



# CITY OF BUELLTON

## PLANNING COMMISSION AGENDA

**Regular Meeting of September 05, 2019 – 6:00 p.m.  
City Council Chambers  
140 West Highway 246, Buellton, California**

*Materials related to an item on this agenda, as well as materials submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the office of the Planning Department located at 331 Park Street, during normal business hours.*

### **CALL TO ORDER**

Chair Heedy

### **PLEDGE OF ALLEGIANCE**

Commissioner Eglin

### **ROLL CALL**

Commissioners Bob Blokdyk, Michael Eglin, Marcilo Sarquilla, Vice Chair Patty Hammel and Chair Dan Heedy

### **REORDERING OF AGENDA**

### **PRESENTATIONS**

None

### **APPROVAL OF MINUTES**

#### **1. Minutes of the regular Planning Commission meeting of July 18, 2019**

### **PUBLIC COMMENTS**

Members of the audience wishing to address the Planning Commission on matters not on the agenda may do so at this time. No action will be taken on these items at this meeting. Please state your name and address for the record. Comments should normally be limited to three minutes.

### **CONSENT CALENDAR**

None

### **CONTINUED PUBLIC HEARINGS**

None

**NEW PUBLIC HEARINGS**

2. **Resolution No. 19-05 – “A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (19-ZOA-01) Relating to Accessory Dwelling Units, Amending Sections: 19.02.110 (Residential Zone Allowable Land Use and Permit Requirements), 19.04.142 (Number of Parking Spaces Required), 19.12.020 (Definitions of Specialized Terms and Phrases), 19.16.010 (Purpose and Applicability), 19.16.014 (Inclusionary Zoning), 19.16.020 (Secondary Dwellings); Deleting Title and Text of Section 19.06.180 (Secondary Dwellings) and Replacing with New Title (Accessory Dwelling Units) and Text; and Making Findings in Support Thereof”**

**OTHER BUSINESS**

None

**WRITTEN COMMUNICATIONS****PLANNING COMMISSIONER COMMENTS****PLANNING DIRECTOR REPORT****ADJOURNMENT**

To the next regularly scheduled Planning Commission meeting of Thursday, September 19, 2019 at 6:00 p.m. in the Council Chambers located at 140 West Highway 246.

Please note that the date of any Planning Commission decision starts an appeal period. During the appeal period either the applicant or any aggrieved party may appeal the application of a perceived onerous or unreasonable condition or the decision itself to the City Council as governed by the applicable section of the Buellton Municipal Code.

# CITY OF BUELLTON

## PLANNING COMMISSION MEETING MINUTES

July 18, 2019 – 6:00 p.m.

City Council Chambers, 140 West Highway 246  
Buellton, California

### CALL TO ORDER

Chair Heedy called the meeting to order at 6:00 p.m.

### PLEDGE OF ALLEGIANCE

Commissioner Blokdyk led the Pledge of Allegiance

### ROLL CALL

Present: Commissioners Bob Blokdyk, Michael Eglin, Vice Chair Patty Hammel and Chair Dan Heedy

Absent: Commissioner Marcilo Sarquillo

Staff: City Manager Scott Wolfe  
Planning Director Andrea Keefer  
Staff Assistant/Planning Technician Clare Barcelona

### REORDERING OF AGENDA

None

### PRESENTATIONS

#### 1. Welcome Scott Wolfe – Buellton's New City Manager

Planning Director Keefer introduced City Manager Scott Wolfe to the Commission.

### APPROVAL OF MINUTES

#### 2. Minutes of the regular Planning Commission meeting of June 6, 2019

##### MOTION:

Vice Chair Hammel moved and Chair Heedy seconded the motion to approve the Minutes of June 6, 2019.

**VOTE:**

Motion passed with a 4-0 voice vote.

**PUBLIC COMMENTS**

None

**CONSENT CALENDAR**

None

**CONTINUED PUBLIC HEARINGS**

None

**NEW PUBLIC HEARINGS**

None

**OTHER BUSINESS**

None

**WRITTEN COMMUNICATIONS**

None

**PLANNING COMMISSIONER COMMENTS**

Chair Heedy mentioned that some of the vacant lots in Buellton are getting unsightly with overgrowth. Planning Director Keefer stated that efforts are underway to contact the property owners to clean up their lots.

**PLANNING DIRECTOR REPORT**

Planning Director Keefer updated the Commission on the status of various projects including the Accessory Dwelling Unit (ADU) Ordinance, the Central Homes building plan submittal and announced that Eddie's Grill has received zoning clearance approval to locate their restaurant in the Albertson's Shopping Center next to Blenders

**ADJOURNMENT**

Chair Heedy adjourned the meeting at 6:09 p.m. The next regular meeting of the Planning Commission will be held on Thursday, August 1, 2019 at 6:00 p.m.

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Chair Dan Heedy

ATTEST:

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Clare Barcelona, Planning Commission Secretary

**An audio CD of this Planning Commission Meeting is available upon request.**



**CITY OF BUELLTON**  
Planning Commission Agenda Staff Report

Planning Director Review: AK  
Planning Commission Agenda Item No: 2

To: The Honorable Chair and Commission Members

From: Irma Tucker, Contract City Planner

Date: September 5, 2019

Subject: Resolution No. 19-05 – “A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (19-ZOA-01) Relating to Accessory Dwelling Units, Amending Sections: 19.02.110 (Residential Zone Allowable Land Use and Permit Requirements), 19.04.142 (Number of Parking Spaces Required), 19.12.020 (Definitions of Specialized Terms and Phrases), 19.16.010 (Purpose and Applicability), 19.16.014 (Inclusionary Zoning), 19.16.020 (Secondary Dwellings); Deleting Title and Text of Section 19.06.180 (Secondary Dwellings) and Replacing With New Title (Accessory Dwelling Units) and Text; and Making Findings in Support Thereof”

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**BACKGROUND/DISCUSSION**

Section 19.06.180 of the Buellton Municipal Code contains the regulations for approval of attached and detached secondary dwelling units in the RS Zone.

In 2016, the California State Legislature amended Government Code Section 65852.2 through the enactment of both Senate Bill 1069 and Assembly Bill 2299, which became effective on January 1, 2017. The Government Code Section 65852.2 restricts local regulation of "accessory dwelling units" ("ADUs"), which State law had previously referred to as "second units," and requires local jurisdictions to incorporate certain State-mandated standards into local ordinances to allow for the development of ADUs. These mandates were intended to streamline the approval of ADUs and encourage the development of ADUs, recognizing their unique importance in addressing California's housing crisis, rising housing costs, and a shortage of affordable housing options.

In 2017, the State Legislature again amended Government Code Section 65852.2 with the enactment of Senate Bill 229 and Assembly Bill 494. These bills, effective January 1, 2018, clarify and improve various provisions of the law to promote the development of ADUs,

including allowing ADUs to be built concurrently with a single-family home, opening areas where ADUs can be built to include all zoning districts that allow single-family uses, modifying fees from utilities, such as special districts and water corporations, and reducing parking requirements. The City must also approve or disapprove ADU applications ministerially (without public input or a hearing) within 120 days of receipt of the application.

State law has delegated to cities the right to adopt certain local standards. Unless the City adopts an ordinance, the City must apply the State law standards. As a result, staff has prepared draft amendments to Title 19 (Zoning) of the Buellton Municipal Code, which are set forth in Exhibit A ("Amendments"). The changes within the draft amendments are summarized below in the "Zoning Ordinance Amendments" section of this report.

The Planning Commission is being asked to provide the City Council with a recommendation regarding the Amendments. Once the City adopts a new ordinance as permitted by State law, the City may then apply the new local standards.

## **ZONING ORDINANCE AMENDMENTS**

Accessory dwelling units may be attached to, or detached from, a single-family residence. ADUs also may be located within a single-family residence, garage or basement. State law limits local discretion regarding conversions of existing structures and space within a single-family residence, garage or basement. In fact, no additional parking space may be required for such conversions.

