



COUNTY OF SANTA BARBARA
CALIFORNIA

MONTECITO PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU STREET
SANTA BARBARA, CALIFORNIA 93101-2058
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TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

MONTECITO PLANNING COMMISSION
HEARING OF JANUARY 3, 2018

RE: Accessory Dwelling Unit Ordinance Amendments: 16ORD-00000-00015, 16ORD-00000-00016

Hearing on the request of the Planning and Development Department that the Montecito Planning Commission:

- a) **16ORD-00000-00015.** Adopt a recommendation to the Board of Supervisors that Board of Supervisors adopt an ordinance (Case No. 16ORD-00000-00015) amending Division 35.2, Montecito Zones and Allowable Land Uses, Division 35.3, Montecito Site Planning and Other Project Standards, Division 35.4, Montecito Standards for Specific Land Uses, Division 35.6, Montecito Site Development Regulations, Division 35.7, Montecito Planning Permit Procedures, Division 35.9, Montecito Land Use and Development Code Administration, and Division 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code;
- b) **16ORD-00000-00016.** Adopt a recommendation to the County Planning Commission that it recommend to the Board of Supervisors that Board of Supervisors adopt an ordinance (Case No. 16ORD-00000-00016) amending Division 2, Definitions, Division 4, Zoning Districts, Division 7, General Regulations, Division 11, Permit Procedures, Division 12, Administration, Division 13, Summerland Community Plan Overlay, and Division 16, Toro Canyon (TCP) Overlay District, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code; and

to determine the project is exempt from CEQA pursuant to Sections 15265 and 15282(h) of the State Guidelines for Implementation of the California Environmental Quality Act. The proposed ordinance amendments revise existing development standards and permit procedures in order to implement recent State legislation regarding accessory dwelling units which are currently referred to as "residential second units" in the zoning ordinances. The proposed amendment to the Montecito Land Use and Development Code also deletes language that only applies within the Coastal Zone.

Dear Honorable Members of the Board of Supervisors:

At the Montecito Planning Commission hearing of January 3, 2018, Commissioner Keller moved, seconded by Commissioner Senauer and carried by a vote of 3 to 1 (Commissioner Newman no, Commissioner Brown absent) to recommend that the Board of Supervisors:

Case No. 16ORD-00000-00015.

1. Make the findings for approval, including CEQA findings, and recommend that the Board of Supervisors make the findings for approval of the proposed amendment (Attachment A of the staff report dated December 29, 2017);
2. Recommend that the Board of Supervisors determine that this ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15282(h) of the Guidelines for Implementation of CEQA (Attachment B of the staff report dated December 29, 2017); and,
3. Adopt a Resolution recommending that the Board of Supervisors approve Case No. 16ORD-00000-00015, an ordinance amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment C of the staff report dated December 29, 2017) as revised to:
 - a. Delete the proposed amendment to Subsection C, Development Plan approval required, of Section 35.422.030, Resource Protection Zone Allowable Land Uses.
 - b. Delete the proposed amendment to Subsection E, Accessory Structures and Uses, of Section 35.422.030, Resource Protection Zone Allowable Land Uses.
 - c. Delete the proposed amendment to the Residential section of Table 2-4, Allowed Land Uses and Permit Requirements for Resource Protection Zone, of Section 35.422.030, Resource Protection Zone Allowable Land Uses.
 - d. Delete the proposed amendment to Table 2-6, Allowed Land Uses and Permit Requirements for Resource Protection Zone, of Section 35.422.050, Resource Protection Zone Development Standards.
 - e. Change Subsection H, Location, of Section 35.436.070, Standards for All Zones and Uses, as shown below:
 - H. Location.** Off-street parking spaces shall not be located in the required front or side setback area unless specifically allowed in the applicable zone regulations. Provisions shall be made for direct access from the street to each parking space. The access shall be adequate for standard size automobiles unless the parking area is restricted to compact cars.
 1. When a garage, carport, or covered parking structure, or portion thereof, is converted or demolished in conjunction with the construction of an accessory dwelling unit, any replacement parking spaces which are required to satisfy the

parking requirement for the principal dwelling may be provided in any configuration on the same lot as the accessory dwelling unit, including covered spaces, uncovered spaces, or tandem spaces, ~~or by the use of mechanical automobile parking lifts.~~

~~a. A mechanical parking lift shall:~~

~~(1) Not be located on a driveway between the principal dwelling and any adjacent street.~~

~~(2) Be located a sufficient distance away from any structures in order to comply with any fire clearance requirements.~~

~~(3) Not be used to provide replacement parking spaces if the project site is located in a very high fire hazard severity zone.~~

~~(4) Be rated for all-weather use unless located within a building.~~

~~(5) Be located so that the lift and any vehicles parked thereon are screened from view from any public road or other area of public use (e.g., park, trail), or any adjoining lot.~~

f. In Section 35.442.015 (Accessory Dwelling Units):

(1) Add a new Subsection 6, Location on lot, to Subsection F, Accessory dwelling units located either partially within existing buildings or within new buildings, as shown below:

6. Location on lot. A detached accessory dwelling unit shall not be located closer to the principal abutting street than the principal dwelling unless other provisions of this Development Code such as setback requirements prohibit compliance with this standard.

a. Where the lot abuts two or more streets, the principal abutting street shall be considered to be the street that has the highest traffic volumes.

(2) Change Subsection 7 (previously Subsection 6), Maximum and minimum living area requirements, of Subsection F, Accessory dwelling units located either partially within existing buildings or within new buildings, as shown below:

7. Maximum and minimum living area requirements. As used in Section 35.442.015 (Accessory Dwelling Units), living area means the interior habitable area of a dwelling unit including basements and attics but not including an attached garage or any other attached accessory structure.

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

The living area of the accessory dwelling unit shall not exceed the maximum living area shown in the table below for the applicable lot area:

<u>Lot Area</u> <u>(unless specified = net lot area)</u>	<u>Maximum Accessory Dwelling</u> <u>Unit Living Area</u>
0 - 9,999 square feet	400 square feet
10,000 - 19,999 square feet	600 square feet
20,000 square feet - 1 acre	800 square feet
Over 1 acre to 2 acres	1,000 square feet
Over 2 acres	1,200 square feet

(1) **Attached accessory dwelling unit.** In addition to the maximum living area specified above in Subsection F.6.a (Maximum living area), the living area of an attached accessory dwelling unit shall not exceed 50 percent of the living area of:

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

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

(3) Add a new Subsection 8, Maximum lot coverage, to Subsection F, Accessory dwelling units located either partially within existing buildings or within new buildings, as shown below:

8. Maximum lot coverage. The total gross floor area of all buildings located on a lot, including an accessory dwelling unit, shall not exceed 40 percent of the gross lot area of the lot on which the accessory dwelling unit is proposed to be located.

(1) For the purposes of this Subsection F.8, gross floor area includes any partially enclosed or unenclosed floor area covered by a permanent roof.

Case No. 16ORD-00000-00016.

1. Make the findings for approval, including CEQA findings, and recommend to the County Planning Commission that the County Planning Commission make the findings for approval and recommend that the Board of Supervisors make the findings for approval of the proposed amendment (Attachment A of the staff report dated December 29, 2017);
2. Recommend to the County Planning Commission that the County Planning Commission recommend to the Board of Supervisors that the Board of Supervisors determine that the adoption

of this ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Sections Section 15282(h) and 15265 of the Guidelines for Implementation of CEQA (Attachment B of the staff report dated December 29, 2017); and,

3. Adopt a Resolution recommending that the County Planning Commission adopt a Resolution recommending that the Board of Supervisors approve Case No. 16ORD-00000-00016, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment D of the staff report dated December 29, 2017) as revised to:

a. Change Subsection 2, Location, of Section 35-114, Size, Location, and Design, as shown below:

2. Location.

a. Off-street parking spaces shall not be located in the required front or side setback area unless specifically allowed in the applicable zone district regulations. Provisions shall be made for direct access from the street to each parking space. Such access shall be adequate for standard size automobiles unless the parking area is restricted to compact cars.

1) **Outside the Montecito Community Plan area.** When a garage, carport, or covered parking structure, or portion thereof, is converted or demolished in conjunction with the construction of an accessory dwelling unit, any replacement parking spaces which are required to satisfy the parking requirement for the principal dwelling may be provided in any configuration on the same lot as the accessory dwelling unit, including covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

a) A mechanical parking lift shall:

i) Not be located on a driveway between the principal dwelling and any adjacent street.

ii) Be located a sufficient distance away from any structures in order to comply with any fire clearance requirements.

iii) Not be used to provide replacement parking spaces if the project site is located in a very high fire hazard severity zone.

iv) Be rated for all-weather use unless located within a building.

v) Be located so that the lift and any vehicles parked thereon are screened from view from any public road or other area of public use (e.g., park, trail), or any adjoining lot.

2) **Within the Montecito Community Plan area.** When a garage, carport, or covered parking structure, or portion thereof, is converted or demolished in conjunction with the construction of an accessory dwelling unit on a lot

located within the Montecito Community Plan area, any replacement parking spaces which are required to satisfy the parking requirement for the principal dwelling may be provided in any configuration on the same lot as the accessory dwelling unit, including covered spaces, uncovered spaces, or tandem spaces.

- b. For all types of dwellings, the required parking spaces shall be provided on the same site on which the dwelling(s) is located, unless specifically permitted in the applicable zone district regulations.
- c. For non-residential structures or uses, the required parking spaces shall be provided within 500 feet of the main building or site, if there is not main building, as measured along streets not alleys.

b. In Section 35-142 (Accessory Dwelling Units)

- (1) Change Subsection 6, Maximum and minimum living area requirements, of Section 35-142.7, Accessory dwelling units located either partially within existing buildings or within new buildings, as shown below:

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

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

1) **Outside the Montecito Community Plan area.** The living area of an accessory dwelling unit that is proposed to be located outside of the Montecito Community Plan area shall not exceed eight percent of the net lot area of the lot on which the accessory dwelling unit will be located, provided that the living area of the accessory dwelling unit does not exceed 1,200 square feet.

2) **Within the Montecito Community Plan area.** The living area of an accessory dwelling unit that is proposed to be located within the Montecito Community Plan area shall not exceed the maximum shown in the table below for the applicable lot area:

<u>Lot Area</u> <u>(unless specified = net lot area)</u>	<u>Maximum Accessory Dwelling Unit</u> <u>Living Area</u>
0 - 9,999 square feet	400 square feet
10,000 - 19,999 square feet	600 square feet
20,000 square feet - 1 acre	800 square feet
Over 1 acre to 2 acres	1,000 square feet
Over 2 acres	1,200 square feet

13) Attached accessory dwelling unit. In addition to the maximum living area specified above in Section 35-142.7.7.a (Maximum living area), the living area of an attached accessory dwelling unit shall not exceed 50 percent of the living area of:

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

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

(2) Change Subsection 10, Additional standards for accessory dwelling units that are proposed to be located within the Montecito Community Plan area, of Section 35-142.7, Accessory dwelling units located either partially within existing buildings or within new structures, to add a new Subsection a. titled "Location on lot," as shown below:

a. Location on lot. A detached accessory dwelling unit shall not be located closer to the principal abutting street than the principal dwelling unless other provisions of this Development Code such as setback requirements prohibit compliance with this standard.

