

ORDINANCE NO. ____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE SANTA BARBARA MUNICIPAL CODE BY AMENDING SECTION 30.185.040, PERTAINING TO REGULATIONS FOR ACCESSORY DWELLING UNITS

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 30.185.040 of Chapter 30.185 of Title 30 of the Santa Barbara Municipal Code is amended to read as follows:

30.185.040 Accessory Dwelling Units.

Accessory dwelling units and junior accessory dwelling units shall be located, developed, and occupied subject to the following provisions:

A. Purpose. The purpose of this Section is to:

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

B. Definitions. For the purposes of this Section, the following words and phrases shall have the following meanings:

1. Accessory Dwelling Unit. An attached or a detached residential unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residential unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and be located on the same parcel that the primary residential unit is or will be situated. An accessory dwelling unit can also be an efficiency unit, as defined in Section 17958.1 of the Health and Safety

Code, or a manufactured home, as defined in Section 18007 of the Health and Safety Code. The following categories of accessory dwelling units are subject to specific development standards:

a. Special Accessory Dwelling Unit. These are specific types of smaller accessory dwelling units and junior accessory dwelling units with certain size, height, and setback standards described in subsection L, Development Standards for Special Accessory Dwelling Units. Special accessory dwelling units allow for more than one accessory dwelling unit on a lot.

b. Standard Accessory Dwelling Unit. These are typically larger accessory dwelling units with size, height, and setback standards generally described in subsection G, Development Standards for Standard Accessory Dwelling Units. Standard accessory dwelling units do not allow for more than one accessory dwelling unit on a lot.

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

a. Appliances for cooking food and refrigeration, either built-in or countertop.

b. A sink for food preparation greater than 12 inches by 12 inches, excluding the sink located in the bathroom.

c. A food preparation counter.

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

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

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

6. Primary Residential Unit. The existing or proposed residential unit on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted. The primary residential unit shall comprise one of the residential housing types described in Section 30.295.020.A (i.e., single-unit residential, two-unit residential, multi-unit residential) or mixed-use development.

7. Principal Place of Residence. The residence where a property owner actually lives for the greater part of time, or the place where the property owner remains when not called elsewhere for some special or temporary purpose and to which the property owner returns frequently and periodically, as from work or vacation. There may be only one “principal place of residence,” and where more than one residence is maintained or owned, the burden shall be on the property owner to show that the primary residential unit, or accessory dwelling unit, or junior accessory dwelling unit is the property owner’s principal place of residence as evidenced by qualifying for the homeowner’s tax exemption, voter registration, vehicle registration, or similar methods that demonstrate owner-occupancy. If multiple persons own the property as tenants in common or some other form of common ownership, a person or persons representing at least 50% of the ownership interest in the property shall reside on the property and maintain the property as a principal place of residence. Any person or persons who qualify for the homeowner’s tax exemption under the California State Board of Equalization rules, may qualify as an owner occupant.

C. Where Permitted.

1. Accessory Dwelling Unit. An accessory dwelling unit may be permitted in any zone that allows residential use, located on a lot developed or proposed to be developed with one or more residential units, except as prohibited below.

2. Junior Accessory Dwelling Unit. A junior accessory dwelling unit may be permitted in any zone that allows residential use and shall be located on a lot developed with an existing or proposed single residential unit.

3. Prohibited Locations. No standard accessory dwelling unit shall be permitted on a lot located within the Foothill or Extreme Foothill High Fire Hazard Areas (Very High Fire Hazard Severity Zone) as defined in the City’s Community Wildfire Protection Plan adopted by City Council.

a. Exception for Special Accessory Dwelling Units. Accessory dwelling units permitted in accordance with all the configuration, standards, and special procedures outlined in subsection L. Development Standards for Special Accessory Dwelling Units, may be permitted on any lot, including lots located within the Foothill or Extreme Foothill High Fire Hazard Areas (Very High Fire Hazard Severity Zone), if the lot is zoned to allow for residential use and contains an existing or proposed primary residential unit.

D. Unit Configuration.

1. Only one accessory dwelling unit or junior accessory dwelling unit shall be permitted on a lot in addition to the primary residential unit in the configuration set forth in subsections D.2 and 3, below. However, multiple accessory units may be permitted in

accordance with all the configuration, standards, and special procedures outlined in subsection L, Development Standards for Special Accessory Dwelling Units.

