

ORDINANCE NO. 758

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA AMENDING CHAPTER 14.72 OF TITLE 14 (ZONING) OF THE CARPINTERIA MUNICIPAL CODE BY RESCINDING AND REPLACING RESIDENTIAL SECONDARY DWELLING UNIT PROVISIONS WITH PROVISIONS CONCERNING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS, AND INCLUDING RELATED AMENDMENTS TO VARIOUS OTHER CHAPTERS WITHIN TITLE 14 TO BE CONSISTENT WITH THIS INTENT

RECITALS

WHEREAS, on September 27, 2016, the State Legislature adopted Assembly Bill (“AB”) 2299 and Senate Bill (“SB”) 1069 (Government Code (“GC”) Section 65852.2) requiring ministerial approval of planning and building permit applications for Accessory Dwelling Units (“ADUs”) that are located within single-family residential zones and comply with applicable parking, setback, and size restrictions.

WHEREAS, on October 8, 2017, the State Legislature adopted SB 229 and AB 494 (GC Section 65852.2) to allow ADUs on all lots zoned for single- or multi-family uses, reduce maximum parking requirements, and make clarifying edits to GC Section 65852.2.D.

WHEREAS, on October 9, 2019, the State Legislature adopted AB 68, AB 881, and SB 13 (GC Sections 65852.2 and 65852.22) to further streamline the permit process for and reduce the development standards applicable to ADU and Junior Accessory Dwelling Units (“JADUs”).

WHEREAS, on September 28, 2020, the State Legislature adopted AB 3182 to update and clarify provisions of GC Section 65852.2.

WHEREAS, on January 1980, by Resolution No. 1019, the City Council adopted the Coastal Plan that was developed pursuant to The California Coastal Act of 1976 (Public Resources Code 30000 et seq.) (“Coastal Act”), which includes the entirety of the City’s jurisdiction.

WHEREAS, on October 12, 1981, by Ordinance 315, the City Council adopted Title 14 of the Carpinteria Municipal Code, in compliance with the State of California planning and zoning laws.

WHEREAS, on May 29, 2001, by Resolution 4670, the City Council adopted the first amendment to the Carpinteria General Plan and Local Coastal Program (Project No. GPA/LCPA 97-810), in compliance with California Law (Government Code Section 65300, et seq., and Public Resources Code 30000 et seq.), respectively.

WHEREAS, in March of 2019, the City published its Final City of Carpinteria Sea Level Rise Vulnerability Assessment and Adaptation Project, which constitutes a science-based investigation, findings, and recommendations to address physical effects of sea level rise upon the public and lands in the City's jurisdiction, and responds to California Coastal Commission guidance related to protection of Coastal Act resource policies.

WHEREAS, the Final City of Carpinteria Sea Level Rise Vulnerability Assessment and Adaptation Project investigates coastal flooding, tidal inundation, and coastal erosion risks in 2019 and projected coastal hazard risks in 2030, 2060, and 2100, based upon the regional County of Santa Barbara Coastal Resilience Project, utilized by the counties of Santa Barbara and Ventura and the cities of Goleta and Oxnard.

WHEREAS, the Final City of Carpinteria Sea Level Rise Vulnerability Assessment and Adaptation Project identifies the greatest coastal hazard risks in the Beach Neighborhood District, which is bounded by the Carpinteria Salt Marsh to the west, the Union Pacific Railroad to the north, Carpinteria City Beach to the south, and Linden Avenue to the east, as defined in the Community Design Element of the City's General Plan and Local Coastal Plan (2003), with an estimated 1.1 miles of public road and 4 public parking lots vulnerable to coastal hazards by 2030; 2.5 miles of lateral coastal access, 13 vertical coastal access points, and 2.2 miles of coastal trails vulnerable to coastal hazards; and the most vulnerable parcels, comprised of approximately 90 percent residential lots, located in this district.

WHEREAS, the Final City of Carpinteria Sea Level Rise Vulnerability Assessment and Adaptation Project identifies that the Carpinteria Salt Marsh, and three neighborhood districts: Beach Neighborhood, Carpinteria Bluffs, and Concha Loma Neighborhood, as defined in the Community Design Element of the City's General Plan and Local Coastal Plan (2003), warrant regional strategies and adaptation measures. Such strategies for built environments of these neighborhoods may include but are not limited to implementation of a Managed Retreat Program (e.g., Beach Neighborhood), a Repetitive Loss Program, storm drain and channel improvements, and a Coastal Adaptation Overlay Zone.