The draft Amendments are attached hereto as Exhibit A, with revisions annotated in brackets. In addition, for reference purposes, a markup version of the proposed zoning ordinance changes is attached as Exhibit B, with deletions shown in strike-through and new text shown underlined. The following key provisions of the draft Amendments are summarized by topic.

### **1. Chapter 19.02 ZONING DISTRICTS AND ALLOWABLE LAND USES**

- **19.02.110 Residential zone allowable land use and permit requirements.** Changes consist of revising the land use type entitled "secondary dwellings" to read "Accessory dwelling units (ADUs)" and adding RM and PRD to the zones where ADUs are allowed.

As required by State law, the draft ordinance designates areas in the City where ADUs are permitted. Under the draft ordinance, ADUs are allowed on any legal lot in a zoning district that authorizes the construction of accessory dwelling units, and that contains an existing or proposed single-family dwelling.

### **2. Chapter 19.04 GENERAL DEVELOPMENT REGULATIONS**

- **19.04.142 Number of Parking Spaces Required.** Revisions consist of adding ADUs as a land use category and defining the number of parking spaces required for both attached and detached ADUs.

State law restricts the City's authority to require parking for ADUs. As allowed by State law, the draft ordinance requires that one (1) additional on-site parking space is required

for an ADU, which may be: a) covered or uncovered; b) provided in tandem to other required onsite parking; or c) provided in required yard areas including the on-site driveway areas. State law prohibits local agencies from requiring *any* parking spaces for an ADU in certain instances, including (but not limited to) when the property is located within one-half mile of public transit (including bus stops), in a historic district, or within a block of a car share hub. The draft ordinance complies with these State law requirements.

As allowed by State law, if a required garage or carport that serves the primary residence is converted to or removed for the construction of an ADU, the removed parking spaces must be replaced with an equal number of on-site parking spaces on the same lot, including in required yard areas. These replacement spaces may be covered, uncovered, in tandem within a garage or within driveway areas, or provided by use of a mechanical automotive lift.

### 3. Chapter 19.06 SPECIFIC USE REQUIREMENTS

- **19.06.180 Secondary Dwellings.** Buellton's current procedures and standards for secondary dwellings are to be deleted in their entirety and replaced with revised title to read "**Accessory dwelling units (ADUs)**" and restated text applicable to ADUs, in accordance with State ADU laws (Government Code Section 65852.2 ).

Highlights of the restated text are as follows:

- A new subsection is added to define terms specifically applicable to ADUs
- In addition to the RS zone (as currently allowed by this Section), ADUs shall also be allowed in the RM and PRD zones upon lots which contain an existing or proposed single-family residence
- An ADU application shall be reviewed and approved ministerially, without discretionary review or a hearing, except as otherwise may be required by Section 19.06.180, within 120 days after receiving the application
- The minimum lot size remains at 6,500 square feet, which would be applicable only to attached ADUs, and a minimum lot size of 8,000 square feet is proposed for detached ADUs; only one ADU is allowed on any one legal lot
- ADU size and height requirements: minimum size of 400 square feet; maximum 2 bedrooms; maximum ADU height shall not exceed the primary unit and detached ADUs shall be one story; increase in floor area shall not exceed 50% (currently 40%) of the primary unit's habitable space, with a maximum increase of 1,200 square feet (currently allowed)
- An ADU may not cause the overall development of the lot to exceed the maximum lot coverage and open space standards for the applicable zone
- An ADU must be compatible with the design of the surrounding neighborhood and not cause excessive noise, traffic, parking or other disturbance to the existing neighborhood or adversely affect public services and resources, including water supply, fire protection, and sewage disposal

- The exterior of the portion of the ADU shall be designed to be consistent with both the Community Design Guidelines and the rest of the primary dwelling
- Off-street parking requirements: in addition to the primary unit, one open or enclosed parking space shall be provided per ADU; the additional space may be provided in setback areas or through tandem parking on an existing driveway
- Replacement parking: when the parking area for the primary residence is used for an ADU, replacement parking is required at a one-to-one ratio and may be provided in any configuration on the lot, including tandem parking, uncovered and on existing driveways
- As currently required, an ADU may not be sold or financed separately from the principal structure, but may be rented or leased; no short-term rentals are allowed
- The applicant for an ADU must be an owner-occupant of the existing residential unit; this requirement may be waived in hardship cases (current code does not require owner-occupancy)

#### 4. Chapter 19.12 DEFINITIONS

- **19.12.020 Definitions of Specialized Terms and Phrases.** The amendments clarify definitions for accessory buildings in accordance with Government Code Section 65852.2.

The term “secondary dwelling” is revised to read an “accessory dwelling unit” or “ADU” and the definition is revised to mean an attached or detached residential dwelling unit that provides complete, independent living facilities for one or more persons, and includes permanent provisions for living, sleeping, eating, cooking (i.e., stove, refrigerator, and sink), and sanitation (i.e., bathroom with shower or bathtub) on the same parcel as the existing or proposed single-family dwelling (primary unit) is situated. An ADU also includes the following: (a) an efficiency unit, as defined in Health and Safety Code Section 17958.1, and (b) a manufactured home, as defined in Health and Safety Code Section 18007. (NOTE: Added text is underlined.)

The draft ordinance also amends the definition for “accessory building or structure” to differentiate between accessory dwelling units, on the one hand, and accessory structures that are *not intended* to be used as a dwelling unit.

#### 5. Chapter 19.16 AFFORDABLE HOUSING

- **19.16.010 Purpose and Applicability.** Revises the term “secondary dwellings” to read “accessory dwelling units”
- **19.16.014 Inclusionary Zoning.** Revises the term “secondary dwellings” to read “accessory dwelling units”
- **19.16.020 Secondary Dwellings.** Revises the title to read “Accessory Dwelling Units”, revises paragraph A-Applicability to reference Section 19.06.180 as the location where

ADU procedures and standards are set forth, and deletes the remaining text that is duplicative of Section 19.06.180

### **GENERAL PLAN CONSISTENCY**

Staff has determined that the proposed Amendments are consistent with the General Plan, the requirements of state planning and zoning laws, and Title 19 of the Zoning Ordinance.

The Amendments are consistent with the General Plan Housing Element, Section III goal of maintaining adequate sites with appropriate zoning, development standards and public infrastructure to facilitate development of the broadest range of housing for all income levels and population segments sufficient to attain compliance with the City's fair share allocation of regional housing needs.

### **ENVIRONMENTAL REVIEW**

Approval of Resolution No. 19-05 recommending adoption of Amendments to the Zoning Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA). The Amendments are statutorily exempt from CEQA review pursuant to Public Resources Code Section 21080.17 ("Act not applicable to local ordinances regulating construction of dwelling units and second units") and CEQA Guidelines Section 15282(h) ("Other Statutory Exemptions"): "(h) The adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code".