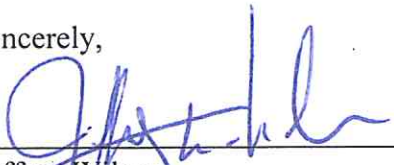
1) Where the lot abuts two or more streets, the principal abutting street shall be considered to be the street that has the highest traffic volumes.

(3) Change Subsection 10, Additional standards for accessory dwelling units that are proposed to be located within the Montecito Community Plan area, of Section 35-142.7, Accessory dwelling units located either partially within existing buildings or within new structures, to add a new Subsection b. titled "Maximum lot coverage," as shown below:

b. Maximum lot coverage. The total gross floor area of all buildings located on a lot, including an accessory dwelling unit, shall not exceed 40 percent of the gross lot area of the lot on which the accessory dwelling unit is proposed to be located.

1) For the purposes of this Subsection 15.b, gross floor area includes any partially enclosed or unenclosed floor area covered by a permanent roof.

Sincerely,



Jeffrey Wilson
Secretary to the Montecito Planning Commission

xc: Case File: 16ORD-00000-00015, 16ORD-00000-00016

Planning Commission File

Dianne M. Black, Assistant Director

Johannah Hartley, Deputy County Counsel

Noel langle, Senior Planner

Attachments:

Attachment A - 16ORD-00000-00015 and 16ORD-00000-00016 Findings

Attachment C - 16ORD-00000-00015 MLUDC Resolution and Proposed Ordinance

Attachment D - 16ORD-00000-00016 Article II Resolution and Proposed Ordinance

DMB/dmv

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ATTACHMENT A: FINDINGS

CASE NOS. 16ORD-00000-00015 AND 16ORD-00000-00016

1.0. CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

1.1.1 **Case No. 16ORD-00000-00015.** The Montecito Planning Commission finds, and recommends that the Board of Supervisors find, that the proposed ordinance amendment, 16ORD-00000-00015, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15282(h). Please see Attachment B, Notice of Exemption, for further information.

1.1.2 **Case No. 16ORD-00000-00016.** The Montecito Planning Commission finds, and recommends that the County Planning Commission find and recommend that the Board of Supervisors find, that the proposed project, 16ORD-00000-00016, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15265 and 15282(h). Please see Attachment B, Notice of Exemption, for further information.

2.0 ADMINISTRATIVE FINDINGS

In compliance with Section 35.494.060.A (Findings for Comprehensive Plan, Development Code and Zoning Map Amendments) of the Santa Barbara County Montecito Land Use and Development Code (Montecito LUDC), and Section 35-180.6 of the Santa Barbara County Article II Coastal Zoning Ordinance (Article II), the Montecito Planning Commission shall make the following findings in order to (1) recommend approval of a text amendment to the Montecito LUDC to the Board of Supervisors, and the Board of Supervisors shall adopt the following findings in order to approve a text amendment to the Montecito LUDC, and (2) recommend approval of a text amendment to Article II to the County Planning Commission, and the County Planning Commission shall recommend that the Board of Supervisors adopt, and the Board of Supervisors shall adopt, the following findings in order to approve a text amendment to the Article II Coastal Zoning Ordinance:

2.1 **The request is in the interests of the general community welfare.**

The proposed ordinances are in the interest of the general community welfare since the ordinances will revise the Montecito LUDC and Article II to (1) be consistent with Government Code Section 65852.2 regarding the permitting of accessory dwelling units (ADUs) and (2) implement the purpose of the recent revisions to Section 65852.2 which is to increase the supply of housing units within California.

2.2 **The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws, the Montecito Land Use and Development Code and the Article II Coastal Zoning Ordinance.**

Adoption of the proposed ordinances amending the Montecito LUDC and Article II will provide more effective implementation of the State planning and zoning laws by revising the Montecito LUDC and Article II to be consistent with Government Code Section 65852.2 regarding the permitting of ADUs.

In order for a permit that allows the development of an ADU to be approved based on these proposed ordinances, it still must be determined that the project is consistent with the policies

and development standards of the Comprehensive Plan, including the Montecito Community Plan, and the Coastal Land Use Plan - with certain exceptions provided in State law. More specifically, an application for an ADU that may result from these proposed amendments will be analyzed as to the consistency of the project with adopted policies, and typically projects would not be approved unless they are determined to be consistent with applicable policies and the findings required for approval can be made. However, Government Code Section 65852.2(a)(5) states: "No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit." Therefore, except where required within the Coastal Zone in order to be consistent with Coastal Zone resource protection policies, if this analysis identifies a policy inconsistency that cannot be overcome through project redesign (e.g., moving a detached ADU further away from a designated environmentally sensitive habitat area), then this inconsistency cannot be used as the basis for denial of the application for the ADU.

Additionally, Government Code Section 65852.2 states: "An accessory dwelling unit that conforms to [Section 65852.2] shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot."

Thus, although these proposed ordinances could result in the development and use of ADUs that might be inconsistent with certain requirements of the Comprehensive Plan, including the Montecito Community Plan, and the Coastal Land Use Plan, the County is preempted from denying an application for an ADU based on an inconsistency with these requirements (except in the case of a Coastal Zone resource protection policy), pursuant to the Government Code.

The proposed ordinances are consistent with the remaining portions of the Montecito LUDC and Article II that would not be revised by these ordinances. The proposed ordinances include a provision that where there are conflicts between the standards that apply to ADUs and other portions of the Montecito LUDC or Article II, that the specific ADU standards shall prevail.

Therefore, these ordinances may be found consistent with the requirements of (1) State Planning and Zoning Laws, as well as (2) the Comprehensive Plan, including the Montecito Community Plan, the Coastal Land Use Plan, the Montecito LUDC and Article II given the preemptions set forth in State law.

2.3 The request is consistent with good zoning and planning practices.

The proposed ordinances are consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it will revise the Montecito LUDC and Article II to be consistent with State regulations and provide clear and efficient permit processes that will benefit the public. As discussed in Finding 2.2, above, the amendment is consistent with the Comprehensive Plan including the Montecito Community Plan, the Coastal Land use Plan, the Montecito LUDC and Article II.

ATTACHMENT C: 16ORD-00000-00015 RESOLUTION AND ORDINANCE

RESOLUTION OF THE SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING TO THE BOARD)
OF SUPERVISORS THE ADOPTION OF AN AMENDMENT)
TO SECTION 35-2, THE SANTA BARBARA COUNTY)
MONTECITO LAND USE AND DEVELOPMENT CODE,)
OF CHAPTER 35, ZONING, OF THE COUNTY CODE,) RESOLUTION NO.: 18 - 3
AMENDING DIVISION 35.2, MONTECITO ZONES AND)
ALLOWABLE LAND USES, DIVISION 35.3, MONTECITO) CASE NO.: 16ORD-00000-00015
SITE PLANNING AND OTHER PROJECT STANDARDS,)
DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC)
LAND USES, DIVISION 35.6, MONTECITO SITE)
DEVELOPMENT REGULATIONS, DIVISION 35.7,)
MONTECITO PLANNING PERMIT PROCEDURES,)
DIVISION 35.9, MONTECITO LAND USE AND)
DEVELOPMENT CODE ADMINISTRATION, AND)
DIVISION 35.10, GLOSSARY, REGARDING THE)
PERMITTING OF ACCESSORY DWELLING UNITS IN)
COMPLIANCE WITH STATE GOVERNMENT CODE)
65852.2.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Montecito Land Use and Development Code, Section 35-2 of Chapter 35 of the Santa Barbara County Code; and
- B. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 16ORD-00000-00015) amending Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, to implement new regulations regarding the permitting of accessory dwelling units in compliance with State Government Code Section 65852.2.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including the Montecito Community Plan, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it will serve to implement the requirements of State law that promote the development of accessory dwelling units that will increase the supply of housing in the Montecito Community Plan area.
- E. This Montecito Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, this Montecito Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission, based on the findings included as Attachment A of the Montecito Planning Commission Memorandum dated May 10, 2017.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this Montecito Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Montecito Planning Commission.

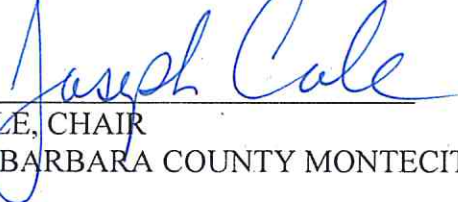
PASSED, APPROVED AND ADOPTED this January 3, 2018, by the following vote:

AYES: Commissioners Cole, Keller, Senauer

NOES: Commissioner Newman

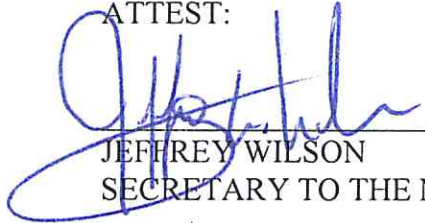
ABSTAIN: None.

ABSENT: Commissioner Brown



JOE COLE, CHAIR
SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION


ATTEST:



JEFFREY WILSON
SECRETARY TO THE MONTECITO PLANNING COMMISSION

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By 
Deputy County Counsel

EXHIBITS:

1. 16ORD-00000-00015

EXHIBIT 1: MONTECITO LUDC ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES, DIVISION 35.3, MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS, DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, DIVISION 35.6, MONTECITO SITE DEVELOPMENT REGULATIONS, DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES, DIVISION 35.9, MONTECITO LAND USE AND DEVELOPMENT CODE ADMINISTRATION, AND DIVISION 35.10, GLOSSARY, TO IMPLEMENT NEW REGULATIONS AND DEVELOPMENT STANDARDS REGARDING ACCESSORY DWELLING UNITS.