WHEREAS, consistent with the City's certified Local Coastal Program ("LCP") and policies of the Coastal Act, the City's current LCP Objective LU-1 requires the City to "establish the basis for orderly, well planned urban development while protecting coastal resources and providing for greater access and recreational opportunities for the public."

WHEREAS, consistent with the City's certified Local Coastal Program and policies of the Coastal Act, the City's current LCP Objective S-4 requires the City to "minimize the potential risks and reduce the loss of life, property and the economic and social dislocations resulting from flooding."

WHEREAS, on September 23, 2019, the City adopted Resolution No. 5915 to initiate the Accessory Dwelling Unit zone code amendment work program item, recognizing the need to develop City ADU and JADU regulations in order to promote development of more affordable housing units as well as market rate units to increase the City's housing supply; the City Council directed staff to proceed with incorporating State ADU and JADU law into its LCP, recognizing Coastal Act consistency requirements remain in effect.

WHEREAS, the City Council finds that the need to proactively encourage the safe and orderly development of ADUs and JADUs in the City must also address compliance with the Coastal Act and the City's Local Coastal Program, including preservation and promotion of public access and recreational opportunities and minimization of potential risks to public safety associated with loss of life, property, impaired traffic flow, and social dislocations resulting from identified coastal hazards, including flooding.

WHEREAS, the City Council therefore identifies an area of the Beach Neighborhood District, as an area excluded from development of ADUs and JADUs due to identified, science-based coastal hazards that presently occur along the seaward side of Sandyland Road, and with increasing hazards that are projected to occur in the district due to estimated sea level rise of one to five feet, between the present and through 2100 as identified in the City of Carpinteria Sea Level Rise Vulnerability Assessment and Adaptation Project.

WHEREAS, the City Council now finds that it is in the interest of the orderly development of the City and important to the preservation of the health, safety, and general welfare of the residents of the City, to adopt an ordinance amending Chapter 14.08 - DEFINITIONS; Chapter 14.12 (R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT); Chapter 14.14 (PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT); Chapter 14.16 (PUD PLANNED UNIT DEVELOPMENT DISTRICT); Chapter 14.17 (MHS/PUD MOBILE/MODULAR HOME SUBDIVISION/PLANNED UNIT DEVELOPMENT DISTRICT); Chapter 14.18 (MHP PLANNED UNIT DEVELOPMENT DISTRICT); Chapter 14.20 (CPD COMMERCIAL PLANNED DEVELOPMENT DISTRICT); Chapter 14.22 (CB CENTRAL BUSINESS DISTRICT); Chapter 14.26 (M-RP INDUSTRIAL RESEARCH PARK DISTRICT); Chapter 14.28 (M GENERAL INDUSTRY DISTRICT); Chapter 14.32 (A AGRICULTURE DISTRICT); and Chapter 14.72 (SECONDARY DWELLING UNITS) to implement new regulations regarding the permitting of ADUs and JADUs in compliance with GC Sections 65852.2 and 65852.22.

WHEREAS, the proposed Title 14 - Zoning Ordinance amendment is consistent with the General Plan and Coastal Land Use Plan and the requirements of the State planning, zoning, and development laws.

WHEREAS, the proposed Title 14 - Zoning Ordinance amendment is in the interest of the general community welfare since it will serve to implement the requirements of State law that promote the development of ADUs and JADUs that will increase the supply of housing in the City while protecting coastal resources consistent with the Coastal Act and the City's certified LCP.

WHEREAS, the Planning Commission has held a duly noticed public hearing on August 1, 2022, as required by GC Section 65854, on the proposed Title 14 - Zoning Ordinance amendment at which hearing the proposed amendment was explained and comments invited from people in attendance.

WHEREAS, the Planning Commission adopted a resolution at a public meeting on August 1, 2022 that provides its recommendations on the proposed Title 14 - Zoning Ordinance amendment to the City Council.

WHEREAS, on August 1, 2022, the Planning Commission unanimously recommended that the City Council adopt this ordinance (Ordinance 758) to implement the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Program based on its determination of the program's consistency with the City's Local Coastal Program, General Plan, and Municipal Code Chapter 14 - Zone Code.