### **RECOMMENDATION**

Staff recommends that the Planning Commission consider adoption of Resolution No. 19-05 –  
“A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (19-ZOA-01) Relating to Accessory Dwelling Units, Amending Sections 19.02.110 (Residential Zone Allowable Land Use and Permit Requirements), 19.04.142 (Number of Parking Spaces Required); 19.12.020 (Definitions of Specialized Terms and Phrases), 19.16.010 (Purpose and Applicability), 19.16.014 (Inclusionary Zoning), Deleting Text of Section 19.06.180 (Secondary Dwellings) and Replacing With New Text (Accessory Dwelling Units); Deleting Section 19.16.020 (Secondary Dwellings); and Making Findings in Support Thereof”

### **ATTACHMENTS**

Planning Commission Resolution 19-05

Exhibit A – Draft Amendments to Title 19 (Zoning) Related to Accessory Dwelling Units (ADUs)

Exhibit B – Markup (For Reference Purposes) of Draft Amendments to Title 19 (Zoning) Related to Accessory Dwelling Units (ADUs)



## **Planning Commission Resolution No. 19-05**

**A Resolution of the Planning Commission of the City of Buellton, California, Considering Recommendations to the City Council on Revisions to Title 19 (Zoning) of the Buellton Municipal Code (19-ZOA-01) Relating to Accessory Dwelling Units, Amending Sections: 19.02.110 (Residential Zone Allowable Land Use and Permit Requirements), 19.04.142 (Number of Parking Spaces Required), 19.12.020 (Definitions of Specialized Terms and Phrases), 19.16.010 (Purpose and Applicability), 19.16.014 (Inclusionary Zoning), 19.16.020 (Secondary Dwellings); Deleting Title and Text of Section 19.06.180 (Secondary Dwellings) and Replacing With New Title (Accessory Dwelling Units) and Text; and Making Findings in Support Thereof**

**WHEREAS**, the City of Buellton ("City") previously adopted regulations governing the development of Secondary Dwellings, codified in Section 19.06.180 (Special Residential Use Standards) of Chapter 19.06 (Secondary Dwellings) of Title 19 (Zoning) of the Buellton Municipal Code ("Municipal Code"); and

**WHEREAS**, in 2016 and 2017, the California Legislature amended Government Code Section 65852.2 to change and refine the standards cities may impose on Accessory Dwelling Units ("ADUs"). Government Code Section 65852.2 delegates limited authority to cities to adopt local regulations for the development of ADUs. Until such local regulation is adopted, the State law standards will apply. The City wishes to adopt its own local regulations for ADUS, and has prepared amendments to Title 19 (Zoning) of the Municipal Code set forth in Exhibit A to this resolution ("Resolution"); and

**WHEREAS**, adoption of the zoning ordinance amendments set forth in Exhibit A ("Amendments") is consistent with Government Code Section 65852.150 governing the implementation of local ADU ordinances and is intended to streamline the approval of ADUs and expand the potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs; and

**WHEREAS**, Buellton Municipal Code Section 19.10.110.A.5 requires a public hearing to be held before the Planning Commission, and for the Planning Commission to consider and provide a written recommendation concerning any proposed zoning ordinance amendments to the City Council; and

**WHEREAS**, On September 5, 2019, the City Planning Commission of the City of Buellton held a public hearing to consider this Resolution, at which time all persons interested in this Resolution had the opportunity to address the Planning Commission on these matters. Following receipt of public testimony, the Planning Commission closed the public hearing; and

**WHEREAS**, all legal prerequisites have occurred prior to adoption of this Resolution;

**NOW, THEREFORE, THE PLANNING COMMISSION DOES RESOLVE, DECLARE, DETERMINE, AND REQUEST AS FOLLOWS:**

**SECTION 1:** All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the Planning Commission finds the following:

**A. Record.** Prior to rendering a decision on any aspect of the proposed zoning ordinance amendments, the Planning Commission considered the following:

1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on September 5, 2019 (“Public Hearing”).
2. All oral, written and visual materials presented by City staff in conjunction with the Public Hearing.
3. The following informational documents which, by this reference, are incorporated herein.
  - a. That staff report submitted by the Planning Department dated September 5, 2019 (the “Staff Report”).

**B. Public Review.** On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Zoning Ordinance have been lawfully satisfied:

1. A notice was published in a newspaper on September 5, 2019 (the “Public Notice”), a minimum of ten (10) days in advance of the September 5, 2019, Public Hearing.
2. The Public Notice and Agenda for the Public Hearing was posted in three conspicuous public places on September 5, 2019, a minimum of 10 days before the September 5, 2019, Public Hearing.

**C. Environmental Clearance.** Adoption of the zoning ordinance amendments is exempt from the California Environmental Quality Act (“CEQA”) because the amendments implement the provisions of California Government Code Section 65852.2, which is statutorily exempt pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h) pertaining to Other Statutory Exemptions.

**D. Consistency Declarations.** Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the public hearing, the Planning Commission does hereby declare as follows:

**1. Zoning Ordinance Amendments.**

**a. Findings:**

- i. The Amendments are in the interests of the general community welfare as it promotes housing opportunities for the varying needs of family members, the elderly, low-income and other economic groups, at below market prices within existing neighborhoods. The Amendments ensure a safe and attractive residential environment by promoting high standards of site development to preserve the integrity of single-family areas.
- ii. The Amendments are consistent with the General Plan, the requirements of state planning and zoning laws, and Title 19 of the Zoning Ordinance.
- iii. The Amendments are consistent with the General Plan Housing Element, Section III goal of maintaining adequate sites with appropriate zoning, development standards and public infrastructure to facilitate development of the broadest range of housing for all income levels and population segments sufficient to attain compliance with the City's fair share allocation of regional housing needs.
- iv. The Amendments are consistent with good zoning and planning practices.

**SECTION 2.** The Planning Commission hereby recommends that the City Council adopt an ordinance to amend Title 19 (Zoning) of the Buellton Municipal Code in accordance with the changes set forth in Exhibit A to this Resolution.

**SECTION 3.** The Planning Commission Secretary shall certify as to the adoption of this Resolution and shall cause the same to be transmitted to the City Clerk for consideration by the City Council.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_th day of \_\_\_\_ 2019.

\_\_\_\_\_  
Dan Heedy, Chairman

Exhibit A -- Draft Amendments to Title 19 (Zoning) Relating to Accessory Dwelling Units (ADUs)

**ATTEST:**

\_\_\_\_\_  
Clare Barcelona, Planning Commission Secretary

**STATE OF CALIFORNIA**            )  
**COUNTY OF SANTA BARBARA** ) **SS**  
**CITY OF BUELLTON**            )

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the above and foregoing Resolution No. 19-05 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the \_\_\_\_<sup>th</sup> day of \_\_\_\_ 2019, by the following vote, to wit:

AYES:     0

NOES:     0

ABSENT:   0

**IN WITNESS WHEREOF**, I have hereunto set my hand this \_\_\_\_th day of \_\_\_\_ 2019.

\_\_\_\_\_  
Clare Barcelona  
Planning Commission Secretary

**EXHIBIT A**

**DRAFT AMENDMENTS TO TITLE 19 (ZONING)  
RELATED TO  
ACCESSORY DWELLING UNITS (ADUs)**

**Chapter 19.02 ZONING DISTRICTS AND ALLOWABLE LAND USES**

**19.02.110 Residential zone allowable land use and permit requirements.**

*[Changes consist of revising the land use type entitled “secondary dwellings” to read “Accessory dwelling units (ADUs)” and adding RM and PRD to the zones where ADUs are allowed, set forth in the land use/permit requirement table as follows:]*

RESIDENTIAL ZONES AND PERMIT REQUIREMENTS					
LAND USE TYPES	PERMIT REQUIREMENT BY ZONE				
	RS	RM	PRD	MHP	See Section
<b>Residential Uses</b>					
Accessory Dwelling Units (ADUs)	A	A	A		19.06.180

**Chapter 19.04 GENERAL DEVELOPMENT REGULATIONS**

**19.04.142 Number of parking spaces required.**

**D. Residential Uses.** Off-street parking spaces shall be provided in the following ratios:

*[ADU land use and related parking space requirements are added to the parking ratio table as follow:]*

Land Use	Number of Parking Spaces Required
Accessory dwelling units (ADUs)	
Attached or detached unit	<p>1 per unit in any form (covered, uncovered, tandem on driveway) in addition to parking required for the primary dwelling unit, with the following exceptions:</p> <ul style="list-style-type: none"> <li>• may be permitted in setback areas, excluding the non-driveway front yard setback, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site, topographical or fire/life safety conditions</li> </ul> <p>No additional parking space is required if any of the following is true:</p> <ul style="list-style-type: none"> <li>• The ADU is located within one-half mile of a public transit stop or station.</li> <li>• The ADU is located on a parcel that has been designated on a local, state, or national register of historic places or districts.</li> <li>• The ADU is an integrated ADU.</li> <li>• When on-street parking permits are required, but not offered to the occupant of the ADU.</li> <li>• When there is a car share vehicle operation parking hub or station located within one block of the ADU.</li> </ul>

## Chapter 19.06 SPECIFIC USE REQUIREMENTS

### 19.06.180 Accessory dwelling units.

*[Section 19.06.180 is amended in its entirety with a revised title, "Accessory dwelling units" (previously "Secondary dwellings), and restated text in compliance with State ADU law, as follows:]*

A. Purpose and Intent. The purpose of this section is to establish procedures and standards for accessory dwelling units in accordance with Government Code Section 65852.2. Accessory dwelling units provide housing opportunities for the varying needs of the elderly, low-income and other economic groups. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site development to preserve the integrity of single family areas.