16ORD-00000-00015

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

SECTION 1:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection C, Development Plan approval required, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

C. Development Plan approval required. Except as provided, below, Final Development Plan approval in compliance with Section 35.472.080 (Development Plans) is required prior to the approval of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) as follows:

1. **R-1/E-1 and R-2 zones.** Except as provided in Subsection C.1.a (Final Development Plan not required for accessory dwelling units), Final Development Plan approval is required for a structure that is not otherwise required by this Development Code to have discretionary permit approval, and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the same lot will total 20,000 square feet or more in gross floor area.
 - a. **Final Development Plan not required for accessory dwelling units.** The development of an accessory dwelling unit shall only require the approval of a Land Use Permit or Zoning Clearance in compliance with Section 35.442.015 (Accessory Dwelling Units), and does not require the approval of a Final Development Plan.
2. **DR zone.** Final Development Plan approval is required for all development, including grading, except for the following:
 - a. One, one-family dwelling and its accessory uses and structures on a single lot unless required in compliance with Subsection C.1 above.
 - (1) Such one-family dwellings, including those subject to Subsection C.1 above, shall be developed in compliance with the development standards applicable to the R-1/E-1 zone provided in Section 35.423.050 (Residential Zones Development Standards).
 - b. One accessory dwelling unit on a single lot approved in compliance with Section 35.442.015 (Accessory Dwelling Units).
3. **PRD zone.** Final Development Plan approval is required for all development, including grading,

except for the development of one accessory dwelling unit on a single lot approved in compliance with Section 35.442.015 (Accessory Dwelling Units).

SECTION 2:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential section of Table 2-7, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-7 Allowed Land Uses and Permit Requirements for Residential Zones	E		Allowed use, no permit required (Exempt)
	P		Permitted use, Land Use Permit required (2)
	CUP		Conditional Use Permit required
	S		Permit determined by Specific Use Regulations
	—		Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	R-1/E-1	R-2	
RESIDENTIAL			
Accessory dwelling unit	S	S	35.442.015
Artist studio	P	—	35.442.120
Dwelling, one-family (3)	P	P	35.442.140
Dwelling, two-family	—	P	
Dwelling, multiple	—	—	
Farmworker dwelling unit	P (3)	P (3)	35.442.105
Farmworker housing complex	CUP	CUP	35.442.105
Guesthouse	P	—	35.442.120
Home occupation	P	P	35.442.130
Mobile home park	CUP	CUP	
Organizational house (fraternity, sorority, etc.)	—	—	
Residential accessory use or structure	P	P	35.442.020
Residential project convenience facilities	—	—	
Special care home, 7 or more clients	CUP	CUP	35.442.070

Key to Zone Symbols

R-1/E-1	One-Family Residential
R-2	Two-Family Residential

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
- (3) One-family dwelling may be a mobile home on a permanent foundation, see Section 35.442.140 (Mobile Homes on Foundations).

SECTION 3:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential section of Table 2-8, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required (2)	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	DR	PRD	

RESIDENTIAL

Accessory dwelling unit	S	S	
Artist studio	—	—	
Dwelling, one-family	P	P	
Dwelling, two-family	P	P	
Dwelling, multiple	P	P	
Farmworker dwelling unit	P	P	35.442.105
Farmworker housing complex	P	—	35.442.105
Guesthouse	—	—	
Home occupation	P	P	35.442.130
Mobile home parks	CUP	CUP	
Organizational house (fraternity, sorority, etc.) (3)	CUP	—	
Residential accessory use or structure	P	P	35.442.020
Residential project convenience facilities	P	P	
Special care home, 7 or more clients	CUP	CUP	35.442.070

Key to Zone Symbols

DR	Design Residential
PRD	Planned Residential Development

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.423.030.C (Development Plan approval required).
- (3) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

SECTION 4:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the R-1/E-1 and R-2 portion of Table 2-10, Residential Zones Development Standards, of Section 35.423.050, Residential Zones Development Standards, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-10 Residential Zones Development Standards

Development Feature	Requirement by Zone	
	R-1/E-1 One-Family Residential	R-2 Two-Family Residential
Minimum lot size	<i>Minimum area and width for lots proposed in new subdivisions.</i>	
Area, width	See Subsection 35.423.040.A (Minimum lot size)	
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>	
Maximum density	1 one-family dwelling per lot; plus 1 accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units).	1 one-family dwelling, plus 1 accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units), or 1 two-family dwelling per lot.
Setbacks	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions.</i>	
Front - Primary	50 ft from road centerline and 20 ft from the edge of the right-of-way.	
Front - Secondary	Lot less than 100 ft wide - 20% of lot width - 10 ft. minimum Lot 100 ft wide or more - Same as primary front setback.	
Side	10% of lot width, where minimum lot area requirement is: 2 acres or less - 5 ft. minimum, 10 ft. maximum required; 3 acres or more - 10 ft. minimum, 20 ft. maximum required.	10% of lot width, 5 ft. minimum, 10 ft. maximum required.
Rear	25 ft.	
Accessory structures	See Section 35.442.020 (Accessory Structures and Uses)	
Building separation	10 ft. between a dwelling or guesthouse and any other detached structure on the same site.	
Site coverage	<i>Maximum percentage of net site area that may be covered by buildings.</i>	
Maximum coverage	None	
Height limit	<i>Maximum allowable height of structures, except where a lesser height is required by design review or other provisions of this Development Code. See Section 35.430.090 (Height Measurement, Exceptions and Limitations) for height measurement requirement and height limit exceptions.</i>	
Maximum height	35 ft and 2 stories	25 ft
Exception	The height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.	
Landscaping	See Chapter 35.434 (Landscaping Standards).	
Parking	See Chapter 35.436 (Parking and Loading Standards).	
Signs	See Chapter 35.438 (Sign Standards).	

Table 2-10 - Residential Zone Development Standards - Continued

Development Feature	Requirement by Zone	
	DR Design Residential	PRD Planned Residential Development
Minimum lot size	<i>Minimum area and width for lots proposed in new subdivisions.</i>	
Area, width	None	
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval. Required land area is expressed as gross area.</i>	
Maximum density	See Table 2-11 (DR Zone Maximum Density); plus 1 accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units).	As specified by the Comprehensive Plan; plus 1 accessory dwelling unit per lot where allowed in compliance with Section 35.442.015 (Accessory Dwelling Units).
Setbacks	<i>Minimum setbacks required. See Section 35.430.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>	
Front - Primary	20 ft from right-of-way.	As determined by Final Development Plan.
Front - Secondary	20 ft from right-of-way.	
Side	10 ft, except where a larger setback is required by the Montecito Commission in the review of a discretionary planning permit for light, air, or privacy.	
Rear	Same as side.	
Accessory Structures	See Section 35.442.020 (Accessory Structures and Uses).	
Building separation	10 ft between a habitable building and any other building on the same site.	
Site coverage	<i>Maximum percentage of net site area that may be covered by buildings.</i>	
Maximum coverage	30 % (1)	30 %.
Height limit	<i>Maximum allowable height of structures. See Section 35.430.090 (Height Measurement, Exceptions and Limitations).</i>	
Maximum height	35 ft. (1)	35 ft.
Exception	The height is restricted to 16 ft for any portion of a structure located above an area of the site where the finished grade is 10 ft or more above the existing grade, except where a project received final design review approval prior to 11/5/92.	
Open space	<i>Minimum percentage of gross site area to be maintained as common open space.</i>	
Minimum open space	See Section 35.423.060.B (Open Space). (1)	See Section 35.423.070.E (Open Space)
Landscaping	See Chapter 35.434 (Landscaping Standards).	
Parking	See Chapter 35.436 (Parking and Loading Standards).	
Signs	See Chapter 35.438 (Sign Standards).	

Notes:

(1) See Section 35.423.060.D for site coverage, height limit, and open space standards for qualifying affordable housing, senior housing, or special care housing developments.

SECTION 5:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection C, Exceptions, of Section 35.430.025, Agricultural Buffers, of Chapter 35.430, Standards for All Development and Land Uses, to read as follows:

C. Exceptions. This Section does not apply to the following:

1. One-family dwellings, accessory dwelling units and residential accessory structures.
2. Farmworker housing allowed in compliance with Section 35.442.105 (Farmworker Housing).
3. Non-agricultural, discretionary development approved prior to May 9, 2013.
4. Changes to a non-agricultural, discretionary project approved prior to May 9, 2013, provided that prior to an action by the review authority to approve an application in compliance with Subsection 35.474.040 C or D the review authority shall first determine that the changes to the project proposed by the application do not result in any new or greater impacts to agriculture than those resulting from the already approved project.
 - a. If the review authority cannot make the determination required in compliance with Subsection C.4, above, then the project shall be subject to the provisions of this Section.
5. **Non-commercial agricultural uses.** An agricultural buffer is not required adjacent to a common lot line between the project site and an adjacent agriculturally zoned lot if the adjacent lot is used for non-commercial agriculture.
6. State and County roadway projects.
7. Lot line adjustments and modifications to lot line adjustments that:
 - a. Do not exceed a 10 percent increase or decrease in the area of the smallest existing lot; and
 - b. Do not result in an increase in the number of developable lots in compliance with Subsection 35.430.110.B.3.c.

SECTION 6:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.430.090, Height Measurement, Exceptions and Limitations, of Chapter 35.430, Standards for All Development and Land Uses, to add a new Subsection E titled "Accessory dwelling units" to read as follows; to re-letter existing Subsection E, Fences and Walls, and Subsection F, Guesthouses, artist studios and cabañas, as Subsections F and G, respectively; and delete existing Subsection G, Residential second units:

- E. Accessory dwelling units.** See Section 35.442.015 (Accessory Dwelling Units) for height limits and exceptions for accessory dwelling units.

SECTION 7:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection B, Setback requirements, of Section 35.430.150, Setback Requirements and Exceptions, of Chapter 35.430, Standards for All Development and Land Uses, to read as follows:

B. Setback requirements.

1. **General.** Each structure shall be located on its site so that it is set back from property lines and other structures in compliance with the setback requirements of the applicable zone in Division 35.2 (Montecito Zones and Allowable Land Uses), and with any setbacks established for specific uses by Chapter 35.442 (Standards for Specific Land Uses), except as otherwise provided by this Section or this Development Code.

2. **Property lines and rights-of-way.** No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line or into a public street right-of-way, except as provided by Subsection 35.444.020.D.1.d (Extension over neighboring property).

SECTION 8:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 3-4 - Residential Parking Standards, of Section 35.436.050, Required Number of Spaces: Residential Uses, of Chapter 35.436, Parking and Loading Standards, to read as follows:

Table 3-4 - Residential Parking Standards

Residential	Parking Spaces Required
One-family and two-family dwellings	2 covered spaces per dwelling unit and; 1 uncovered space per dwelling unit (1)
Multiple dwelling units - Single bedroom or studio dwelling unit (3)	1 space per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 2 bedrooms (3)	2 spaces per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 3 bedrooms or more (3)	2.5 spaces per dwelling unit (2) and; 1 space per 5 dwelling units (for visitor parking)
Accessory dwelling unit	As determined by Section 35.442.015 (Accessory Dwelling Units).
Dormitories, boarding and lodging houses	1 space per 4 beds and; 1 space per 2 employees
Retirement and special care homes (not including senior housing (3) (4))	1 space per guest room and; 1 space per 2 employees
Guesthouse	1 space per guesthouse

Notes:

- (1) A minimum of two covered or uncovered parking spaces shall be required for all additions, individually or combined with previous additions permitted subsequent to May 16, 1995 of less than 50 percent of the floor area of the principal dwelling as it existed as of May 16, 1995. One-family and two-family dwellings legally existing as of May 16, 1995 shall not be considered nonconforming solely because the parking required by this section is not provided.
- (2) If located within a one-mile radius of the boundaries of a college or university, a minimum of 2 parking spaces shall be provided, one of which shall be covered.
- (3) See Section 35.423.060.D for parking requirements for qualifying affordable housing, senior housing, and special care housing developments.
- (4) Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.