2. An accessory dwelling unit may be permitted in the following configurations:

a. Incorporated entirely within an existing or proposed primary residential unit;

b. Incorporated entirely within an existing accessory building, including garages, located on the same lot as the primary residential unit;

c. Attached to or increasing the size of an existing primary residential unit or accessory building located on the same lot as the primary residential unit; or

d. Detached from and located on the same lot as the existing or proposed primary residential unit. An accessory dwelling unit that is attached to another detached accessory building, but not the primary residential unit, or is attached by a breezeway or porch, is considered detached.

3. A junior accessory dwelling unit must be incorporated entirely within the existing floor area of an existing or proposed single residential unit or attached garage.

4. One primary residential unit shall be designated and maintained on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted. In the case when multiple residential units are existing or proposed on a lot, there shall be only one primary residential unit. When an accessory dwelling unit is to be attached to a residential unit, the residential unit the accessory dwelling unit is attached to shall be the designated primary residential unit.

E. **Sale, Rental, and Occupancy Terms.** All accessory dwelling units and junior accessory dwelling units shall be subject to the following sale, rental, and occupancy terms:

1. **Not to Be Sold Separately.** An accessory dwelling unit or junior accessory dwelling unit shall not be sold separately from the primary residential unit.

2. **Rental Terms.** If rented, rental terms for the primary residential unit, accessory dwelling unit, or junior accessory dwelling unit shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.

3. **Owner Occupancy.** The following types of projects are subject to an owner occupancy requirement:

a. All lots developed with junior accessory dwelling units; except that owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

b. Any accessory dwelling unit located in an RS zone submitted on or after January 1, 2025, unless otherwise prohibited by State law, or upon repeal of Government Code Section 65852.2 (a)(8)(B) removing the state-imposed prohibition of an owner occupancy requirement, whichever occurs first.

4. **Owner's Unit.** If owner occupancy is required, the property owner shall reside in and maintain either the primary residential unit or the accessory dwelling unit/junior accessory dwelling unit, as the property owner's principal place of residence ("owner's unit"). Owners of lots developed with an accessory dwelling unit/junior accessory dwelling unit shall live on the lot as long as the lot is developed with an accessory dwelling unit/junior accessory dwelling unit. Owners may re-designate the primary residential unit or the accessory dwelling unit/junior accessory dwelling unit as the owner's unit upon written notice to the Community Development Director and written approval of the re-designation by the Community Development Director, which approval shall not be denied unreasonably. If owner occupancy is required, the property owner shall not rent or lease both the primary residential unit and the accessory dwelling unit/junior accessory dwelling unit simultaneously.

5. **Hardship Waiver.** If owner occupancy is required, in the event of a hardship, such as the death or disability of the property owner, job transfer, or similar significant personal situation which prevents the property owner from occupying one of the units as the owner's unit, a property owner or estate representative may apply for a temporary waiver of the owner-occupation requirement for a specific time period to allow the owner's unit to be occupied by a non-property owner pending disposition of the property through probate or non-probate transfer to a new owner, or the cessation of the circumstances preventing the property owner from occupying the owner's unit on the property. The Community Development Director shall review applications for a hardship waiver. Any such waiver shall specify the period of time for which it is granted, provided that no such waiver may be granted for a period longer than three years.

6. **Removal of Recorded Owner Occupancy Requirement.** With the exception of owner occupancy covenants required to permit a junior accessory dwelling unit, the Community Development Director will, in a form acceptable to the City Attorney, release an owner occupancy requirement recorded against the property prior to January 1, 2020, upon the request of the property owner. No other covenants required pursuant to this section, and contained in the agreement recorded against the property, shall be released.