B. Definitions. The following terms when used in this chapter will have the meanings provided in this section:

**"Accessory dwelling unit"** or **"ADU"** will have the meaning set forth in Government Code Section 65852.2(i)(4), which is: an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons, and includes permanent provisions for living, sleeping, eating, cooking (i.e., stove, refrigerator, and sink), and sanitation (i.e., bathroom with shower or bathtub) on the same parcel as the existing or proposed single-family dwelling (primary unit) is situated. An ADU also includes the following: (a) an efficiency unit, as defined in Health and Safety Code Section 17958.1, and (b) a manufactured home, as defined in Health and Safety Code Section 18007.

**"Attached ADU"** means an ADU that is attached to the primary unit.

**"Car share vehicle operation"** means a subscription or membership service that provides automobile reservations for an additional fee to its members on an hourly and/or daily basis.

**"Detached ADU"** means an ADU that is detached from the primary unit.

**"Integrated ADU"** means an ADU that is located within the living area of the primary unit or is a conversion of an existing garage. For an ADU in the living area of an existing dwelling unit, the entry to the ADU shall be off of a shared foyer or from the outside, not from the main living portion of the existing dwelling unit.

**"Passageway"** means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU. Passageways are not required for detached accessory dwelling units.

**"Primary unit"** means the existing or proposed single-family residential structure on the legal lot upon which an ADU is located.

**"Public transit"** means a fixed bus route with regular service covering a significant portion of the city that is not a subscription service. For purposes of this definition, "regular service" means service provided at least hourly throughout the working day, on a year-round basis, as part of a mass transit system.

**"Tandem parking"** means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

C. Permitted Zones and Lots.

1. ADUs are permitted only on legal lots with an existing or proposed single-family residence in the RS (Single-Family Residential), RM (Multi-Family Residential) and PRD (Planned Residential Development) zones.

2. An attached ADU may only be constructed on a legal lot of six-thousand five-hundred (6,500) square feet or more and a detached ADU may only be constructed on a legal lot eight-thousand (8,000) square feet

or more; in both cases the lot must conform to the lot area, width and depth requirements and other development standards of the underlying zone. If a legal lot does not conform to one or more requirements of this code, an ADU may be constructed on the lot if the nonconformity does not arise in whole or in part from a lack of covered parking.

3. No more than one ADU shall be permitted on any one legal lot.

4. An ADU shall not be counted as a "unit" for density purposes but shall be counted as a "unit" for purposes of compliance with State laws and requirements and shall be considered a residential land use consistent with the existing general plan and zoning designation for the lot.

#### D. Application Review and Approval.

1. For an attached or detached ADU, an application and fee must be filed according to the applicable provisions of the underlying zone. The application shall be considered ministerially, without discretionary review or a hearing, except as otherwise may be required by Section 19.06.180, within 120 days after receiving the application and fee. The application shall be reviewed based on compliance with this section and the approval shall be considered a zoning clearance as set forth in Section 19.08.100. The proposed ADU must be designed to be compatible with the primary dwelling unit including, as applicable, the use of the same general architecture, same exterior materials, same or similar roof covering, same or complementary exterior colors, and the same or similar architectural details and other features as the primary dwelling unit. The ADU must otherwise meet the design standards set forth in the Community Design Guidelines, and the design elements of the application shall be subject to the same review process as any application in the underlying zone.

2. For an integrated ADU that has independent exterior access from the primary unit, and side and rear setbacks that are sufficient for fire safety, an application must be filed according to the applicable provisions of the underlying zone and approved by issuance of a zoning clearance based on compliance with this section.

3. Upon approval of an ADU by issuance of a zoning clearance, the applicant shall have a period of one (1) year to submit building plans and other necessary plans to the building department. No ADU may be constructed until the building department has issued required permits and approvals necessary for the proposed construction.

4. Revocation of a zoning clearance, if applicable, shall be as provided for in Section 19.08.100 (F) of this title.

#### E. Unit Size and Property Development Standards. The following shall apply to all ADUs:

##### 1. Size & height limits:

a. An ADU may not exceed 50% of the square footage of the primary unit or 1200 square feet in area, whichever is less.

b. An ADU must be at least 400 square feet.

c. An ADU may not have more than two (2) bedrooms.

d. The maximum height of an ADU may not exceed the height of the primary unit and a detached ADU may only consist of one story.

e. A property owner may not designate the existing unit as the ADU and propose a new larger unit as the primary unit. This limitation shall not apply where an existing unit is in the back half of a legal lot that conforms to the development standards of the underlying zone and the applicant proposes to construct a larger unit in front of the existing unit. All property development standards for primary units set forth elsewhere in this title shall apply to the new larger unit.

2. Property development standards:

a. The ADU may be established by remodeling the interior of the existing primary unit to create two independent dwellings, or by constructing an attached or detached addition to the habitable space of the existing dwelling. Any proposed increase in floor area shall not exceed fifty (50) percent of the existing primary dwelling /habitable space, with a maximum increase in floor area of 1,200 square feet.

b. An ADU may be placed anywhere on a residential lot as long as the placement of the ADU meets all development standards of the underlying zone, except as specifically set forth in this section.

c. An attached or integrated ADU may be served either by a common entrance with the primary dwelling unit or a separate entrance to the ADU, which must be located on the side or at the rear of the primary dwelling unit. No ADU will be required to provide a new passageway from the ADU to the street.

d. The ADU shall have side and rear setbacks that are sufficient for life safety. The minimum front, side and rear setbacks of the underlying zone apply to an ADU. Notwithstanding the general applicability of setbacks to ADUs, no setback will be required for an existing garage that is converted to an ADU, as compared to an ADU proposed to be attached to a garage, to which setbacks of the underlying zone apply.

e. No setback is required when an existing garage or existing space above a garage is converted to an accessory dwelling unit. When new space is added above a garage for an ADU, rear and side yard setbacks of no more than five feet are required and only apply to the added space above the garage. The ADU may be constructed wholly or partly above the garage, including extending beyond the garage walls

f. An ADU may not cause the overall development of the lot to exceed the maximum lot coverage and open space standards for the applicable zone. The open space area on the lot shall be commonly accessible to both the main unit and the ADU unless otherwise approved by the Director.

g. An ADU may not violate the minimum distance between building standards for the applicable zone.

h. An attached or detached ADU must have a fence, meeting the requirements for the applicable zone, put in place along the side and rear property lines nearest the structure.

i. An ADU may not be sold or financed separately from the principal structure, but may be rented or leased; however, no short-term rentals (for less than 30 days) are allowed.

j. An ADU must be compatible with the design of the surrounding neighborhood and not cause excessive noise, traffic, parking or other disturbance to the existing neighborhood or adversely affect public services and resources, including water supply, fire protection, and sewage disposal.

k. The exterior of the portion of the ADU shall be designed to be consistent with both the Community Design Guidelines and the rest of the primary dwelling,

l. An ADU shall not be permitted on a lot in addition to a guest house or similar structure. If an ADU has been approved on a lot, a guest house or other occupiable accessory structure may not subsequently be approved unless the ADU is removed.