SECTION 9:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection H, Location, of Section 35.436.070, Standards for All Zones and Uses, of Chapter 35.436, Parking and Loading Standards, to read as follows:

- H. **Location.** Off-street parking spaces shall not be located in the required front or side setback area unless specifically allowed in the applicable zone regulations. Provisions shall be made for direct access from the street to each parking space. The access shall be adequate for standard size automobiles unless the parking area is restricted to compact cars.
 1. When a garage, carport, or covered parking structure, or portion thereof, is converted or demolished

in conjunction with the construction of an accessory dwelling unit, any replacement parking spaces which are required to satisfy the parking requirement for the principal dwelling may be provided in any configuration on the same lot as the accessory dwelling unit, including covered spaces, uncovered spaces, or tandem spaces.

SECTION 10:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection K, Modifications of parking requirements, of Section 35.436.070, Standards for All Zones and Uses, of Chapter 35.436, Parking and Loading Standards, to read as follows:

K. Modifications of parking requirements. Modifications to the parking requirement may be granted, in compliance with Section 35.442.015 (Accessory Dwelling Units), Section 35.472.060 (Conditional Use Permits), Section 35.472.080 (Development Plans), Section 35.472.120 (Modifications), or Section 35.472.180 (Variances).

SECTION 11:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.442, Standards for Specific Land Uses, to add a new Section 35.420.015 titled as “Accessory Dwelling Units” and to read as follows:

35.442.015 - Accessory Dwelling Units

- A. Purpose and intent.** The purpose of this Section is to establish permit procedures and development standards for attached and detached accessory dwelling units in compliance with California Government Code Section 65852.2. The intent is to encourage the development of accessory dwelling units that contribute needed housing to the community’s housing stock.
- B. Applicability.** An application for an accessory dwelling unit may be approved on a lot as allowed in compliance with Table 2-7 and Table 2-8 (Allowed Land Uses and Permit Requirements for Residential Zones).
- C. Allowed density and use.**
1. In compliance with Government Code Section 65852.2, an accessory dwelling unit shall:
 - a. Be deemed to be an accessory use or an accessory building.
 - b. Not be considered to exceed the allowable density for the lot upon which it is located.
 - c. Be deemed to be a residential use that is consistent with the existing Comprehensive Plan and zoning designation for the lot the accessory dwelling unit is located on.
 - d. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.
 2. A lot may contain only one accessory dwelling unit.
 3. An accessory dwelling unit shall not be located on a lot that contains more than one dwelling.
- D. Application and processing requirements.**
1. **Permit required.** Prior to the development or use of a building or portion thereof as an accessory dwelling unit, an application for a Land Use Permit or Zoning Clearance, as applicable, shall be submitted in compliance with Section 35.470.030 (Application Preparation and Filing), and the

Land Use Permit or Zoning Clearance shall be issued in compliance with Section 35.472.110 (Land Use Permits) or Section 35.472.190 (Zoning Clearances), as applicable.

- a. **Zoning Clearance required.** An application for an accessory dwelling unit that is in compliance with the development standards of Subsection E (Accessory dwelling units located entirely within existing buildings), below, may be permitted with a Zoning Clearance.
- b. **Land Use Permit required.** An application for an accessory dwelling unit that is in compliance with the development standards of Subsection F (Accessory dwelling units located either partially within existing buildings or within new buildings), below, may be permitted with a Land Use Permit.

2. Ministerial review and review period.

- a. The Director shall consider an application for a Land Use Permit or Zoning Clearance for an accessory dwelling unit ministerially without discretionary review or hearing.
- b. The Director shall approve, conditionally approve, or deny an application for an accessory dwelling unit within 120 days following the submittal of an application for an accessory dwelling unit to the Department in compliance with Section 35.470.030 (Application Preparation and Filing).

3. Conflicts with other Sections of this Development Code. Where there are conflicts between the standards in this Section 35.442.015 (Accessory Dwelling Units), the standards in Section 35.442.020 (Accessory Structures and Uses), and the standards in the specific zone regulations (Division 35.2 (Montecito Zones and Allowable Land Uses), the provisions of this Section shall prevail.

E. Accessory dwelling units located entirely within existing buildings. A permit for an accessory dwelling unit that is proposed to be located entirely within the existing space of a one-family dwelling or accessory building on a lot that contains a one-family dwelling at the time the application for the accessory dwelling unit is submitted shall not be issued unless it complies with all of the following development standards contained in this Subsection E (Accessory dwelling units located entirely within existing buildings) and in Subsection G (Additional development standards that apply to accessory dwelling units).

1. **Appearance and style.** Any exterior alterations to an existing building that result from the conversion of all or a portion of the existing building to an accessory dwelling unit shall be limited to minor alterations such as the addition of doors and windows.
2. **Maximum and minimum living area requirements.** As used in Section 35.442.015 (Accessory Dwelling Units), living area means the interior habitable area of a dwelling unit including basements and attics but not including an attached garage or any other attached accessory structure.
 - a. **Maximum living area.** The living area of the accessory dwelling unit shall not exceed the following standards:
 - (1) **Attached accessory dwelling unit:** 50 percent of the living area of the principal dwelling that exists at the time of application for the accessory dwelling unit, provided that the living area of the accessory dwelling unit does not exceed 1,200 square feet.
 - (2) **Detached accessory dwelling unit:** 1,200 square feet.
 - b. **Minimum living area.** The living area of an accessory dwelling unit shall be a minimum of 300 square feet unless the accessory dwelling unit qualifies as an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1208.4.
3. **Parking requirements.** Parking spaces are not required to be provided for accessory dwelling units permitted in compliance with this Subsection E (Accessory dwelling units located entirely within

existing buildings).

4. **Setbacks.** The existing side and rear setbacks may be increased only when required to provide a sufficient setback for fire safety purposes.

F. Accessory dwelling units located either partially within existing buildings or within new buildings. A permit for an accessory dwelling unit that is proposed to be located either partially or wholly within an addition to an existing one-family dwelling or existing accessory building, or is attached to a new one-family dwelling, or is located within a new accessory building, shall not be issued unless it complies with all of the following development standards contained in this Subsection F (Accessory dwelling units located either partially within existing buildings or within new buildings) and in Subsection G (Additional development standards that apply to accessory dwelling units).

1. **Accessory to a principal dwelling.** If an application for an accessory dwelling unit is submitted for a lot that does not contain a principal dwelling at the time of application, then the application for a principal dwelling shall be submitted in conjunction with an application for an accessory dwelling unit.

- a. Final building permit inspection for the proposed principal dwelling shall be approved prior to final building permit inspection approval for the accessory dwelling unit.

2. **Appearance and style.**

- a. The exterior appearance and architectural style of the proposed accessory dwelling unit shall be in compliance with the following.

- (1) The design of an accessory dwelling unit that will be attached to an existing building reflects the exterior appearance and architectural style of the existing building and uses the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.

- (2) The design of an accessory dwelling unit that will not be attached to an existing building reflects the exterior appearance and architectural style of the existing or proposed principal dwelling and uses the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.

- (3) The entrance to an accessory dwelling unit that will be attached to the existing or proposed principal dwelling is structurally shielded so that the entrance is not visible when viewed from any street abutting the lot on which the accessory dwelling unit is located. This standard may be waived by the Director if it would prohibit the construction of an attached accessory dwelling unit on the lot.

- (4) All exterior lighting complies with Section 35.430.120 (Outdoor Lighting).

- (5) Proposed landscaping will screen the accessory dwelling unit, including any architectural elements such as foundations and retaining walls, mechanical equipment, and parking required to be provided for the accessory dwelling unit, from public viewing areas (e.g., public road, trails, recreation areas). Said landscaping shall be compatible with existing landscaping on the lot in terms of plant species and density of planting.

- b. The Chair of the Montecito Board of Architectural Review, or designee, may review the exterior appearance and architectural style of the proposed accessory dwelling unit and provide comments to the Director regarding whether the application is in compliance with the design criteria listed above in Subsection E.2.a.

3. **Environmentally sensitive habitat areas.** The development of an accessory dwelling unit shall be in compliance with the requirements of Section 35.428.040 (Environmentally Sensitive Habitat (ESH) Overlay Zone).

4. Height limit.

- a. An accessory dwelling unit shall be in compliance with the following height limits as applicable. However, these height limits may be exceeded when the portion of the accessory dwelling unit that would exceed these height limits is located within:
 - (1) The existing space of a one-family dwelling or an accessory building.
 - (2) A proposed addition to an existing building and increased height is necessary to allow the roofline of the addition to match the roofline of the existing building that is being added to.
- b. **Attached accessory dwelling units.**
 - (1) **Located below another floor.** The height of an accessory dwelling unit that would be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support system of the floor above.
 - (2) **Located above another floor or on-grade where there is no floor above.** The height of an accessory dwelling unit that would be located above another floor or on-grade where there is no floor above shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35.430.090 (Height Measurement, Exceptions and Limitations).
- c. **Detached accessory dwelling units.**
 - (1) **Connected to a detached accessory structure.**
 - (a) **Located above or below another floor.**
 - (i) **Located above another floor.** The height of an accessory dwelling unit that would be located above another floor shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35.430.090 (Height Measurement, Exceptions and Limitations).
 - (ii) **Located below another floor.** The height of an accessory dwelling unit that would be connected to a detached accessory structure and would be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support system of the floor above.
 - (iii) Notwithstanding the above, the height of the combined structure shall not exceed a height of 25 feet as determined in compliance with Section 35.430.090 (Height Measurement, Exceptions and Limitations).
 - (b) **Located above another floor or on grade where there is no floor above.** The height of an accessory dwelling unit that would be located above another floor or on-grade where there is no floor above shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35.430.090 (Height Measurement, Exceptions and Limitations).
 - (2) **Not connected to a detached accessory structure.** The height of an accessory dwelling unit that is not connected by any means to another structure shall not exceed a height of 16 feet as determined in compliance with Section 35.430.090 (Height Measurement, Exceptions and Limitations).

5. **Historic Landmarks Advisory Commission.** If the accessory dwelling unit is proposed to be located entirely or partially within a building that is 50 years old or greater, then the application shall be submitted to the Historic Landmarks Advisory Commission for review and comment as to the compatibility of the proposed development with the historical context of the building, whether

the development will result in a detrimental effect on any existing or potential historical significance of the building, and other factors on which the Historic Landmarks Advisory Commission may comment.