F. **Required Features.** Each accessory dwelling unit and junior accessory dwelling unit shall contain, at a minimum, the following features:

1. **Residential Elements.** Permanent provisions for separate residential occupancy must be provided as follows within the contiguous livable floor space of the accessory dwelling unit or junior accessory dwelling unit and must be independent from the primary residential unit:

a. A kitchen, consisting of a sink, cooking appliance, and refrigeration facilities. A junior accessory dwelling unit may utilize an efficiency kitchen.

b. A bathroom consisting of a toilet, sink, and bathtub or shower. A junior accessory dwelling unit may share sanitation facilities with the existing or proposed single residential unit.

c. A separate living room.

d. A separate sleeping room, except in studio residential units, where a living room is considered a sleeping room.

2. **Minimum Floor Area.** Notwithstanding the dwelling unit minimum described in Section 30.140.150, Residential Unit, the minimum floor area for a newly constructed accessory dwelling unit is as follows:

a. *Efficiency Unit:* 150 square feet.

b. *Studio Unit:* 220 square feet.

c. *All Other Units:* 400 square feet.

Such usable floor area shall be exclusive of open porches, garages, basements, cellars, and unfinished attics. The minimum floor area for accessory dwelling units that are created by converting existing structures is 150 square feet and must meet the definition of an efficiency unit.

3. **Exterior Access.** Exterior access to the unit, that is independent from the primary residential unit, must be provided. An interior connection consisting of one lockable door between the primary residential unit and an accessory dwelling unit or junior accessory dwelling unit may be provided.

4. **Fire Sprinklers.** Fire sprinklers are required only if they are required for the primary residential unit. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary residential unit.

5. **Permanent Foundation.** Attached and detached units shall be constructed with an approved permanent foundation.

6. **Property Addresses.** Addresses identifying all residential units on the lot, with minimum three- and one-half-inch numbers plainly visible from the street or road fronting the property shall be provided.

7. **Public Sewer.** Accessory dwelling units and junior accessory dwelling units shall be connected to a public sewer. If public sewer connection is not available, approval of a new or expanded onsite wastewater treatment system shall be required in accordance with the procedures from the Code of the County of Santa Barbara California prior to issuance of a building permit.

8. **Water Meter.** Accessory dwelling units shall comply with the water metering requirements of Title 14, Section 14.08.150 E.

9. **Passageway.** No passageway is required in conjunction with the construction of an accessory dwelling unit or junior accessory dwelling unit.

G. Development Standards for Standard Accessory Dwelling Units.

1. **Development Standards Generally.** The development standards listed in this Section apply to standard accessory dwelling units and junior accessory dwelling units, except for those units permitted in accordance with all the configuration, standards, and special procedures outlined in Subsection L, Development Standards for Special Accessory Dwelling Units.

a. The reductions and exceptions to the development standards normally applicable to residential development allowed in this Section are for the express purpose of promoting the development and maintenance of an accessory dwelling unit on the lot. If for any reason the accessory dwelling unit is not maintained on the lot in conformance with this Section, the lot shall be brought into compliance with all of the requirements for the residential development, or with the legal nonconforming condition of the lot prior to the development of the accessory dwelling unit, including, but not limited to, the requirements for open yard, setbacks, and covered parking.

b. Except as otherwise specified in this Subsection, projects developed in accordance with this Section shall otherwise comply with the development standards applicable to an attached or detached accessory building for the housing type and the base zone in which the lot is located.

c. One primary residential unit shall be designated on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted.

d. A maximum 800-square-foot attached or detached standard accessory dwelling unit with four-foot interior setbacks may be constructed in compliance with all other development standards for standard accessory dwelling units, notwithstanding size based on a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setback, and minimum lot size.

2. **Maximum Floor Area.** The maximum floor area for a standard accessory dwelling unit and junior accessory dwelling unit is as follows:

a. **Attached Accessory Dwelling Unit.** An accessory dwelling unit that is attached to, and increasing the size of, the primary residential unit shall not exceed 50% of the living area of the existing primary residential unit.

b. **Converted Accessory Dwelling Unit.** An accessory dwelling unit that is incorporated entirely within an existing primary residential unit, or within an existing accessory building, is not limited in size except that it shall not exceed the footprint of the existing structure.

c. **Detached Accessory Dwelling Unit.** An accessory dwelling unit that is detached from the primary residential unit and may or may not be attached to another detached accessory building, including detached garages, shall not exceed the following maximum floor area based on lot size and number of bedrooms:

(1) Lots up to 14,999 square feet and developed with one-bedroom or studio units: 850 square feet.