WHEREAS, on August 1, 2022, the Planning Commission unanimously recommended that the City Council determine that Ordinance No. 758 is statutorily exempt from review under CEQA pursuant to Public Resources Code Section 21080.17, which states that CEQA does not apply to adoption of an Accessory Dwelling Unit ordinance to implement the provisions of State Government Code Section 65852.2

WHEREAS, on August 1, 2022, the Planning Commission unanimously recommended that the City Council determine that Ordinance No. 758 is categorically exempt from review under CEQA in accordance with CEQA Guidelines Section 15303, which exempts new construction or conversion of small structures, implemented under the provisions of State Government Code Section 65852.22.

WHEREAS, the City Council has held a duly noticed public hearing on (TBD "adoption date"), as required by GC Section 65854, on the proposed Title 14 - Zoning Code amendment at which hearing the proposed amendment was explained and comments invited from people in attendance.

WHEREAS, the City adoption of the proposed Title 14 - Zoning Code amendment reflects the Council's commitment to promote development of ADUs and JADUs in accordance with state housing laws, to increase the City's affordable and market rate housing supplies and contribute to the City's Regional Housing Needs Allocation, and to protect coastal resources in accordance with the Coastal Act and the City's Coastal Land Use Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. ADOPTION OF ADU - BEACH NEIGHBORHOOD OVERLAY DISTRICT MAP

Pursuant to Section 14.04.070 of the Carpinteria Municipal Code, Exhibit 1, attached to and made a part of this ordinance by this reference, delineates the boundaries of the ADU Beach Neighborhood Overlay District.

SECTION 3. RESCINDING CHAPTER 14.72

Chapter 14.72 of the Carpinteria Municipal Code is rescinded in its entirety.

SECTION 4. AMENDMENT OF TITLE 14 OF CARPINTERIA MUNICIPAL CODE

Chapter amendments to the Carpinteria Municipal Code made by this ordinance are delineated below as underlined text with the exception of Chapter 14.72, which includes text that replaces the current text in its entirety.

Chapter 14.04, of Title 14 of the Carpinteria Municipal Code is hereby amended (in part) to read as follows:

14.04.060 - Overlay Districts.

1. In addition to the regulations governing the foregoing districts, the following overlay districts and the symbols used to represent them on the official zoning maps are established as follows:

<u>ADU Beach Neighborhood</u>	<u>ADU-Beach</u>
Coastal Appeals Area	CA
Ellinwood Parcel	Ellinwood
Environmentally Sensitive Habitat	ESH
Flood Hazard Area	FH
Residential	R

Specific Plan	S
Transportation Corridor Wetland	TCW
Vacation Rental	VR
Visitor-Serving/ Highway Commercial	V
Whitney Site	Whitney

2. The regulations of the overlay district shall apply to the land in the same manner as specific district regulations. Overlay regulations shall apply wherever the symbol and the boundaries of the area are shown on the official zoning maps. When a symbol for an overlay district is added to a district symbol, the provisions of the overlay district shall be effective in addition to the applicable district regulations. If any of the provisions of the overlay district conflict with provisions of the specific district regulations, the provisions which are most restrictive shall govern.

Section 14.08.010, of Chapter 14.08 (DEFINITIONS), of Title 14 of the Carpinteria Municipal Code is hereby amended, in part, to read as follows:

14.08.010 Accessory Building or Structure.

"Accessory building or structure" means a building containing no kitchen, with the exception of an Accessory Dwelling Unit as defined in Section 14.72, 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 main building, or to the main use of the land.

Chapter 14.12 (R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT), of Title 14 of the Carpinteria Municipal Code is hereby amended, in part, to include Section 14.12.015 to read as follows:

14.12.15 – Processing Accessory Dwelling Units and Junior Accessory Dwelling Units.

The following processes shall govern development of such units in the R-1 district, in accordance with Section 14.72 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS):

1. Accessory Dwelling Units, outside the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit.
2. Accessory Dwelling Units, within the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit, appealable to the California Coastal Commission as provided in Chapter 14.78 (APPEALS).
3. Junior Accessory Dwelling Units shall be subject to issuance of a building permit.

Chapter 14.14 (PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT), of

Title 14 of the Carpinteria Municipal Code is hereby amended, in part, to include Section 14.14.015 to read as follows:

14.14.015 – Processing Accessory Dwelling Units and Junior Accessory Dwelling Units.