F. Off-Street Parking. Notwithstanding Section 19.04.140 et seq., the following parking regulations govern additional parking requirements for ADUs.

1. Number of Spaces. In addition to the required parking for the primary residence as specified in the applicable zoning district and in Section 19.04.140 et seq., a minimum of one open or enclosed parking space shall be provided per ADU.

2. Location. The additional parking space may be provided in setback areas in locations determined by the Zoning Administrator or through tandem parking on an existing driveway, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions,. In no case shall the number of additional parking spaces required be reduced.

3. Replacement Parking. When the parking area for the primary residence is used for an ADU:

a. Replacement off-street parking is required at a one-to-one ratio and may be provided in any configuration on the lot, including tandem parking, uncovered and on existing driveways,

b. An integrated ADU that replaces the primary dwelling unit's existing garage shall not cause the applicant to have to construct replacement covered parking for the main unit.

4. Exemption. No parking is required for an ADU in any of the following instances:

a. The ADU is located within one-half mile of a public transit stop or station.

b. The ADU is located on a parcel that has been designated on a local, state, or national register of historic places or districts.

c. The ADU is an integrated ADU.

d. When on-street parking permits are required, but not offered to the occupant of the ADU.

e. When there is a car share vehicle operation parking hub or station located within one block of the ADU.

#### G. Owner-Occupancy Requirement

1. The applicant for an ADU must be an owner-occupant of the existing residential unit.

2. Upon approval of an ADU application, a deed restriction that provides the following and satisfies the City must be recorded with the County of Santa Barbara before occupancy and the declaration will be binding on all future owners of the parcel:

a. Either the main dwelling unit or the ADU will be occupied by the property owner or family member of property owner;

b. The ADU may not be sold separately from the main dwelling unit and underlying parcel; and

c. The unit not occupied by the property owner may not be rented for a period of less than 30 days at a time.

3. A personal hardship exemption from the owner occupancy requirement may be granted in the sole discretion of the zoning administrator upon written request and sufficient demonstration of hardship by the property owner.

#### H. Utilities

1. An ADU shall be served either by separate meters for water, electric, and gas service or by the primary unit's meters. An integrated ADU shall be served by the primary unit's meters.

2. An ADU's sewer service may be provided through the primary unit's sewer line, provided that the applicant makes a showing that the existing sewer line has sufficient capacity and slope to ensure proper flow strength for the ADU's sewer output. If sufficient capacity and slope cannot be ensured, an ADU may utilize a separate sewer line.

3. If new utility connections or meters are required for the ADU, connection and impact fees shall be required, as applicable.

I. Code Compliance. The ADU must comply with all currently-applicable building, health and fire codes, except that an ADU is not required to provide fire sprinklers if sprinklers are not or were not required for the primary dwelling unit.

J. Appeals. Decisions of the zoning administrator are final, subject to appeal to the commission in accordance with the procedures in Section 19.10.130 of this title.

## **Chapter 19.12 DEFINITIONS**

### **19.12.020 Definitions of specialized terms and phrases.**

*[The amendments clarify definitions for certain terms related to accessory structures and ADUs (previously referred to as secondary dwellings) as follow:]*

“Accessory building or structure” means a building or structure, excluding an accessory dwelling unit, containing no kitchen and located upon the same building site as the building or use to which it is accessory, the use of which is customarily incidental, appropriate and subordinate to the use of the principal building, or to the principal use of the land.

“Accessory Dwelling Unit” or “ADU” means an attached or detached residential dwelling unit that provides complete, independent living facilities for one or more persons, and includes permanent provisions for living, sleeping, eating, cooking (i.e., stove, refrigerator, and sink), and sanitation (i.e., bathroom with shower or bathtub) on the same parcel as the existing or proposed single-family dwelling (primary unit) is situated. An ADU also includes the following: (a) an efficiency unit, as defined in Health and Safety Code Section 17958.1, and (b) a manufactured home, as defined in Health and Safety Code Section 18007.

## **Chapter 19.16 AFFORDABLE HOUSING**

### **19.16.010 Purpose and applicability**

*[The term “secondary dwellings” is amended to read “accessory dwelling units”]*

A. Intent. This chapter prescribes incentives for the production and preservation of housing for persons and families of low and moderate income in furtherance of the Housing Element of the General Plan and Redevelopment Plan for the Buellton Improvement Project. In addition, the provisions of this chapter are intended to implement statutory requirements governing affordable housing including, but not limited to, inclusionary zoning (California Health and Safety Code Section 33413(b)), replacement housing (California Health and Safety Code Section 33413(a)), Density Bonuses (California Government Code 65915), and accessory dwelling units (California Government Code Section 65852.2).

#### **19.16.014 Inclusionary zoning.**

*[The term "secondary dwellings" is amended to read "accessory dwelling units"]*

A. Applicability. Except as provided below, the provisions of this section apply to all Residential Projects resulting in the creation of new housing regardless of the number or location of dwelling units or lots that are constructed, placed, converted, substantially rehabilitated or subdivided on a single parcel of record or as part of a single project. The following Residential Projects are expressly exempt from the requirements of this section:

1. Accessory Dwelling Units. Accessory dwelling units (ADUs) constructed by a Developer (other than the Agency) shall be exempt from the inclusionary housing requirements of this section provided that such dwellings are affirmatively marketed to income qualifying tenants under the Federal Section 8 Housing Assistance Payments Program. The requirements for affirmative marketing shall be deemed satisfied by one of the following means: (i) the Developer occupies the ADU with a family member; or (ii) the Developer shall, in addition to other means of advertising as determined at the Developer's sole discretion, provide written notice to the Santa Barbara County housing authority and Santa Ynez Valley People Helping People each time the ADU becomes vacant and available for occupancy. The requirement for affirmative marketing shall be evidenced by deed restriction on the parcel recorded with the County of Santa Barbara prior to and as condition precedent to issuance of a certificate of occupancy, and shall remain in full force and effect until the ADU is no longer used or occupied. The form and content of the deed restriction shall be determined by the city.

#### **19.16.020 Accessory Dwelling Units**

*[Section 19.06.020 is amended in its entirety with: a new title, "Accessory dwelling units" (previously "Secondary dwellings"); revised text referring to Section 19.06.180 for ADU procedure; and deletion of remaining duplicative text, as follows:]*

A. Applicability. Procedures and standards for accessory dwelling units are set forth in Section 19.06.180.



**EXHIBIT B**

**MARKUP (For Reference Purposes)**  
**DRAFT AMENDMENTS TO TITLE 19 (ZONING)**  
**RELATED TO**  
**ACCESSORY DWELLING UNITS (ADUs)**

[Added text is underlined and deleted text is in ~~strikeout~~.]