(2) Lots up to 14,999 square feet and developed with two or more-bedroom units: 1,000 square feet.

(3) Lots 15,000 square feet or larger: 1,200 square feet.

d. **Junior Accessory Dwelling Unit.** The maximum floor area of a junior accessory dwelling unit shall be 500 square feet.

3. **Building Separation.** The minimum separation between the primary residential unit and a detached accessory dwelling unit shall be five feet.

4. **Open Yard.** No open yard areas are required for accessory dwelling units or junior accessory dwelling units. A new standard accessory dwelling unit may encroach into the open yard required pursuant to Section 30.140.140.C, Open Yards, for the existing or proposed primary residential unit on lots developed with single-unit or two-unit residential, provided all other open yard requirements are met, and the following minimum area and dimensions are provided:

a. *Minimum Area.*

(1) Lots less than 6,000 square feet: 500 square feet.

(2) Lots 6,000 up to 7,999 square feet: 800 square feet.

(3) Lots 8,000 square feet up to 9,999 square feet: 1,000 square feet.

(4) Lots 10,000 square feet or greater: 1,250 square feet.

b. *Minimum Dimensions.* 15 feet long and 15 feet wide.

c. *Location in Driveways and Turnarounds.* Notwithstanding Section 30.140.140.E.6.a, Vehicle Areas, the required open yard may be located in driveways and turnarounds, but not parking areas, in order to allow the construction of a new accessory dwelling unit.

d. *Accessory Dwelling Unit Over A Detached Garage:* A standard accessory dwelling unit constructed entirely over a new or reconstructed detached garage may also encroach into the required open yard as described above, provided that the area of the garage does not exceed a maximum of 500 square feet, plus up to 150 square feet may be allowed for other uses such as an enclosed stairway, storage, workshop, or laundry area, which may be used for either unit. Garage and accessory areas shall comply with all other development standards, such as setbacks and maximum floor area, applicable to a detached accessory building for the housing type and the base zone in which the lot is located.

5. **Setbacks.** The following setbacks shall apply to new and converted standard accessory dwelling units approved pursuant to this Subsection:

a. *New Construction.* Newly constructed accessory dwelling units shall comply with the following setback standards:

(1) **Front Setback:** Meet the minimum front setback for residential structures in the zone, unless further limited by Subsection H.8, Front Yard Location, below.

(2) **Interior Setback:** Four feet.

b. *Conversion.* No setback is required to convert the existing, legally permitted, floor area of a main or accessory building to an accessory dwelling unit. Improvements to existing nonconforming buildings, including conforming additions, are

allowed pursuant to Chapter 30.165, Nonconforming Structures, Site Development, and Uses.

c. *Substantial Redevelopment.* No setback is required when an existing main or accessory building is substantially redeveloped and converted to an accessory dwelling unit, provided that the new building is reconstructed in the same location and with the same dimensions and floor area as the existing building.

(1) Exception for Small Conforming Additions. One small 150-square-foot conforming first floor addition may be permitted on a substantially redeveloped and converted nonconforming accessory building.

d. *New Construction Combined with Replacement of a Nonconforming Garage.* The construction of an accessory dwelling unit may be combined with the demolition and replacement of a nonconforming detached garage if all of the following requirements are met:

(1) The new garage is reconstructed in the same location and with the same dimensions as the existing garage; or

(2) The new garage is enlarged or altered in size only as necessary to provide the same number of parking spaces and to meet the dimension requirements of the City of Santa Barbara Access and Parking Design Standards, but located no closer to the property line as the existing garage; and

(3) The accessory dwelling unit is constructed above or attached to the reconstructed garage; and

(4) Any additions, which may include the accessory dwelling unit or any additions to the garage for other structures or uses shall conform with current setbacks and other development standards of this Title;

(5) The new structure shall comply with all applicable height and building story limitations, and all other development standards are met.

e. *Setback Encroachments.* Setback encroachments allowed pursuant to Section 30.140.090, Encroachments into Setbacks and Open Yards, may be permitted for accessory dwelling units or junior accessory dwelling units.