6. **Location on lot.** A detached accessory dwelling unit shall not be located closer to the principal abutting street than the principal dwelling unless other provisions of this Development Code such as setback requirements prohibit compliance with this standard.
 - a. Where the lot abuts two or more streets, the principal abutting street shall be considered to be the street that has the highest traffic volumes.
7. **Maximum and minimum living area requirements.** As used in Section 35.442.015 (Accessory Dwelling Units), living area means the interior habitable area of a dwelling unit including basements and attics but not including an attached garage or any other attached accessory structure.
 - a. **Maximum living area.** The living area of the accessory dwelling unit shall not exceed the maximum living area shown in the table below for the applicable lot area:

Lot Area (unless specified = net lot area)	Maximum Accessory Dwelling Unit Living Area
0 - 9,999 square feet	400 square feet
10,000 - 19,999 square feet	600 square feet
20,000 square feet - 1 acre	800 square feet
Over 1 acre to 2 acres	1,000 square feet
Over 2 acres	1,200 square feet

- (1) **Attached accessory dwelling unit.** In addition to the maximum living area specified above in Subsection F.6.a (Maximum living area), the living area of an attached accessory dwelling unit shall not exceed 50 percent of the living area of:
 - (a) The existing principal dwelling that exists at the time of application for the accessory dwelling unit, or
 - (b) The proposed principal dwelling if an application for the principal dwelling is submitted concurrently with the application for the accessory dwelling unit.
 - b. **Minimum living area.** The living area of an accessory dwelling unit shall be a minimum of 300 square feet unless the accessory dwelling unit qualifies as an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1208.4.
8. **Maximum lot coverage.** The total gross floor area of all buildings located on a lot, including an accessory dwelling unit, shall not exceed 40 percent of the gross lot area of the lot on which the accessory dwelling unit is proposed to be located.
 - (1) For the purposes of this Subsection F.8, gross floor area includes any partially enclosed or unenclosed floor area covered by a permanent roof.
9. **Parking requirements.**
 - a. Except as provided in Subsection F.7.b, below, in addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot on which the accessory dwelling unit is located. The additional parking shall be provided as specified in the base zone and in Chapter 35.436 (Parking and Loading Standards) except that said parking may be provided as tandem parking on a driveway and in compliance with the following:
 - (1) The additional parking may be permitted in the side or rear setback areas, or through tandem parking, unless:
 - (a) The Director finds that parking in setback areas or tandem parking is infeasible

based upon specific site or regional topographical or fire and life safety conditions, or

- (b) The project site is located in a very high fire hazard severity zone, in which case tandem parking is not allowed.
- b. Additional off-street parking spaces are not required to be provided for accessory dwelling units that comply with any of the following criteria:
 - (1) The accessory dwelling unit is located within one-half mile of public transit (e.g., a bus stop).
 - (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - (3) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - (4) When there is a car share vehicle located within one block of the accessory dwelling unit.
- 10. **Setbacks.** An accessory dwelling unit shall comply with the setback regulations that apply to the principal dwelling except that a setback of five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above an existing garage.
- 11. **Site preparation.**
 - a. Grading associated with the development of the accessory dwelling unit shall not exceed 1,500 cubic yards of cut and fill.
 - b. Any freestanding retaining wall shall not exceed eight feet in height. The height of the wall shall be measured from the natural or finished grade at the base of the lower side of the wall to the top edge of the wall material.
- 10. **Tree protection.** An application for an accessory dwelling unit shall be in compliance with the following standards.
 - a. All development associated with the accessory dwelling unit shall avoid the removal of or damage to all native trees including native oak trees, and specimen trees. For the purposes of this Subsection F.10 (Tree protection), specimen trees are defined as mature native trees that are healthy and structurally sound and have grown into the natural stature particular to the species.
 - b. No grading, paving, and other site disturbance shall occur within the dripline of the tree including the area six feet outside of tree driplines unless the conclusion of a report submitted by the applicant and prepared by a licensed arborist is that the proposed grading, paving, or other site disturbance will not damage or harm the tree(s).

G. Additional development standards that apply to accessory dwelling units.

- 1. **Development standards that apply to all accessory dwelling units.** The following development standards shall also apply to all applications for accessory dwelling units in addition to the development standards contained in Subsection E (Accessory dwelling units located entirely within existing buildings) or Subsection F (Accessory dwelling units located either partially within existing buildings or new accessory buildings), as applicable.
 - a. **Fees.** The applicant will be required to pay development impact mitigation fees in compliance with ordinances and/or resolutions adopted by the County. The amount of the required fee shall be based on the fee schedules in effect when paid.
 - b. **Passageway not required.** A passageway shall not be required to be provided in conjunction with the construction of an accessory dwelling unit.

c. Private and public services.

- (1) **Potable water.** Where service by a public water district or mutual water company is not available, the accessory dwelling unit may be served by a private water system subject to review and approval by the Public Health Department or State as applicable.
- (2) **Wastewater.** Where public sewer service is not available, the accessory dwelling unit may be served by an onsite wastewater treatment system subject to review and approval by the Public Health Department.

d. Rental and sale.

- (1) An accessory dwelling unit may be used for rentals provided that the length of any rental shall be longer than 30 consecutive days.
- (2) An accessory dwelling unit shall not be sold separately from the principal dwelling.

e. Residency of lot owner.

- (1) The owner of the lot shall:
 - (a) Reside on the lot, either in the principal dwelling or in the accessory dwelling unit except when:
 - (i) A disability or infirmity requires institutionalization of the owner, or
 - (ii) The Director approves in writing the owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause.
 - (b) Prior to issuance of a Land Use Permit in compliance with Section 35.442.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances):
 - (i) Have received a Homeowners' Property Tax Exemption from the County Assessor, or
 - (ii) Have submitted to the Department a signed and notarized affidavit stipulating that the lot is owner-occupied.
- (2) Upon sale or transfer of ownership of the lot, the new owner shall reside on the lot and shall, within 90 days of taking possession of the property, either receive a Homeowners' Property Tax Exemption from the County Assessor or submit to the Department a signed and notarized affidavit stipulating that the lot is owner-occupied or the use of the accessory dwelling unit shall be discontinued and the accessory dwelling unit shall be:
 - (a) **Attached accessory dwelling unit.** Removed or converted into a portion of the principal dwelling or a legal attached accessory structure.
 - (b) **Detached accessory dwelling unit.** Removed or converted into a legal detached accessory structure.
- (3) **Notice to Property Owner required.** Before the issuance of a Land Use Permit in compliance with Section 35.442.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances), the owner-occupant shall sign and record a Notice to Property Owner that includes at a minimum the requirement that the owner reside on the lot.

H. Notice. Notice of an application for an accessory dwelling unit shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).

1. Notice of applications for accessory dwelling units, and additions thereto, as may be allowed in

compliance with Section 35.442.015 (Accessory Dwelling Units) shall also include a statement that:

- a. The grounds for appeal of an approved or conditionally approved Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable development standards provided in Section 35.442.015 (Accessory Dwelling Units), and
- b. The Director shall not accept for processing an appeal of the Director's decision to approve or conditionally approve a Land Use Permit for an accessory dwelling unit if the appellant fails to identify how the approved or conditionally approved project is inconsistent with the applicable development standards provided in Section 35.442.015 (Accessory Dwelling Units).

I. Appeals. The action of the Director to approve, conditionally approve, or deny an application for Land Use Permit for an accessory dwelling unit is final subject to appeal in compliance with Chapter 35.492 (Appeals).

1. In addition to the requirements of Chapter 35.492 (Appeals):

- a. The grounds for an appeal of a Land Use Permit for an accessory dwelling unit approved or conditionally approved in compliance with Section 35.442.015 (Accessory Dwelling Units) shall be limited to whether the approved or conditionally approved project is consistent with the applicable development standards for accessory dwelling units provided in Section 35.442.015 (Accessory Dwelling Units). If the approval or conditional approval of a Land Use Permit for an accessory dwelling unit is appealed, the appellant shall identify how the approved or conditionally approved project is inconsistent with development standards for accessory dwelling units provided in Section 35.442.015 (Accessory Dwelling Units).
- b. The Director shall not accept for processing an appeal of the Director's decision to approve or conditionally approve a Land Use Permit for an accessory dwelling unit if the appellant fails to identify how the approved or conditionally approved project is inconsistent with the applicable development standards provided in Section 35.442.015 (Accessory Dwelling Units).

J. Revocation. Revocation of a Land Use Permit for an accessory dwelling unit shall be in compliance with Section 35.474.060 (Revocations).

SECTION 12:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 3, Height restrictions, of Subsection B, Development standards, of Section 35.442.020, Accessory Structures and Uses, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

3. Height restrictions. Accessory structures shall conform to the following height limits:

- a. **Accessory structures.** Except as provided below, the height limit for accessory structures is 16 feet unless located in the rear setback, in which case the height limit is 12 feet.
 - (1) **Accessory dwelling units.** See Section 35.442.015 (Accessory dwelling units) for height limits for accessory dwelling units.
 - (2) **Barns and stables.** Barns and stables shall comply with the height limit of the applicable zone unless located in the rear setback, in which case the height limit is 12 feet.
 - (3) **Fences and walls.** See Section 35.430.070 (Fences and Walls) for height limits for fences and walls.

- (4) **Guesthouses, artist studios and cabañas.** See Section 35.442.120 (Guesthouses, Artist Studios, and Cabañas) for height limits for guesthouses, artist studios and cabañas.
- b. **Telecommunication facilities.** See Chapter 35.444 (Telecommunications Facilities) for height limits and exception for commercial and noncommercial telecommunication facilities.

SECTION 13:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection a, Location in rear setback, of Subsection 4, Setback requirements, of Subsection B, Development standards, of Section 35.442.020, Accessory Structures and Uses, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

a. Location in rear setback.

- (1) **Accessory dwelling units.** An accessory dwelling unit may be located in the required rear setback only when allowed in compliance with Section 35.442.015 (Accessory dwelling units).
- (2) **Other accessory structures.** Except as provided in Subsection B.4.a.(1), above, an accessory structure, other than guesthouses, artist studios and cabañas (Section 35.442.120), may be located in the required rear setback provided that:
 - (a) It is not attached to the principal structure.
 - (b) It is not located closer than 10 feet to the principal structure.
 - (c) It does not exceed 30 percent of the required rear setback.
 - (d) It does not exceed a height of 12 feet.
 - (e) If located on a corner lot backing on a key lot, the accessory structure shall be set back from the rear property line by a distance equal to the side setback requirement applicable to the key lot.
 - (f) A swimming pool, spa, and appurtenant equipment shall not be located closer than five feet to any property line.
 - (g) An accessory structure may otherwise be located adjacent to the rear property line provided that all other provisions (e.g., building code or fire code requirements for separation between structures) are complied with.