**Chapter 19.02 ZONING DISTRICTS AND ALLOWABLE LAND USES**

**19.02.110 Residential zone allowable land use and permit requirements.**

RESIDENTIAL ZONES AND PERMIT REQUIREMENTS					
LAND USE TYPES	PERMIT REQUIREMENT BY ZONE				
	RS	RM	PRD	MHP	See Section
<b>Residential Uses</b>					
<del>Secondary dwellings</del> <u>Accessory Dwelling Units (ADUs)</u>	A	<u>A</u>	<u>A</u>		19.06.180

**Chapter 19.04 GENERAL DEVELOPMENT REGULATIONS**

**19.04.142 Number of parking spaces required.**

**D. Residential Uses.** Off-street parking spaces shall be provided in the following ratios:

Land Use	Number of Parking Spaces Required
<u>Accessory dwelling units (ADUs)</u>	
<u>Attached or detached unit</u>	<p><u>1 per unit in any form (covered, uncovered, tandem on driveway) in addition to parking required for the primary dwelling unit, with the following exceptions:</u></p> <ul style="list-style-type: none"> <li>• <u>may be permitted in setback areas, excluding the non-driveway front yard setback, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site, topographical or fire/life safety conditions</u></li> </ul> <p><u>No additional parking space is required if any of the following is true:</u></p> <ul style="list-style-type: none"> <li>• <u>The ADU is located within one-half mile of a public transit stop or station.</u></li> <li>• <u>The ADU is located on a parcel that has been designated on a local, state, or national register of historic places or districts.</u></li> <li>• <u>The ADU is an integrated ADU.</u></li> <li>• <u>When on-street parking permits are required, but not offered to the occupant of the ADU.</u></li> <li>• <u>When there is a car share vehicle operation parking hub or station located within one block of the ADU.</u></li> </ul>

## Chapter 19.06 SPECIFIC USE REQUIREMENTS

### ~~19.06.180 Secondary dwellings.~~

~~— A. — Purpose and Intent. The purpose of this section is to establish procedures and standards for secondary dwellings. Secondary dwellings provide housing opportunities for the varying needs of the elderly, low-income and other economic groups. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site development to preserve the integrity of single-family areas.~~

~~— B. — Legislative Findings. Pursuant to Government Code Section 65852.2(a)(4), the city finds that secondary dwellings are consistent with the allowable density and with the general plan and zoning designation provided the units are located on properties with RS zoning.~~

~~— C. — Density/Lot Size. The minimum lot size on which secondary dwellings may be placed shall be six thousand five hundred (6,500) square feet. No more than one secondary dwelling shall be permitted on any one lot.~~

~~— D. — Application and Approval. An application for a secondary dwelling shall be submitted to the zoning administrator on a form supplied by the planning department. The zoning administrator shall approve the application provided the proposed secondary dwelling complies with the development standards set forth in this section.~~

~~— E. — Development Standards. The following standards shall apply to all secondary dwellings.~~

~~— 1. — General Standards.~~

~~— a. — Attached or detached secondary dwellings shall:~~

~~— i. — Not be sold or financed separately from the principal structure, but may be rented or leased;~~

~~— ii. — Include permanent provisions for living, sleeping, eating, cooking, and sanitation, separate and independent from the primary dwelling;~~

~~— iii. — Only be placed on a site containing an existing single-family dwelling at the time an application for a secondary dwelling is submitted;~~

~~— iv. — Be compatible with the design of primary dwelling and the surrounding neighborhood and not cause excessive noise, traffic, parking or other disturbance to the existing neighborhood or adversely affect public services and resources, including water supply, fire protection, and sewage disposal.~~

~~— b. — The principal structure as well as any proposed conversion or addition shall be in compliance with the minimum standards of Title 24, California Code of Regulations, the Uniform Building Code, Uniform Plumbing Code, Uniform Housing Code, Uniform Mechanical Code, and National Electrical Code, as adopted and modified by the city, applicable to the building, conversion, or addition when built.~~

~~— c. — A secondary dwelling shall not be permitted on a lot in addition to a guest house or similar structure. If a secondary dwelling has been approved on a lot, a guest house or other occupiable accessory structure may not subsequently be approved unless the secondary dwelling is removed.~~

~~— d. — In addition to the required parking for the principal structure, a minimum of one off-street parking space shall be provided for each bedroom in the secondary dwelling. The additional parking shall be provided as specified in the applicable zoning district and in Section 19.04.140 et seq. The zoning administrator may grant modifications to allow the additional required parking to be located within the setbacks based on a finding that the setback requirements cannot be met because of the topography of the site and the location of the principal structure. In no case shall the number of additional parking spaces required be reduced.~~

~~2. Attached Secondary Dwellings. Attached secondary dwellings shall be designed and constructed as follows:~~

~~a. The secondary dwelling shall be established by remodeling the interior of the existing primary dwelling to create two independent dwellings, rather than by constructing a substantial addition to the habitable space of the existing dwelling. Any proposed increase in floor area shall not exceed ten percent of the existing habitable space.~~

~~b. The total floor area of the secondary dwelling shall not exceed forty (40) percent of the habitable space of the primary dwelling.~~

~~c. The secondary dwelling shall have a separate entrance.~~

~~d. The garage of the primary dwelling shall not be converted to a secondary dwelling.~~

~~e. The exterior of the portion of the primary dwelling used for an attached secondary dwelling shall be designed to be consistent with the rest of the primary dwelling, and shall not appear as a separate residential unit.~~

~~3. Detached Secondary Dwellings. Detached secondary dwellings shall be designed and constructed as follows:~~

~~a. The maximum floor area of the secondary dwelling shall be one thousand two hundred (1,200) square feet, exclusive of any garage.~~

~~b. The design of the secondary dwelling shall be consistent with the primary dwelling.~~

#### **19.06.180 Accessory dwelling units.**

A. Purpose and Intent. The purpose of this section is to establish procedures and standards for accessory dwelling units in accordance with Government Code Section 65852.2. Accessory dwelling units provide housing opportunities for the varying needs of the elderly, low-income and other economic groups. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site development to preserve the integrity of single family areas.

B. Definitions. The following terms when used in this chapter will have the meanings provided in this section:

“Accessory dwelling unit” or “ADU” will have the meaning set forth in Government Code Section 65852.2(i)(4), which is: an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons, and includes permanent provisions for living, sleeping, eating, cooking (i.e., stove, refrigerator, and sink), and sanitation (i.e., bathroom with shower or bathtub) on the same parcel as the existing or proposed single-family dwelling (primary unit) is situated. An ADU also includes the following: (a) an efficiency unit, as defined in Health and Safety Code Section 17958.1, and (b) a manufactured home, as defined in Health and Safety Code Section 18007.

“Attached ADU” means an ADU that is attached to the primary unit.

“Car share vehicle operation” means a subscription or membership service that provides automobile reservations for an additional fee to its members on an hourly and/or daily basis.

“Detached ADU” means an ADU that is detached from the primary unit.

“Integrated ADU” means an ADU that is located within the living area of the primary unit or is a conversion of an existing garage. For an ADU in the living area of an existing dwelling unit, the entry to the ADU shall be off of a shared foyer or from the outside, not from the main living portion of the existing dwelling unit.

"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU. Passageways are not required for detached accessory dwelling units.

"Primary unit" means the existing or proposed single-family residential structure on the legal lot upon which an ADU is located.

"Public transit" means a fixed bus route with regular service covering a significant portion of the city that is not a subscription service. For purposes of this definition, "regular service" means service provided at least hourly throughout the working day, on a year-round basis, as part of a mass transit system.

"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

#### C. Permitted Zones and Lots.

1. ADUs are permitted only on legal lots with an existing or proposed single-family residence in the RS (Single-Family Residential), RM (Multi-Family Residential) and PRD (Planned Residential Development) zones.

2. An attached ADU may only be constructed on a legal lot of six-thousand five-hundred (6,500) square feet or more and a detached ADU may only be constructed on a legal lot eight-thousand (8,000) square feet or more; in both cases the lot must conform to the lot area, width and depth requirements and other development standards of the underlying zone. If a legal lot does not conform to one or more requirements of this code, an ADU may be constructed on the lot if the nonconformity does not arise in whole or in part from a lack of covered parking.

3. No more than one ADU shall be permitted on any one legal lot.

4. An ADU shall not be counted as a "unit" for density purposes but shall be counted as a "unit" for purposes of compliance with State laws and requirements and shall be considered a residential land use consistent with the existing general plan and zoning designation for the lot.