H. **Architectural Review.** All accessory dwelling units or junior accessory dwelling units shall be subject to the following architectural design criteria as applicable to either new construction or exterior alterations, which shall be reviewed ministerially by the Community Development Director. For purposes of this Section, portions of a building or site considered to be the accessory dwelling unit shall include all of the contiguous

interior livable floor area of the accessory dwelling unit and any exterior alterations directly attached to, and integral to, the livable floor area of the accessory dwelling unit.

1. **Prohibition of Shiny Roofing and Siding.** New roofing and siding materials that are shiny, mirror-like, or of a glossy metallic finish are prohibited.

2. **Roof Tile.** Where a new clay tile roof is proposed, the use of two-piece terra cotta (Mission “C-tile”) roof is required and “S-tile” is prohibited, unless necessary to match the S-tile roof materials of the existing primary residential unit.

3. **Skylights.** New skylights shall have flat glass panels. “Bubble” or dome type skylights are not allowed.

4. **Glass Guardrails.** New glass guardrails are not allowed, unless necessary to match the glass guardrails of the existing primary residential unit.

5. **Garage Conversion.** If a garage is converted to an accessory dwelling unit, the garage door opening shall be replaced with exterior wall coverings, or residential windows and doors, to match the existing exterior garage wall covering and detailing.

6. **Grading.** No more than 250 cubic yards of grading (i.e., cut and/or fill under the main accessory dwelling unit building footprint and outside the main building footprint to accommodate the accessory dwelling unit) is proposed in the Hillside Design District or on lots in other parts of the City with a slope of 15% or greater.

7. **Height.** Building heights shall not exceed the maximum height or number of stories allowed for a detached or attached accessory building in the zone and are limited in accordance with Section 30.140.170, Solar Access Height Limitations. In addition, the construction of an accessory dwelling unit shall not exceed the following, whichever is greater:

- a. Height of the primary residential unit; or
- b. Number of stories of the primary residential unit; or
- c. 18 feet for a detached standard or special accessory dwelling unit; an additional two feet in height is allowed if necessary to match the roof pitch and height of the primary residential unit; or
- d. 25 feet for an attached standard accessory dwelling unit; or

e. Up to the maximum height allowed in the zone for a standard accessory dwelling unit constructed entirely over a new or reconstructed detached garage, that meets all of the criteria in Subsection 30.185.040.G.4.d, above.

8. **Front Yard Location.** The construction of a new detached accessory dwelling unit located in the front yard shall be subject to all of the following:

a. The new accessory dwelling unit must be located a minimum of 20 feet back from all front lot lines or meet the minimum front setback for the zone in which the lot is located, whichever is greater.

b. Unless constructed entirely over an existing, new, or reconstructed detached garage that meets all of the criteria in Subsection 30.185.040.G.4.d, above, the new unit shall be:

(1) No more than one-story; and

(2) Less than 18 feet in height; an additional two feet in height is allowed if necessary to match the roof pitch and height of the primary residential unit; and

(3) Screened by topography, location, or landscape so as to minimize visibility of the accessory dwelling unit to the casual observer as viewed from the street.

9. **Design Style.** New detached or attached accessory dwelling units shall be constructed using the same architectural style, roof pitch, exterior building materials, colors, and finishes as the primary unit if the accessory dwelling unit meets any of the following:

a. Attached to, or if any portion of the accessory dwelling unit is located within 20 feet of, the primary residential unit;

b. Located in the Hillside Design District and 20% or greater average slope;

c. Two or more stories tall, or 18 feet or taller in building height;

d. Located on a site on which there is a historical resource as follows:

(1) Listed on the National Register of Historic Places or the California Register of Historic Resources;

(2) Designated as a City of Santa Barbara Landmark or Structure of Merit; or

(3) Located in a designated historic district.

e. Located in the front yard.

10. **Privacy Standards.** The construction of an accessory dwelling unit where any portion of the proposed construction is either: two or more stories tall or 18 feet or taller in building height, shall comply with the following:

a. Upper story unenclosed landings, decks, and balconies greater than 20 square feet, that face or overlook the adjoining property, shall be located a minimum of 15 feet from the interior lot lines.

b. Upper story unenclosed landings, decks, and balconies, that do not face or overlook the adjoining property due to orientation or topography, may be located at the minimum interior setback line if an architectural screening element such as enclosing walls, trellises, awnings, or perimeter planters with a five-foot minimum height is incorporated into the unenclosed landing, deck, or balcony.