SECTION 14:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 5, Kitchen or cooking facilities/amenities prohibited, of Subsection B, Development standards, of Section 35.442.020, Accessory Structures and Uses, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

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

SECTION 15:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 8, Use restrictions, of Subsection B, Development standards, of Section 35.442.020, Accessory Structures and Uses, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

8. **Use restrictions.** Accessory structures shall not be used as guesthouses, artist studios, or cabañas, unless specifically permitted for these uses. Except for guesthouses or structures specifically permitted as dwellings, (e.g., accessory dwelling units) accessory structures shall not be used for overnight accommodations.

SECTION 16:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection D, Number on a lot, of Section 35.442.120, Guesthouses, Artist Studios, and Cabañas, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

D. Number on a lot.

1. Except as provided in Subsection D.2 (Accessory dwelling units), below:
 - a. A lot may contain one artist studio and one guesthouse.
 - b. A lot may contain one cabaña in addition to one artist studio and one guesthouse in compliance with Subsection M. (Cabaña).
2. **Accessory dwelling units.** If an accessory dwelling unit exists or is approved for development on a lot, a guesthouse or artist studio shall not also be approved.

SECTION 17:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.442.120, Guesthouses, Artist Studios, and Cabañas, of Chapter 35.442, Standards for Specific Land Uses, delete existing Subsection O, Residential second unit.

SECTION 18:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Chapter 35.442, Standards for Specific Land Uses, to delete existing Section 35.440.160, Residential Second Units, in its entirety and to reserve the section number for future use.

SECTION 19:

DIVISION 35.6, Montecito Site Development Regulations, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County

Code, is hereby amended to amend Subsection 3, Accessory structures, of Subsection B, Standards for address numbers, of Section 35.460.060, Address Numbers - Procedure, Standards, and Display, of Chapter 35.460, Road Naming and Address Numbering, to read as follows:

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

SECTION 20:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection C, Exceptions to Design Review Requirements, of Section 35.472.070, Design Review, of Chapter 35.472, Permit Review and Decisions, to read as follows:

C. Exceptions to Design Review Requirements.

1. Accessory dwelling units.
2. Decks.
3. Fences, gates or walls six feet or less and gateposts of eight feet or less in height; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to the structure) shall be included as part of the Design Review of a new structure or a remodeling or an addition to a structure requiring Design Review in compliance with this Section.
4. Hot tubs, spas, and swimming pools.
5. Interior alterations.
6. Solar panels.
7. Other exterior alterations determined to be minor by the Director.

SECTION 21:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection d, Reduction of parking Spaces, of Subsection 3, Allowed Modifications, of Subsection B, Applicability, of Section 35.472.120, Modifications, of Chapter 35.472, Permit Review and Decisions, to read as follows:

- d. **Reduction of parking spaces.** A reduction in the required number and/or a Modification in the design or location of parking spaces and loading zones may be allowed provided that in no case shall:
 - (1) The number of required bicycle parking spaces be reduced.
 - (2) The number of spaces required for an accessory dwelling unit be reduced or be allowed to be located within the required front setback, unless such reduction in the number of spaces is allowed in compliance with Section 35.442.015 (Accessory Dwelling Units).
 - (3) Any parking or screening requirement for a vehicle with more than two axles, a recreational vehicle or bus, a trailer, or other non-passenger vehicle be modified.

SECTION 22:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 2, Additional requirements for certain appeals, of Subsection C, Requirements for contents of an appeal, of Section 35.492.020, General Appeal Procedures, of Chapter 35.492, Appeals, to read as follows:

2. **Additional requirements for certain appeals.** The following information is required to be submitted for the appeals listed below in addition to the information required to be submitted by Subsection C.1 (General requirements) above:
 - a. **Appeals regarding a previously approved discretionary permit.** If the approval of a Land Use Permit required by a previously approved discretionary permit is appealed, the appellant shall identify:
 - (1) How the Land Use Permit is inconsistent with the previously approved discretionary permit;
or
 - (2) How the discretionary permit's conditions of approval that are required to be completed before the approval of a Land Use Permit have not been completed; or
 - (3) How the approval is inconsistent with Chapter 35.496 (Noticing and Public Hearings).
 - b. **Appeals regarding accessory dwelling units.**
 - (1) The grounds for an appeal of the approval or conditional approval of a Land Use Permit for an accessory dwelling unit in compliance with Section 35.442.015 (Accessory Dwelling Units) shall be limited to whether the approved or conditionally approved project is in compliance with the applicable development standards for accessory dwelling units provided in Section 35.442.015 (Accessory Dwelling Units).
 - (2) If the approval or conditional approval of a Land Use Permit for an accessory dwelling unit is appealed, the appellant shall identify how the approved or conditionally approved project is inconsistent with the applicable development standards for accessory dwelling units provided in Section 35.442.015 (Accessory Dwelling Units).
 - (3) The Director shall not accept for processing an appeal of the Director's decision to approve or conditionally approve a Land Use Permit for an accessory dwelling unit if the appellant fails to identify how the approved or conditionally approved project is inconsistent with the applicable development standards provided in Section 35.442.015 (Accessory Dwelling Units).
 - c. **Appeals of final decision of the Montecito Board of Architectural Review.** A decision of the Montecito Board of Architectural Review to grant final approval may not be appealed to the Montecito Commission unless the appellant can demonstrate that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval. If the Director determines that the appeal does not raise a substantial issue that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval, then the Director shall make that determination in writing, and the appeal shall not be processed. This decision of the Director is final and not subject to appeal.

SECTION 23:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection e, of Subsection 1, By the

Department, of Subsection A, Minimum requirements, of Section 35.496.050, Land Use Permits, of Chapter 35.496, Noticing and Public Hearings, to read as follows:

- e. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.
- (1) Notice of applications for Accessory Dwelling Units, and additions thereto, as may be allowed in compliance with Section 35.442.015 (Accessory Dwelling Units) shall also include a statement that:
 - (a) The grounds for appeal of an approved or conditionally approved Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable development standards provided in Section 35.442.015 (Accessory Dwelling Units), and
 - (b) The Director shall not accept for processing an appeal of the Director's decision to approve or conditionally approve a Land Use Permit for an accessory dwelling unit if the appellant fails to identify how the approved or conditionally approved project is inconsistent with the applicable development standards provided in Section 35.442.015 (Accessory Dwelling Units).

SECTION 24:

DIVISION 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to amend the existing definition of "Residential Second Unit" to read as follows:

Residential Second Unit. See Accessory Dwelling Unit.

SECTION 25:

DIVISION 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to add new definitions of "Accessory Dwelling Unit" and "Passageway" to read as follows:

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

1. **Attached accessory dwelling unit.** An accessory dwelling unit that shares a common wall with the principal dwelling.
2. **Detached accessory dwelling unit.** An accessory dwelling unit that is detached from the principal dwelling and is located on the same lot as the principal dwelling.

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

SECTION 26:

DIVISION 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to delete the existing definitions of “Attached Residential Second Unit,” and “Detached Residential Second Unit.”

SECTION 27:

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 28:

Except as amended by this Ordinance, Divisions 35.2, 35.3, 35.4, 35.6, 35.7, 35.9 and 35.10 of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 29:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT F: 16ORD-00000-00016 RESOLUTION AND ORDINANCE

RESOLUTION OF THE SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING TO THE)
COUNTY PLANNING COMMISSION THE ADOPTION)
OF AN AMENDMENT TO THE SANTA BARBARA)
COUNTY ARTICLE II COASTAL ZONING ORDINANCE,)
OF CHAPTER 35 OF THE COUNTY CODE, AMENDING) RESOLUTION NO.: 18 - 4
DIVISION 2, DEFINITIONS, DIVISION 4, ZONING)
DISTRICTS, DIVISION 7, GENERAL REGULATIONS,) CASE NO.: 16ORD-00000-00016
DIVISION 11, PERMIT PROCEDURES, DIVISION 12,)
ADMINISTRATION, DIVISION 13, SUMMERLAND)
COMMUNITY PLAN OVERLAY, AND DIVISION 16,)
TORO CANYON PLAN (TCP) OVERLAY DISTRICT,)
REGARDING THE PERMITTING OF ACCESSORY)
DWELLING UNITS IN COMPLIANCE WITH STATE)
GOVERNMENT CODE SECTION 65852.2.)

WITH REFERENCE TO THE FOLLOWING:

- A. On July 19, 1982, by Ordinance 3312, the Board of Supervisors adopted the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- B. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County, to recommend to the County Planning Commission, that the County Planning Commission recommend that the Board of Supervisors adopt an ordinance (Case No. 16ORD-00000-00016) amending Article II of Chapter 35 of the Santa Barbara County Code, the Coastal Zoning Ordinance, to implement new regulations and make other minor clarifications, corrections and revisions.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed Ordinance is consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, the Santa Barbara County Comprehensive Plan including the Montecito Community Plan, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it will serve to implement the requirements of State law that promote the development of accessory dwelling units that will increase the supply of housing in the Coastal Zone portion of unincorporated Santa Barbara County.
- E. This Montecito Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, this Montecito Planning Commission recommends to the County Planning Commission, that the County Planning Commission recommend that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Montecito Planning Commission, based on the findings included as Attachment D of the Montecito Planning Commission Memorandum dated May 10, 2017.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this Montecito Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Montecito Planning Commission.

PASSED, APPROVED AND ADOPTED this January 3, 2018, by the following vote:

AYES: Commissioners Cole, Keller, Senauer

NOES: Commissioner Newman

ABSTAIN: None.

ABSENT: Commissioner Brown



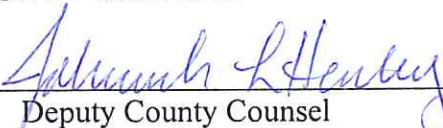
JOE COLE, CHAIR
SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION

ATTEST:


JEFFREY WILSON
SECRETARY TO THE MONTECITO COMMISSION

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By 

Deputy County Counsel

EXHIBITS:

1. 16ORD-00000-00016

EXHIBIT 1: ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

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

16ORD-00000-00016

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

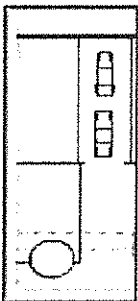
SECTION 1:

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

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

1. **Attached accessory dwelling unit.** An accessory dwelling unit that shares a common wall with the principal dwelling.
2. **Detached accessory dwelling unit.** An accessory dwelling unit that is detached from the principal dwelling and is located on the same lot as the principal dwelling.

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



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

SECTION 2:

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

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

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

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

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

Residential Second Unit: See Accessory Dwelling Unit.