#### D. Application Review and Approval.

1. For an attached or detached ADU, an application and fee must be filed according to the applicable provisions of the underlying zone. The application shall be considered ministerially, without discretionary review or a hearing, except as otherwise may be required by Section 19.06.180, within 120 days after receiving the application and fee. The application shall be reviewed based on compliance with this section and the approval shall be considered a zoning clearance as set forth in Section 19.08.100. The proposed ADU must be designed to be compatible with the primary dwelling unit including, as applicable, the use of the same general architecture, same exterior materials, same or similar roof covering, same or complementary exterior colors, and the same or similar architectural details and other features as the primary dwelling unit. The ADU must otherwise meet the design standards set forth in the Community Design Guidelines, and the design elements of the application shall be subject to the same review process as any application in the underlying zone.

2. For an integrated ADU that has independent exterior access from the primary unit, and side and rear setbacks that are sufficient for fire safety, an application must be filed according to the applicable provisions of the underlying zone and approved by issuance of a zoning clearance based on compliance with this section.

3. Upon approval of an ADU by issuance of a zoning clearance, the applicant shall have a period of one (1) year to submit building plans and other necessary plans to the building department. No ADU may be constructed until the building department has issued required permits and approvals necessary for the proposed construction.

4. Revocation of a zoning clearance, if applicable, shall be as provided for in Section 19.08.100 (F) of this title.

E. Unit Size and Property Development Standards. The following shall apply to all ADUs:

1. Size & height limits:

a. An ADU may not exceed 50% of the square footage of the primary unit or 1200 square feet in area, whichever is less.

b. An ADU must be at least 400 square feet.

c. An ADU may not have more than two (2) bedrooms.

d. The maximum height of an ADU may not exceed the height of the primary unit and a detached ADU may only consist of one story.

e. A property owner may not designate the existing unit as the ADU and propose a new larger unit as the primary unit. This limitation shall not apply where an existing unit is in the back half of a legal lot that conforms to the development standards of the underlying zone and the applicant proposes to construct a larger unit in front of the existing unit. All property development standards for primary units set forth elsewhere in this title shall apply to the new larger unit.

2. Property development standards:

a. The ADU may be established by remodeling the interior of the existing primary unit to create two independent dwellings, or by constructing an attached or detached addition to the habitable space of the existing dwelling. Any proposed increase in floor area shall not exceed fifty (50) percent of the existing primary dwelling /habitable space, with a maximum increase in floor area of 1,200 square feet.

b. An ADU may be placed anywhere on a residential lot as long as the placement of the ADU meets all development standards of the underlying zone, except as specifically set forth in this section.

c. An attached or integrated ADU may be served either by a common entrance with the primary dwelling unit or a separate entrance to the ADU, which must be located on the side or at the rear of the primary dwelling unit. No ADU will be required to provide a new passageway from the ADU to the street.

d. The ADU shall have side and rear setbacks that are sufficient for life safety. The minimum front, side and rear setbacks of the underlying zone apply to an ADU. Notwithstanding the general applicability of setbacks to ADUs, no setback will be required for an existing garage that is converted to an ADU, as compared to an ADU proposed to be attached to a garage, to which setbacks of the underlying zone apply.

e. No setback is required when an existing garage or existing space above a garage is converted to an accessory dwelling unit. When new space is added above a garage for an ADU, rear and side yard setbacks of no more than five feet are required and only apply to the added space above the garage. The ADU may be constructed wholly or partly above the garage, including extending beyond the garage walls

f. An ADU may not cause the overall development of the lot to exceed the maximum lot coverage and open space standards for the applicable zone. The open space area on the lot shall be commonly accessible to both the main unit and the ADU unless otherwise approved by the Director.

g. An ADU may not violate the minimum distance between building standards for the applicable zone.

h. An attached or detached ADU must have a fence, meeting the requirements for the applicable zone, put in place along the side and rear property lines nearest the structure.

i. An ADU may not be sold or financed separately from the principal structure, but may be rented or leased; however, no short-term rentals (for less than 30 days) are allowed.

j. An ADU must be compatible with the design of the surrounding neighborhood and not cause excessive noise, traffic, parking or other disturbance to the existing neighborhood or adversely affect public services and resources, including water supply, fire protection, and sewage disposal.

k. The exterior of the portion of the ADU shall be designed to be consistent with both the Community Design Guidelines and the rest of the primary dwelling.

l. An ADU shall not be permitted on a lot in addition to a guest house or similar structure. If an ADU has been approved on a lot, a guest house or other occupiable accessory structure may not subsequently be approved unless the ADU is removed.

F. Off-Street Parking. Notwithstanding Section 19.04.140 et seq., the following parking regulations govern additional parking requirements for ADUs.

1. Number of Spaces. In addition to the required parking for the primary residence as specified in the applicable zoning district and in Section 19.04.140 et seq., a minimum of one open or enclosed parking space shall be provided per ADU.

2. Location. The additional parking space may be provided in setback areas in locations determined by the Zoning Administrator or through tandem parking on an existing driveway, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions. In no case shall the number of additional parking spaces required be reduced.

3. Replacement Parking. When the parking area for the primary residence is used for an ADU:

a. Replacement off-street parking is required at a one-to-one ratio and may be provided in any configuration on the lot, including tandem parking, uncovered and on existing driveways.

b. An integrated ADU that replaces the primary dwelling unit's existing garage shall not cause the applicant to have to construct replacement covered parking for the main unit.

4. Exemption. No parking is required for an ADU in any of the following instances:

a. The ADU is located within one-half mile of a public transit stop or station.

b. The ADU is located on a parcel that has been designated on a local, state, or national register of historic places or districts.

c. The ADU is an integrated ADU.

d. When on-street parking permits are required, but not offered to the occupant of the ADU.

e. When there is a car share vehicle operation parking hub or station located within one block of the ADU.

G. Owner-Occupancy Requirement

1. The applicant for an ADU must be an owner-occupant of the existing residential unit.

2. Upon approval of an ADU application, a deed restriction that provides the following and satisfies the City must be recorded with the County of Santa Barbara before occupancy and the declaration will be binding on all future owners of the parcel:

a. Either the main dwelling unit or the ADU will be occupied by the property owner or family member of property owner;

- b. The ADU may not be sold separately from the main dwelling unit and underlying parcel; and
- c. The unit not occupied by the property owner may not be rented for a period of less than 30 days at a time.

3. A personal hardship exemption from the owner occupancy requirement may be granted in the sole discretion of the zoning administrator upon written request and sufficient demonstration of hardship by the property owner.

#### H. Utilities

1. An ADU shall be served either by separate meters for water, electric, and gas service or by the primary unit's meters. An integrated ADU shall be served by the primary unit's meters.

2. An ADU's sewer service may be provided through the primary unit's sewer line, provided that the applicant makes a showing that the existing sewer line has sufficient capacity and slope to ensure proper flow strength for the ADU's sewer output. If sufficient capacity and slope cannot be ensured, an ADU may utilize a separate sewer line.

3. If new utility connections or meters are required for the ADU, connection and impact fees shall be required, as applicable.

I. Code Compliance. The ADU must comply with all currently-applicable building, health and fire codes, except that an ADU is not required to provide fire sprinklers if sprinklers are not or were not required for the primary dwelling unit.

J. Appeals. Decisions of the zoning administrator are final, subject to appeal to the commission in accordance with the procedures in Section 19.10.130 of this title.

## **Chapter 19.12 DEFINITIONS**

### **19.12.020 Definitions of specialized terms and phrases.**

“Accessory building or structure” means a building or structure, excluding an accessory dwelling unit, containing no kitchen and located upon the same building site as the building or use to which it is accessory, the use of which is customarily incidental, appropriate and subordinate to the use of the principal building, or to the principal use of the land.

“~~Secondary dwelling~~ Accessory Dwelling Unit” or “ADU” means an attached or detached residential dwelling unit on a permanent foundation located in a single family zone district, which that provides complete, independent living facilities for one or more persons, and includes permanent provisions for living, sleeping, eating, cooking (i.e., stove, refrigerator, and sink), and sanitation (i.e., bathroom with shower or bathtub) on the same parcel as the existing or proposed single-family dwelling (primary unit) is situated. An ADU also includes the following: (a) an efficiency unit, as defined in Health and Safety Code Section 17958.1, and (b) a manufactured home, as defined in Health and Safety Code Section 18007.