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

11. **Exceptions.** Discretionary applications for design review may be requested in the following circumstances:

a. An applicant may propose an accessory dwelling unit that does not meet these design criteria subject to approval by the Single Family Design Board, Architectural Board of Review, or Historic Landmarks Commission, as appropriate.

b. Discretionary design review may be required for any exterior alterations to the project site or main buildings that are not an integral part of the accessory dwelling unit but are proposed in conjunction with the accessory dwelling unit, if required pursuant to Chapter 30.220 of this Code.

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

Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

J. **Parking Standards.** No automobile parking spaces are required for accessory dwelling units or junior accessory dwelling units. The required parking for the existing residential units on site may be reduced or replaced as follows to construct an accessory dwelling unit:

1. **No Replacement Parking Required.** When an existing garage, carport, or other covered parking structure is converted to an accessory dwelling unit or demolished in order to construct an accessory dwelling unit, those off-street parking spaces for the existing residential unit are not required to be replaced.

2. **Optional Parking Standards.** If optional new or replacement parking spaces are proposed for either the primary residential unit or the accessory dwelling unit, those spaces may be provided as covered, uncovered, in a mechanical lift, or in a tandem configuration pursuant to Subsection J.2.f below. The new or replacement spaces shall meet all of the following:

a. Covered parking shall meet the development standards applicable to the primary residential unit within the zone in which the lot is located.

b. All parking spaces must meet the minimum dimensions and development standards consistent with the City Parking Access and Design Standards and Section 30.175.090, Parking Area Design and Development Standards.

c. In order to maintain visibility for adjacent driveways and intersections, uncovered parking spaces shall comply with Section 30.140.230, Visibility at Driveways and Intersections.

d. New or replacement uncovered parking spaces may be allowed in a front or interior setback, provided all uncovered parking spaces are contained within the area of an existing paved driveway and no increase to paved areas occurs in the setbacks.

e. New uncovered parking spaces that are not within an existing paved driveway, as described above, may be located in a new paved area three feet from any interior lot line, provided a minimum of three feet in width of planting area is provided for the length of the paved parking area along the interior lot line, if the paved parking area is parallel to the interior lot line.

f. Tandem parking configuration shall meet all the following:

(1) No more than two automobiles shall be placed one behind the other.

(2) Both automobile parking spaces parked in tandem shall be assigned to the same residential unit.

(3) Vertical or stackable tandem parking, provided by means of mechanical lifts, is subject to approval by the Public Works Director. Mechanical lifts shall be fully enclosed within a structure and shall require a recorded maintenance agreement, pursuant to Chapter 30.260, Recorded Agreements.

(4) Tandem parking in multi-unit and commercial zones is subject to approval by the Public Works Director.

(5) Tandem parking shall not create traffic safety issues as determined by the Public Works Director.

K. **High Fire Hazard Area Standards.** All accessory dwelling units or junior accessory dwelling units located in any High Fire Hazard Area including the Coastal, Coastal Interior, Foothill and Extreme Foothill Areas, as defined in the City's Community Wildfire Protection Plan (High or Very High Fire Hazard Severity Zone), shall comply with the following standards as applicable to new construction or parking:

1. **No Tandem Parking.** No parking space shall be developed in a tandem configuration.

2. **High Fire Construction.** The accessory dwelling unit shall be designed to meet high fire construction standards adopted or enforced by the City, as determined by the Chief Building Official or the Fire Code Official.

3. **No Variance or Modification.** No variance or modification to any Fire Code requirements or high fire construction standards shall be permitted.

4. **Defensible Space.** The site must meet defensible space requirements, pursuant to Chapter 8.04 of this Code, prior to occupancy and those requirements must be maintained.