SECTION 3:

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

SECTION 4:

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

SECTION 5:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Subsection 2 of Section 35-68.5, Uses Permitted with a Minor Conditional Use Permit, of Section 35-68, AG-I - Agriculture I, and renumber existing Subsection 3 as Subsection 2.

SECTION 6:

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

SECTION 7:

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

SECTION 8:

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

SECTION 9:

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

SECTION 10:

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

SECTION 11:

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

SECTION 12:

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

SECTION 13:

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

7. Modifications to the parking requirement may be granted pursuant to Section 35-142 (Accessory Dwelling Units), Section 35-144C.4 (Density Bonus for Affordable Housing Projects), Section 35-172.12 (Conditional Use Permits, Section 35.472.180 (Variances), Section 35-174.8 (Development Plans), or Section 35-179 (Modifications).

SECTION 14:

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

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

SECTION 15:

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

2. Location.

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

- 2) **Within the Montecito Community Plan area.** When a garage, carport, or covered parking structure, or portion thereof, is converted or demolished in conjunction with the construction of an accessory dwelling unit on a lot located within the Montecito Community Plan area, any replacement parking spaces which are required to satisfy the parking requirement for the principal dwelling may be provided in any configuration on the same lot as the accessory dwelling unit, including covered spaces, uncovered spaces, or tandem spaces.
- b. For all types of dwellings, the required parking spaces shall be provided on the same site on which the dwelling(s) is located, unless specifically permitted in the applicable zone district regulations.
- c. For non-residential structures or uses, the required parking spaces shall be provided within 500 feet of the main building or site, if there is not main building, as measured along streets not alleys.

SECTION 16:

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

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

SECTION 17:

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

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

SECTION 18:

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

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

SECTION 19:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 3,

General height limit exceptions, of Subsection A, Height measurement, of Section 35-127, Guest Height, to add a new Subsection g titled "Accessory Dwelling Units" and to read as follows:

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

SECTION 20:

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

Section 35-142. Accessory Dwelling Units.

Section 35-142.1 Purpose and Intent.

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

Section 35-142.2 Applicability.

1. In addition to the allowable uses listed in Division 4, Zoning Districts, an accessory dwelling unit may be allowed on a lot zoned as follows:
 - a. Agricultural zones.**
 - 1) AG-I (Agriculture I).
 - 2) AG-II (Agriculture II).
 - b. Resource Protection Zones.**
 - 1) MT-TORO (Mountainous Area - Toro Canyon Planning Area).
 - 2) RES (Resource Management).
 - c. Residential zones.**
 - 1) EX-1 (One-Family Exclusive Residential).
 - 2) R-1/E-1 (Single-Family Residential).
 - 3) R-2 (Two-Family Residential).
 - 4) DR (Design Residential).
 - 5) PRD (Planned Residential Development).
 - 6) RR (Rural Residential).
 - 7) SR-H (High Density Student Residential).
 - 8) SR-M (Medium Density Student Residential).
 - d. Commercial zones.**
 - 1) C-1 (Limited Commercial).
 - a) An accessory dwelling unit may only be approved or conditionally approved on a lot where there is no commercial use, and subject to the regulations of Section 35-77A.6 (Minimum Lot Size) and Section 35-71 (R-1/E-1).

Section 35-142.3 *Allowed Density and Use.*

1. As required by Government Code Section 65852.2, an accessory dwelling unit shall:
 - a. Be deemed to be an accessory use or an accessory building.
 - b. Not be considered to exceed the allowable density for the lot upon which it is located.
 - c. Be deemed to be a residential use that is consistent with the existing Coastal Land Use Plan and zoning designation for the lot on which the accessory dwelling unit is located.
 - d. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.
2. A lot may contain only one accessory dwelling unit, and it shall be accessory to and located on the same lot as an existing or proposed single-family dwelling.
3. An accessory dwelling unit shall not be located on a lot that contains more than one dwelling.

Section 35-142.4 *Application and Processing Requirements.*

1. **Permit required.** Prior to the development or use of a building or portion thereof as an accessory dwelling unit, an application for a Coastal Development Permit shall be submitted in compliance with Section 35-57A (Application Preparation and Filing), and the Coastal Development Permit shall be issued in compliance with Section 35-169 (Coastal Development Permits).
2. **Ministerial review and review period.**
 - a) An application for a Coastal Development Permit for an accessory dwelling unit shall be considered ministerially without discretionary review or hearing.
 - b) The Director shall approve, conditionally approve, or deny an application for a Coastal Development Permit for an accessory dwelling unit within 120 days following the submittal of an application to the Department in compliance with Section 35-57A (Application Preparation and Filing).
3. **Conflicts with other sections of this Article.** Except as provided in Subsection 3.a (Coastal resource protection), where there are conflicts between the standards in this Section 35-142 (Accessory Dwelling Units), the standards in Section 35-119 (Accessory Structures) and the standards in the specific zone regulations (Division 4 Zoning Districts), the provisions of this Section shall prevail.
 - a. **Coastal resource protection.** If there is a conflict between the standards of this Section 35-142 (Accessory Dwelling Units) and standards that protect coastal resources, the requirements which are most protective of coastal resources shall prevail.

Section 35-142.5 *Exclusion Areas.*

1. Because of the adverse impact on the public health, safety, and welfare, accessory dwelling units shall not be permitted in Board of Supervisors-designated Special Problem Areas, except as provided in Section 35-142.5.2, given that Special Problem Areas by definition are areas "having present or anticipated flooding, drainage, grading, soils, geology, road width, access, sewage disposal, water supply, location or elevation problems."
2. Notwithstanding the above, the Department may approve a permit for an accessory dwelling unit within a designated Special Problems Area if (1) all of the applicable development standards in this Section 35-142 (Accessory Dwelling Units) and applicable provisions and policies of this Article and the Coastal Land Use Plan can be met, and (2) the project has been reviewed by the Special Problems Committee.

Section 35-142.6 *Accessory dwelling units located entirely within existing buildings.*

A permit for an accessory dwelling unit that is proposed to be located entirely within the existing space of a single-family dwelling or accessory building on a lot that contains a single-family dwelling at the time the application for the accessory dwelling unit is submitted, shall not be issued unless it complies with all of the

following development standards contained in this Section 35-142.6 (Accessory dwelling units located entirely within existing buildings) and in Section 35-142.8 (Additional development standards that apply to accessory dwelling units).

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

Section 35-142.7 Accessory dwelling units located either partially within existing buildings or within new buildings.

A permit for an accessory dwelling unit that is proposed to be located either partially or wholly within an addition to an existing one-family dwelling or existing accessory building, or is attached to a new one-family dwelling, or is located within a new accessory building, shall not be issued unless it complies with all of the following development standards contained in this Section 35-142.7 (Accessory dwelling units located either partially within existing buildings or within new buildings) and in Section 35-142.8 (Additional development standards that apply to accessory dwelling units).

1. **Accessory to a principal dwelling.** If an application for an accessory dwelling unit is submitted for a lot that does not contain a principal dwelling at the time of application, then the application for a principal dwelling shall be submitted in conjunction with an application for an accessory dwelling unit.
 - a. Final building permit inspection for the proposed principal dwelling shall be approved prior to final building permit inspection approval for the accessory dwelling unit.
2. **Appearance and style.**
 - a. The exterior appearance and architectural style of the proposed accessory dwelling unit shall be in compliance with the following:
 - 1) The design of an accessory dwelling unit that will be attached to an existing building reflects the exterior appearance and architectural style of the existing building and uses the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
 - 2) The design of an accessory dwelling unit that will not be attached to an existing building reflects the exterior appearance and architectural style of the existing or proposed principal

dwelling and uses the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.

- 3) The entrance to an accessory dwelling unit that will be attached to the existing or proposed principal dwelling is structurally shielded so that the entrance is not visible when viewed from any street abutting the lot on which the accessory dwelling unit is located. The Director may waive this standard if it would prohibit the construction of an attached accessory dwelling unit on the lot.
 - 4) All exterior lighting complies with Section 35-139 (Exterior Lighting).
 - 5) Proposed landscaping will screen the accessory dwelling unit, including any architectural elements such as foundations and retaining walls, mechanical equipment, and parking required to be provided for the accessory dwelling unit, from public viewing areas (e.g., public road, trails, recreation areas). Said landscaping shall be compatible with existing landscaping on the lot in terms of plant species and density of planting.
- b. The Chair of the Montecito Board of Architectural Review, or designee, may review the exterior appearance and architectural style of the proposed accessory dwelling unit proposed to be located within the Montecito Community Plan Area and provide comments to the Director regarding whether the application is in compliance with the design criteria listed above in Section 35-142.7.2.a.

3. Coastal resource protection.

- a. All development associated with the construction of an accessory dwelling unit shall be located in compliance with the requirements of Section 35-97 (ESH - Environmentally Sensitive Habitat Area Overlay District).
- b. Accessory dwelling units shall not significantly obstruct public views from any public road or from a public recreation area to, and along, the coast.
- c. Accessory dwelling units shall not obstruct public access to and along the coast or public trails.
- d. **Lots zoned AG-I and AG-II.** The development of a detached accessory dwelling unit on lots zoned AG-I (Agriculture I) and AG-II (Agriculture II) shall also comply with the following development standards in addition to the development standards shown above. If these requirements are in conflict with other provisions of the Coastal Land Use Plan or any applicable community or area plan, this Article, or any permit conditions established by the County, the requirements which are most protective of coastal resources shall control.
 - 1) The proposed accessory dwelling unit shall be sited to avoid prime soils to the maximum extent feasible or where there are no prime soils be sited so as to minimize impacts to ongoing agriculturally-related activities.
 - 2) The development of the accessory dwelling unit shall preserve natural features, landforms, and native vegetation such as trees to the maximum extent feasible.

4. Height limit.

- a. An accessory dwelling unit shall be in compliance with the following height limits as applicable. However, these height limits may be exceeded when the portion of the accessory dwelling unit that would exceed these height limits is located within:
 - 1) The existing space of a single-family dwelling or an accessory building.
 - 2) A proposed addition to an existing building and increased height is necessary to allow the roofline of the addition to match the roofline of the existing building that is being added to.
- b. **Attached accessory dwelling units.**
 - 1) **Located below another floor.** The height of an accessory dwelling unit that would be

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

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

c. **Detached accessory dwelling units.**

- 1) **Connected to a detached accessory structure.**

- a) **Located above or below another floor.**

- i) **Located above another floor.** The height of an accessory dwelling unit that would be located above another floor shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35-127 (Height).
- ii) **Located below another floor.** The height of an accessory dwelling unit that would be connected to a detached accessory structure and would be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support system of the floor above.
- iii) Notwithstanding the above, the height of the combined structure shall not exceed a height of 25 feet as determined in compliance with Section 35.430.090 (Height Measurement, Exceptions and Limitations).