The following processes shall govern development of such units in the PRD district, in accordance with Section 14.72 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS):

1. Permits for Accessory Dwelling Units and Junior Accessory Dwelling Units located in the ADU Beach Neighborhood Overlay District, shall be subject to discretionary review in accordance with Section 14.72.110 of this Chapter.
2. Accessory Dwelling Units and Junior Accessory Dwelling Units shall be permitted in the PRD district.
3. Junior Accessory Dwelling Units shall be subject to issuance of a building permit.
4. Accessory Dwelling Units outside the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit.
5. Accessory Dwelling Units, within the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit, appealable to the California Coastal Commission as provided in Chapter 14.78 (APPEALS).

Chapter 14.16 (PUD PLANNED UNIT DEVELOPMENT DISTRICT), of Title 14 of the Carpinteria Municipal Code is hereby amended, in part, to include Section 14.16.025 to read as follows:

14.16.025 – Processing Accessory Dwelling Units and Junior Accessory Dwelling Units.

The following processes shall govern development of such units in the PUD district, in accordance with Section 14.72 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS):

1. Accessory Dwelling Units, outside the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit.
2. Accessory Dwelling Units, within the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit, appealable to the California Coastal Commission as provided in Chapter 14.78 (APPEALS).
3. Junior Accessory Dwelling Units shall be subject to issuance of a building permit.

Chapter 14.17 (MHS/PUD MOBILE/MODULAR HOME SUBDIVISION/ PLANNED UNIT DEVELOPMENT DISTRICT), of Title 14 of the Carpinteria Municipal Code is hereby amended, in part, to include Section 14.17.045 to read as follows:

14.17.045 – Processing Accessory Dwelling Units and Junior Accessory Dwelling Units.

The following processes shall govern development of such units in the MHS/PUD district, in accordance with Section 14.72 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS):

1. Accessory Dwelling Units, outside the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit.
2. Accessory Dwelling Units, within the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit, appealable to the California Coastal Commission as provided in Chapter 14.78 (APPEALS).
3. Junior Accessory Dwelling Units shall be subject to issuance of a building permit.

Chapter 14.18 (MHP PLANNED UNIT DEVELOPMENT DISTRICT), of Title 14 of the Carpinteria Municipal Code is hereby amended, in part, to include Section 14.18.015 to read as follows:

14.18.015 – Processing Accessory Dwelling Units and Junior Accessory Dwelling Units.

The following processes shall govern development of such units in the MHP district, in accordance with Section 14.72 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS):

1. Permits for Accessory Dwelling Units and Junior Accessory Dwelling Units located in the ADU Beach Neighborhood Overlay District, shall be subject to discretionary review in accordance with Section 14.72.110 of this Chapter.
2. Accessory Dwelling Units, outside the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit.
3. Accessory Dwelling Units, within the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit, appealable to the California Coastal Commission as provided in Chapter 14.78 (APPEALS).
4. Junior Accessory Dwelling Units shall be subject to issuance of a building permit.

Chapter 14.20 (CPD COMMERCIAL PLANNED DEVELOPMENT DISTRICT), of Title 14 of the Carpinteria Municipal Code is hereby amended, in part, to include Section

14.20.015 to read as follows:

14.20.015 – Processing Accessory Dwelling Units and Junior Accessory Dwelling Units.

The following processes shall govern development of such units in the CPD district, in accordance with Section 14.72 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS):

1. Permits for Accessory Dwelling Units and Junior Accessory Dwelling Units located in the ADU Beach Neighborhood Overlay District, shall be subject to discretionary review in accordance with Section 14.72.110 of this Chapter.
2. Accessory Dwelling Units, outside the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit.
3. Accessory Dwelling Units, within the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit, appealable to the California Coastal Commission as provided in Chapter 14.78 (APPEALS).
4. Junior Accessory Dwelling Units shall be subject to issuance of a building permit.

Chapter 14.22 (CB CENTRAL BUSINESS DISTRICT), of Title 14 of the Carpinteria Municipal Code is hereby amended, in part, to include Section 14.22.015 to read as follows:

14.22.015 – Processing Accessory Dwelling Units and Junior Accessory Dwelling Units.

The following processes shall govern development of such units in the CB district, in accordance with Section 14.72 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS):

1. Accessory Dwelling Units, outside the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit.
2. Accessory Dwelling Units, within the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit, appealable to the California Coastal Commission as provided in Chapter 14.78 (APPEALS).
3. Junior Accessory Dwelling Units shall be subject to issuance of a building permit.