5. **Parking.** No parking is required for studio units; one covered or uncovered automobile parking space per unit is required for all other accessory dwelling units, unless the unit is exempt from parking per one of the exceptions outlined below. Parking spaces shall meet all of the same parking standards required for the primary residential unit as described in Subsection J.2, Parking Standards.

a. **Parking Exceptions for Certain Accessory Dwelling Units.** Automobile parking is not required for an accessory dwelling unit, in any of the following instances:

(1) The accessory dwelling unit is located within a walking distance of one-half mile of a public transit stop, such as a bus stop or train station.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district. For purposes of this provision, El Pueblo Viejo Landmark District, Brinkerhoff Avenue Landmark District, Riviera Campus Historic District, and the El Encanto Hotel Historic District, constitute architecturally and historically significant historic districts within the City and any district hereafter created deemed to be architecturally and historically significant.

(3) The accessory dwelling unit is contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building.

(4) When on-street parking permits are required but not offered to the occupant(s) of the accessory dwelling unit.

(5) When there is a “carshare vehicle” as defined in Chapter 10.73 of this Code, located within a walking distance of 500 feet of the accessory dwelling unit.

L. **Development Standards for Special Accessory Dwelling Units.**

1. ***Development Standards Generally.*** The development standards listed in this Section apply to specific types of small accessory dwelling units and junior accessory dwelling units with certain size, height, and setback standards that, if followed, allow for an accessory dwelling unit to be permitted on lots in a Fire Hazard Area, or more than one accessory dwelling unit on a lot, and allows additional reductions and exceptions to development standards for open yard and maximum floor area. Applications utilizing the special standards described in this Section may not utilize the less restrictive configuration, size, and height standards allowed under another Section to achieve a larger unit or more than one unit.

a. Any reductions and exceptions in this Section are for the express purpose of promoting the development and maintenance of a special accessory dwelling unit or junior accessory dwelling unit on the lot. If for any reason the special accessory dwelling unit or junior accessory dwelling unit is no longer maintained on the lot, the lot shall be brought into compliance with all of the requirements for the remaining residential development, or with the legal nonconforming condition of the lot prior to the development of the accessory dwelling unit or junior accessory dwelling unit.

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

2. **Configuration – Single Unit Lots.** A lot developed with only one existing or proposed single-unit residence, may permit one of the following types of special accessory dwelling units:

a. *Converted Portion of Main Building.* Only one accessory dwelling unit or junior accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed livable floor area of the existing or proposed primary residential unit; or

b. *Converted Accessory Building.* Only one accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed floor area of a garage or other accessory building on the same lot as the primary residential unit, plus one 150-square-foot conforming first floor addition, if the expansion is limited to accommodating ingress and egress; or

c. *One Unit – New Construction.* One newly constructed accessory dwelling unit, detached from any other main or accessory building; or

d. *Two Units – Combination.* One junior accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed livable floor area of the existing or proposed primary residential unit, plus one newly constructed or converted special accessory dwelling unit.

3. **Configuration – Two-Unit, Multi-Unit, or Mixed-Use Lots.** A lot developed with two or more existing or proposed residential units, or one or more existing or proposed residential units in a mixed-use development, may permit one of the following types of special accessory dwelling units:

a. *Converted Non-Livable Space.* Up to two accessory dwelling units, or up to 25% of the existing number of residential units on a lot, whichever is greater, may be converted on a lot if contained entirely within portions of existing, legally permitted, fully enclosed floor area of a residential or mixed-use structure, or detached accessory structure, that is not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, upper-floor commercial areas, attached or detached carports, or garages; or

b. *Two Units – New Construction.* No more than two newly constructed accessory dwelling units, detached from the main or accessory building.

c. *Two Unit – Combination.* One accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed non-livable floor area of a residential or mixed-use structure, or detached accessory structure; plus, one newly constructed accessory dwelling unit, detached from any other main or accessory building.

4. **Maximum Floor Area.**

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

b. *Converted Accessory Dwelling Unit.* An accessory dwelling unit that is incorporated entirely within portions of existing floor area, approved pursuant to this Subsection, is not limited in size.

c. *Junior Accessory Dwelling Unit.* The maximum floor area of a junior accessory dwelling unit shall not exceed 500 square feet.

5. **Maximum Height – Detached Accessory Dwelling Unit.** The maximum building height of a detached, new construction, special accessory dwelling unit approved pursuant to this Subsection is 18 feet and one story, and may be an additional two feet in height if necessary to match the roof pitch and height of the primary residential unit; unless the lot is within the Foothill or Extreme Foothill High Fire Hazard Areas (Very High Fire Hazard Severity Zone) and not within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, in which case the special accessory dwelling unit is limited to 16 feet in height and one story.