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

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

5. **Historic Landmarks Advisory Commission.** If the accessory dwelling unit is proposed to be located entirely or partially within a building that is 50 years old or greater, then the application shall be submitted to the Historic Landmarks Advisory Commission for review and comment as to the compatibility of the proposed development with the historical context of the building, whether the development will result in a detrimental effect on any existing or potential historical significance of the building, and other factors on which the Historic Landmarks Advisory Commission may choose to comment.

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

a. **Maximum living area.**

- 1) **Outside the Montecito Community Plan area.** The living area of an accessory dwelling unit that is proposed to be located outside of the Montecito Community Plan area shall not exceed eight percent of the net lot area of the lot on which the accessory dwelling unit will be located, provided that the living area of the accessory dwelling unit does not exceed 1,200 square feet.
- 2) **Within the Montecito Community Plan area.** The living area of an accessory dwelling unit that is proposed to be located within the Montecito Community Plan area shall not exceed the

maximum shown in the table below for the applicable lot area:

Lot Area (unless specified = net lot area)	Maximum Accessory Dwelling Unit Living Area
0 - 9,999 square feet	400 square feet
10,000 - 19,999 square feet	600 square feet
20,000 square feet - 1 acre	800 square feet
Over 1 acre to 2 acres	1,000 square feet
Over 2 acres	1,200 square feet

3) **Attached accessory dwelling unit.** In addition to the maximum living area specified above in Section 35-142.7.7.a (Maximum living area), the living area of an attached accessory dwelling unit shall not exceed 50 percent of the living area of:

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

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

7. **Parking requirements.**

a. Except as provided in Section 35-142.7.7.b, in addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot on which the accessory dwelling unit is located. The additional parking shall be provided as specified in the base zone and in Division 6 (Parking Regulations) except that said parking may be provided as tandem parking on a driveway and in compliance with the following:

- 1) The additional parking may be permitted in the side or rear setback areas, or through tandem parking, unless:
 - a) The Director finds that parking in setback areas or tandem parking is infeasible based upon specific site or regional topographical or fire and life safety conditions, or
 - b) The project site is located in a very high fire hazard severity zone, in which case tandem parking is not allowed.

b. Additional off-street parking spaces are not required to be provided for accessory dwelling units that comply with any of the following criteria:

- 1) The accessory dwelling unit is located within one-half mile of public transit (e.g., a bus stop).
- 2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- 3) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- 4) When there is a car share vehicle located within one block of the accessory dwelling unit.

8. **Setbacks.** An accessory dwelling unit shall comply with the setback regulations that apply to the principal dwelling except that a setback of five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above an existing garage.

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

- a. All development associated with the accessory dwelling unit shall avoid the removal of or damage

to all protected trees. For the purposes of this Section 35-142.7.9 (Tree protection), protected trees are defined as trees are defined for the purpose of this policy as mature native, naturalized, or roosting/nesting trees that do not pose a threat to health and safety and include:

- 1) Oaks (*Quercus agrifolia*).
 - 2) Sycamores (*Platanus racemosa*).
 - 3) Willow (*Salix sp.*).
 - 4) Redwoods (*Sequoia sempervirens*).
 - 5) Maples (*Acer macrophyllum*).
 - 6) California Bay Laurels (*Umbellularia californica*).
 - 7) Cottonwood (*Populus fremontii* and *Populus balsamifera*).
 - 8) White Alder (*Alnus rhombifolia*).
 - 9) California Walnut (*Juglans californica*).
 - 10) Any tree serving as known or discovered raptor nesting and/or raptor roosting sites.
 - 11) Any trees serving as Monarch butterfly habitat, including aggregation sites.
- b. No grading, paving, and other site disturbance shall occur within the dripline of a protected tree including the area six feet outside of tree driplines unless the conclusion of a report submitted by the applicant and prepared by a licensed arborist is that the proposed grading, paving, or other site disturbance will not damage or harm the tree(s).

10. Additional standards for accessory dwelling units that are proposed to be located within the Montecito Community Plan area.

- a. **Location on lot.** A detached accessory dwelling unit shall not be located closer to the principal abutting street than the principal dwelling unless other provisions of this Development Code such as setback requirements prohibit compliance with this standard.
- 1) Where the lot abuts two or more streets, the principal abutting street shall be considered to be the street that has the highest traffic volumes.
- b. **Maximum lot coverage.** The total gross floor area of all buildings located on a lot, including an accessory dwelling unit, shall not exceed 40 percent of the gross lot area of the lot on which the accessory dwelling unit is proposed to be located.
- 1) For the purposes of this Subsection 15.b, gross floor area includes any partially enclosed or unenclosed floor area covered by a permanent roof.
- c. **Site preparation.**
- 1) Grading associated with the development of the accessory dwelling unit shall not exceed 1,500 cubic yards of cut and fill.
 - 2) Any freestanding retaining wall shall not exceed eight feet in height. The height of the wall shall be measured from the natural or finished grade at the base of the lower side of the wall to the top edge of the wall material.

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

1. **Development standards that apply to all accessory dwelling units.** The following development standards shall also apply to all applications for accessory dwelling units in addition to the development standards contained in Section 35-142.7.6 (Accessory dwelling units located entirely within existing buildings) or Section 35-142.7.7 (Accessory dwelling units located either partially within existing buildings or new accessory buildings), as applicable.

- a. **Fees.** The applicant will be required to pay development impact mitigation fees in compliance with ordinances and/or resolutions adopted by the County. The amount of the required fee shall be based on the fee schedules in effect when paid.
- b. **Passageway not required.** A passageway shall not be required to be provided in conjunction with the construction of an accessory dwelling unit.
- c. **Private and public services.**
 - 1) **Potable water.** Where service by a public water district or mutual water company is not available, the accessory dwelling unit may be served by a private water system subject to review and approval by the Public Health Department or State as applicable.
 - 2) **Wastewater.** Where public sewer service is not available, the accessory dwelling unit may be served by an onsite wastewater treatment system subject to review and approval by the Public Health Department.
- d. **Rental and sale.**
 - 1) An accessory dwelling unit may be used for rentals provided that the length of any rental shall be longer than 30 consecutive days.
 - 2) An accessory dwelling unit shall not be sold separately from the principal dwelling.
- e. **Residency of lot owner.**
 - 1) The owner of the lot shall:
 - a) Reside on the lot, either in the principal dwelling or in the accessory dwelling unit except when:
 - i) A disability or infirmity requires institutionalization of the owner, or
 - ii) The Director approves in writing the owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or
 - iii) Other good cause.
 - b) Prior to issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits):
 - i) Have received a Homeowners' Property Tax Exemption from the County Assessor, or
 - ii) Have submitted to the Department a signed and notarized affidavit stipulating that the lot is owner-occupied.
 - 2) Upon sale or transfer of ownership of the lot, the new owner shall reside on the lot and shall, within 90 days of taking possession of the property, either receive a Homeowners' Property Tax Exemption from the County Assessor or submit to the Department a signed and notarized affidavit stipulating that the lot is owner-occupied or the use of the accessory dwelling unit shall be discontinued and the accessory dwelling unit shall be:
 - a) **Attached accessory dwelling unit.** Removed or converted into a portion of the principal dwelling or a legal, attached accessory structure.
 - b) **Detached accessory dwelling unit.** Removed or converted into a legal, detached accessory structure.
 - 3) **Notice to Property Owner required.** Before the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits), the owner-occupant shall sign and record a Notice to Property Owner that includes at a minimum the requirement that the owner reside on the lot.

Section 35-142.9 Findings for Approval.

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

Section 35-142.10 Notice.

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

Section 35-142.11 Appeals

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

Section 35-142.12 Revocation.

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

SECTION 21:

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

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

SECTION 22:

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

C. Exceptions. This Section does not apply to the following:

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

SECTION 23:

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

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

SECTION 24:

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

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

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

SECTION 25:

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

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

SECTION 26:

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

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

SECTION 27:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection 2, Additional requirements for certain appeals, of Subsection C, Requirements for Contents of an Appeal, of Section 35-184.3, Exceptions, of Section 35-184, Board of Architectural Review, to add a new Subsection c. to read as follows:

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

SECTION 28:

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

- 1. **Exceptions to Design Review Requirements.** Board of Architectural Review approval is not required for the following:
 - a. Accessory dwelling units approved in compliance with Section 35-142 (Accessory Dwelling Units).
 - b. Interior alterations.
 - c. Decks.
 - d. Swimming pools, hot tubs, and spas.
 - e. Fences, gates, gateposts and walls as follows; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to the structure) shall be included as part of the architectural review of a new residence, a remodeling, or an addition to a structure requiring architectural review:

- 1) Fences, gates, and walls six feet or less in height and gateposts of eight feet or less in height, when located in the front setback area.
 - 2) Fences, gates, and walls of eight feet or less in height and gateposts of 10 feet or less in height when located outside of front setback areas and not closer than 20 feet from the right-of-way line of any street.
- f. Solar panels.
- g. Any other exterior alteration determined to be minor by the Director.

SECTION 29:

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

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

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

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

- 2) **Lots between 12,000 square feet and 10 acres.** On lots with a lot area (net) of 12,000 square feet and greater but less than 10 acres, the net floor area of structures subject to this Section 35-191 (Summerland - SUM) shall not exceed 2,500 square feet plus five percent of the net lot area; however, in no case shall the net floor area exceed 8,000 square feet.
- 3) **Lots between 10 acres and 20 acres.** On lots with a lot area (net) of 10 acres and greater but less than 20 acres, the net floor area of structures subject to this Section 35-191 (Summerland - SUM) shall not exceed 8,000 square feet plus 0.25 percent of the net lot area; however, in no case shall the net floor area exceed 10,000 square feet.
- 4) **Lots between 20 acres and 40 acres.** On lots with a lot area (net) of 20 acres and greater but less than 40 acres, the net floor area of structures subject to this Section 35-191 (Summerland - SUM) shall not exceed 8,000 square feet plus 0.25 percent of the net lot area; however, in no case shall the net floor area exceed 12,000 square feet.
- 5) **Lots 40 acres and greater.** On lots with a lot area (net) of 40 acres or greater, the net floor area of

structures subject to this Section 35-191 (Summerland - SUM) shall not exceed 8,000 square feet plus 0.25 percent of the net lot area; however, in no case shall the net floor area exceed 15,000 square feet.

- 6) **Accessory dwelling units.** The floor area limits enumerated above do not apply to proposed additions to existing one-family dwellings provided the addition is located within the living area of an accessory dwelling unit approved in compliance with Section 35-142 (Accessory Dwelling Units).

SECTION 30:

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

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

SECTION 31:

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

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

SECTION 32:

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

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

SECTION 33:

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

SECTION 34:

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

SECTION 35:

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

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

AYES:

NOES:

ABSTAIN:

ABSENT:

DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel