHAEL F. BROWN  
Clerk of the Board

COUNTY OF SANTA BARBARA

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

By \_\_\_\_\_  
Chair, Board of Supervisors

APPROVED AS TO FORM:  
STEPHEN SHANE STARK  
County Counsel

By \_\_\_\_\_