6. **Exempt from Other Size and Location Limitations.** A special accessory dwelling unit or junior accessory dwelling unit in compliance with this Subsection is exempt from other size or location limitations in this title based on a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open yard, front setback, and minimum lot size.

M. **Building Permit Required.** All accessory dwelling units and junior accessory dwelling units shall comply with applicable state and local building codes and shall require approval of a building permit.

1. **Change in Occupancy.** The construction of an accessory dwelling unit shall not constitute a Group R occupancy change, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the Building Official finds that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety. This clause does not apply when changing the occupancy code of a space that was uninhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use.

2. **Review of Applications.** Applications for a permit to create an accessory dwelling unit or junior accessory dwelling unit shall be processed pursuant to Chapter 30.205, Common Procedures, and the specific requirements of this Section. The City shall ministerially approve or disapprove a complete building permit application for

an accessory dwelling unit or junior accessory dwelling unit in compliance with time periods established by state law. If the City disapproves an application for an accessory dwelling unit or junior accessory dwelling unit, the City shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

3. ***Pre-Existing Violations.*** The City shall not disapprove an application to create an accessory dwelling unit or junior accessory dwelling unit solely due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are unrelated to the construction of the accessory dwelling unit or junior accessory dwelling unit. However, any approvals granted under this Section shall not constitute authorization for continuation of the violation, or waiver of or estoppel against any future enforcement action.

4. ***Combined Permits.*** An accessory dwelling unit or junior accessory dwelling unit permit shall not be combined with a permit for other proposed construction on the site unrelated to the accessory dwelling unit or junior accessory dwelling unit; except that:

a. Demolition permits for a detached garage that is to be replaced with an accessory dwelling unit may be reviewed with the application for the accessory dwelling unit and issued at the same time; and

b. A permit application for an accessory dwelling unit or junior accessory dwelling unit may be submitted at the same time as a permit application for a new primary residential unit; however, approval of the permit for the accessory dwelling unit or junior accessory dwelling unit application shall be delayed until the permit for the primary residential unit has been approved and issued. A certificate of occupancy/final inspection for an accessory dwelling unit shall not be issued before a certificate of occupancy/final inspection is issued for the primary residential unit.

5. ***Modifications and Minor Zoning Exceptions for Accessory Dwelling Units or Junior Accessory Dwelling Units.*** An accessory dwelling unit or junior accessory dwelling unit that is not in compliance with the development standards of this Section may be granted a modification or minor zoning exception if all the required findings can be met, pursuant to the procedures outlined in Chapter 30.250, Modifications, or Chapter 30.245, Minor Zoning Exceptions.

6. ***Posted Sign.*** Within five calendar days after submitting an initial building permit application to the City, the property owner shall install a public notice in the form of a posted sign on the property in a manner deemed acceptable by the Community Development Director, as follows:

a. The sign shall remain posted until a building permit is issued, or the application expires or is withdrawn.

b. At the time of application submittal, the applicant shall sign an affidavit stating that the required sign will be posted per this Subsection.

c. The validity of the permit shall not be affected by the failure of any property owner, resident, or neighborhood or community organization to receive this notice.

d. The requirement for a posted sign does not apply to a project that only includes the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.

N. **Recorded Agreement.** Before obtaining a building permit for an accessory dwelling unit or junior accessory dwelling unit, the property owner shall execute an agreement, pursuant to Chapter 30.260, Recorded Agreements, containing a reference to the deed under which the property was acquired by the present owner which outlines the requirements regarding the sale, rental, and owner occupancy of lots developed with accessory dwelling units and junior accessory dwelling units as specified in Subsection E of this Section.

O. **Residential Density.** An accessory dwelling unit or junior accessory dwelling unit is a residential use that is consistent with the existing General Plan designations and zoning for lots within the allowable residential zones. Any accessory dwelling unit or junior accessory dwelling unit permitted pursuant to this Section does not exceed the allowable density for the lot upon which the accessory dwelling unit or junior accessory dwelling unit is located.