Chapter 14.26 (M-RP INDUSTRIAL RESEARCH PARK DISTRICT), of Title 14 of the Carpinteria Municipal Code is hereby amended, in part, to include Section 14.26.015 to read as follows:

14.26.015 – Processing Accessory Dwelling Units and Junior Accessory Dwelling Units.

The following processes shall govern development of such units in the M-RP district, in accordance with Section 14.72 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS):

1. Accessory Dwelling Units, outside the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit.
2. Accessory Dwelling Units, within the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit, appealable to the California Coastal Commission as provided in Chapter 14.78 (APPEALS).
3. Junior Accessory Dwelling Units shall be subject to issuance of a building permit.

Chapter 14.28 (M GENERAL INDUSTRY DISTRICT), of Title 14 of the Carpinteria Municipal Code is hereby amended, in part, to include Section 14.28.015 to read as follows:

14.28.015 – Processing Accessory Dwelling Units and Junior Accessory Dwelling Units.

The following processes shall govern development of such units in the M district, in accordance with Section 14.72 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS):

1. Accessory Dwelling Units, outside the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit.
2. Accessory Dwelling Units, within the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit, appealable to the California Coastal Commission as provided in Chapter 14.78 (APPEALS).
3. Junior Accessory Dwelling Units shall be subject to issuance of a building permit.

Chapter 14.32 (A AGRICULTURE DISTRICT), of Title 14 of the Carpinteria Municipal Code is hereby amended, in part, to include Section 14.32.025 to read as follows:

Chapter 14.32 – A AGRICULTURE DISTRICT

14.32.025 – Processing Accessory Dwelling Units and Junior Accessory Dwelling Units.

The following processes shall govern development of such units in the A district, in accordance with Section 14.72 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS):

1. Accessory Dwelling Units, outside the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit.
2. Accessory Dwelling Units, within the coastal zone appeals jurisdiction, shall be subject to approval of an administrative coastal development permit, appealable to the California Coastal Commission as provided in Chapter 14.78 (APPEALS).
3. Junior Accessory Dwelling Units shall be subject to issuance of a building permit.

Chapter 14.72 of Title 14 of the Carpinteria Municipal Code is hereby rescinded and replaced in its entirety to read as follows:

Chapter 14.72 – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS.

14.72.010 Purpose and Intent.

The purpose of this chapter is to provide for processing requests for Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) within zone districts that permit residential uses, as defined in this Chapter and Chapters governing zone districts of Title 14. The need for these provisions is based on the following findings:

1. The adopted policy of the city is to encourage a range of housing types, designs, and costs to suit the varying needs and desires of the community in terms of income, family size, and physical ability within existing neighborhoods.
2. Opportunities for affordable housing for persons of low and moderate income are becoming increasingly scarce.
3. The shortage of low-and moderate-income housing opportunities is exacerbated by the lack of available rental units at a time when few rental units are being constructed. Thus, the existing rental stock needs to be preserved and new rental opportunities provided.
4. Accessory Dwelling Units have been a part of the city's housing stock and provide a valuable source of rental housing for persons of low and moderate income, particularly the elderly, students, and single-parent family households.
5. The establishment of clear objective development standards, consistent with applicable state law, including but not limited to Government Code Section 65852.2 or 65852.22 and the California Coastal Act, is required to reduce the time necessary to secure permits for Accessory Dwelling Unit and Junior Accessory Dwelling Unit construction and to ensure that there will be no adverse effect on the public health, safety and welfare.
6. Expand opportunities 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.

7. Allow Accessory Dwelling Units and/or Junior Accessory Dwelling Units as an accessory use to a Primary Residential Unit, consistent with California Government Code Section 65852.2 or 65852.22 and the California Coastal Act, as applicable.
8. Promote Accessory Dwelling Units and/or Junior Accessory Dwelling Units that are compatible with the surrounding neighborhood, cultural and historic resources, and historic districts; preserve the City's coastal resources including but not limited to environmentally sensitive habitats, public coastal access, and visual resources; promote long-term sustainability; contribute to a desirable living environment; and avoid risks to public safety associated with loss of life, property, and social dislocations resulting from identified coastal hazards, including flooding.

14.72.020 Definitions.

Chapter 14.08 (DEFINITIONS) apply to Chapter 14.72, unless they conflict with the definitions below. Where a conflict may occur, the definitions below shall apply and have the following meaning:

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

Accessory Dwelling Unit. Accessory Dwelling Units connected with an existing or proposed Primary Residential Unit, with size, height, and setback standards as described in Section 14.72.055, (DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS). Up to one Accessory Dwelling Unit and one Junior Accessory Dwelling Unit may be allowed on property where residential uses are permitted and has been developed, or will be developed concurrently with the Accessory Dwelling Unit(s), subject to the provisions of this Chapter (14.72).