## Chapter 19.16 AFFORDABLE HOUSING

### 19.16.010 Purpose and applicability

A. Intent. This chapter prescribes incentives for the production and preservation of housing for persons and families of low and moderate income in furtherance of the Housing Element of the General Plan and Redevelopment Plan for the Buellton Improvement Project. In addition, the provisions of this chapter are intended to implement statutory requirements governing affordable housing including, but not limited to, inclusionary zoning (California Health and Safety Code Section 33413(b)), replacement housing (California Health and Safety Code Section 33413(a)), Density Bonuses (California Government Code 65915), and ~~secondary dwellings~~ accessory dwelling units (California Government Code Section 65852.2).

### 19.16.014 Inclusionary zoning.

A. Applicability. Except as provided below, the provisions of this section apply to all Residential Projects resulting in the creation of new housing regardless of the number or location of dwelling units or lots that are constructed, placed, converted, substantially rehabilitated or subdivided on a single parcel of record or as part of a single project. The following Residential Projects are expressly exempt from the requirements of this section:

1. ~~Second Dwellings~~ Accessory Dwelling Units. ~~Second dwellings~~ Accessory dwelling units (ADUs) constructed by a Developer (other than the Agency) shall be exempt from the inclusionary housing requirements of this section provided that such dwellings are affirmatively marketed to income qualifying tenants under the Federal Section 8 Housing Assistance Payments Program. The requirements for affirmative marketing shall be deemed satisfied by one of the following means: (i) the Developer occupies the ~~second dwelling~~ ADU with a person or family ~~member related by blood or marriage to the Developer~~; or (ii) the Developer shall, in addition to other means of advertising as determined at the Developer's sole discretion, provide written notice to the Santa Barbara County housing authority and Santa Ynez Valley People Helping People each time the ~~secondary dwelling~~ ADU becomes vacant and available for occupancy. The requirement for affirmative marking shall be evidenced by deed restriction on the parcel recorded with the County of Santa Barbara prior to and as condition precedent to issuance of a certificate of occupancy, and shall remain in full force and effect until the ~~second dwelling~~ ADU is no longer used or occupied. The form and content of the deed restriction shall be determined by the city.

### 19.16.020 ~~Secondary dwellings~~ Accessory Dwelling Units

A. Applicability. ~~The purpose of this section is to establish Procedures and standards for secondary dwellings~~ accessory dwelling units are set forth in Section 19.06.180. Secondary dwellings provide housing opportunities for the varying needs of the elderly, low income and other economic groups. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site development to preserve the integrity of single family areas.

~~B. Basic Provision. Pursuant to Government Code Section 65852.2(a)(4), the city council finds that secondary dwellings are consistent with the allowable density and with the general plan and zoning designation provided the units are located on properties with RS zoning. The minimum lot size on which secondary dwellings may be placed shall be six thousand five hundred (6,500) square feet. No more than one secondary dwelling unit shall be permitted on any one lot.~~

~~— C. — Development Standards. The following standards shall apply to all secondary dwellings.~~

~~— 1. — General Standards. Attached or detached secondary dwellings shall: (i) not be sold or financed separately from the principal structure, but may be rented or leased; (ii) include permanent provisions for living, sleeping, eating, cooking, and sanitation, separate and independent from the primary dwelling; and (iii) only be placed on a site containing an existing single-family dwelling at the time an application for an secondary dwelling is submitted.~~

~~— a. — Construction Quality. The principal structure as well as any proposed conversion or addition shall be in compliance with the minimum standards of Title 24, California Code of Regulations, the Uniform Building Code, Uniform Plumbing Code, Uniform Housing Code, Uniform Mechanical Code, and National Electrical Code, as adopted and modified by the City, applicable to the building, Conversion, or addition when built.~~

~~— b. — Multiple Structures. A secondary dwelling shall not be permitted on a lot in addition to a guesthouse or similar structure. If an secondary dwelling has been approved on a lot, a guesthouse or other habitable accessory structure may not subsequently be approved unless the secondary dwelling is removed.~~

~~— c. — Off-Street Parking. In addition to the required parking for the principal structure, a minimum of one off-street parking space shall be provided for each bedroom in the secondary dwelling. The additional parking shall be provided as specified in the applicable zoning district and in Section 19.04.140 et seq. The decision-making body having permit jurisdiction may grant modifications to allow the additional required parking to be located within the setbacks based on a finding that the setback requirements cannot be met because of the topography of the site and the location of the principal structure. In no case shall the number of additional parking spaces required be reduced.~~

~~— 2. — Attached Secondary Dwellings. Attached secondary dwellings shall be designed and constructed as follows: (i) the secondary dwelling shall be established by remodeling the interior of the existing primary dwelling to create two independent dwellings, rather than by constructing a substantial addition to the habitable space of the existing dwelling; (ii) any proposed increase in floor area shall not exceed ten percent of the existing habitable space; (iii) the total floor area of the secondary dwelling shall not exceed forty (40) percent of the habitable space of the primary dwelling; (iv) the secondary dwelling shall have a separate entrance; (v) the garage of the primary dwelling shall not be converted to a secondary dwelling; and (vi) the exterior of the portion of the primary dwelling used for an attached secondary dwelling shall be designed to be consistent with the rest of the primary dwelling, and shall not appear as a separate residential unit.~~

~~— 3. — Detached Secondary Dwellings. Detached secondary dwellings shall be designed and constructed as follows: (i) the maximum floor area of the secondary dwelling shall be one thousand two hundred (1,200) square feet, exclusive of any garage; and (ii) the design of the secondary dwelling shall be consistent with the primary dwelling.~~

~~— 4. — Additional Requirements. The decision-making body having permit jurisdiction may add other conditions as necessary to preserve the health, safety, welfare and character of the single-family neighborhood.~~

~~— D. — Miscellaneous.~~

~~— 1. — Findings for Approval. In addition to the findings required by Section 19.08.110 of this title, prior to the approval of any secondary dwelling the decision-making body having permit jurisdiction shall make all of the following findings:~~

~~— a. — All provisions of this section and the requirements of the RS zone (Sections 19.02.120 et seq. of this title) have been met and the secondary dwelling will not be detrimental to the health, safety, and general welfare of the community;~~

~~— b. — The secondary dwelling is compatible with the design of adjacent homes and the surrounding neighborhood and will not cause excessive noise, traffic, parking or other disturbance to the existing neighborhood or adversely affect public services and resources, including water supply, fire protection, and sewage disposal;~~

~~— c. — Provisions for on-site parking are adequate for existing and proposed uses;~~

~~— d. — The secondary dwelling will not tend to change the character or cause a concentration of second units sufficient to change the character of the single-family neighborhood in which it is located;~~

~~— e. — The secondary dwelling does not detract from the privacy of the surrounding residents;~~

~~— f. — The secondary dwelling will not be sold or financed separately from the principal structure;~~

~~— g. — The proposed secondary dwelling is consistent with the goals and policies of the comprehensive plan, except as otherwise provided in this section; and~~

~~— h. — The proposed secondary dwelling is consistent with adopted community design guidelines of the city.~~

~~— 2. — Appeals. Decisions approving, conditionally approving, or denying applications for secondary dwellings are final, subject to appeal in accordance with the procedures in Section 19.10.130 of this title. Where permit jurisdiction is vested with the zoning administrator, decisions are appealable to the Planning Commission. Decisions of the Planning Commission are appealable to the city council.~~

~~— 3. — Revocation. As provided in Section 19.08.110(F) of this title. (Ord. 07-01 § 4, 2007; Ord. 06-10 §§ 2(B)(1), (2), 2006; Ord. 02-03 Exh. A, 2002)~~