Special Accessory Dwelling Unit. Specific types of Accessory Dwelling Units, meeting specific criteria identified in Government Code section 65852.2(e) that may be combined with a Junior Accessory Dwelling Unit with certain size, height, and setback standards described in Section 14.72.090, (DEVELOPMENT STANDARDS FOR SPECIAL ACCESSORY DWELLING UNITS). Further, Special Accessory Dwelling Units allow for more than one Accessory Dwelling Unit on a property zoned for multiple family use. Such units are not subject to local zoning and development standards, but must meet building code and health and safety requirements.

An Accessory Dwelling Unit also includes the following:

- 1) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
 - 2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- B. **Carshare Vehicle.** A motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization which provides hourly or daily car sharing service to its members.
- C. **Efficiency Kitchen.** A kitchen that includes at a minimum:
- 1) Appliances for cooking food and refrigeration, either built-in or countertop.
 - 2) A sink for food preparation greater than 12 inches by 12 inches, excluding the sink located in the bathroom.
 - 3) A food preparation counter.
- D. **Existing Floor Area.** A legally permitted building constructed on the site with a final inspection or certificate of occupancy as of the date of application submittal, that conforms to current zoning standards or is legal nonconforming as to current zoning standards, in accordance with Section 14.08.270 (FLOOR AREA, GROSS) and Section 14.08.275 (FLOOR AREA, NET).
- E. **Junior Accessory Dwelling Unit.** A unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single residential unit. A Junior Accessory Dwelling Unit may include separate sanitation facilities or may share sanitation facilities with the existing or proposed single residential unit and includes an efficiency kitchen.
- F. **Passageway.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the Accessory Dwelling Unit.
- G. **Primary Residential Unit.** The existing or proposed residential unit on a lot on which an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is permitted. The Primary Residential Unit shall comprise one unit in either a dwelling, one family; dwelling, two family; dwelling, multiple; or mixed-use development (as those terms are defined in Section 14.08 (DEFINITIONS) of this Title).
- H. **Principal Place of Residence.** The residence where a property owner actually lives for the greater part of time, or the place where the property owner remains when not called elsewhere for some special or temporary purpose and to which the property owner returns frequently and periodically, as from work or vacation.

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 percent of the ownership interest in the property shall reside on the property a majority

of their time as their 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.

The burden shall be on the property owner to show that the primary residential unit, 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 as their principal place of residence.

14.72.030 Where Permitted.

- A. **Accessory Dwelling Unit.** An Accessory Dwelling Unit that conforms to the development standards of this section shall 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 or restricted in subsection C below. An Accessory Dwelling Unit that does not conform to the development standards of this section, may nonetheless be approved in accordance with the requirements of Section 14.72.060.H.2.
- B. **Junior Accessory Dwelling Unit.** A Junior Accessory Dwelling Unit may be permitted in any zone that allows residential use, and shall be located on a lot developed with an existing or proposed single residential unit, except as prohibited or restricted in subsection C below.
- C. **Prohibited or Restricted Locations.**
 - 1) Based on the Final Sea Level Rise Vulnerability Assessment and Adaption Plan identification of flooding hazards in the Beach Neighborhood Overlay District and City Local Coastal Plan Objective S-4, proposed Accessory Dwelling Units in the Beach Neighborhood Overlay District, as defined in the ADU Beach Overlay District Zoning Map, shall be subject to discretionary review, as determined necessary by the Community Development Director, or a Director-appointed designee, to address and mitigate identified coastal hazards, including flooding, and coastal resource policy issues that address coastal access, in order to avoid risks to public safety associated with loss of life, property, and social dislocations
 - 2) Accessory Dwelling Units shall be permitted in locations that are consistent with coastal resource protection policies of the City's Coastal Land Use Plan, including but not limited to environmentally sensitive habitats; coastal access; and visual, recreational, and cultural resources.
 - 3) No Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be permitted in a formally designated area where water or sewer service is found to be inadequate by the Carpinteria Sanitary District or Carpinteria Valley Water District, as appropriate, or in a formally designated area where traffic flow and public safety would be adverse impacted, as determined by the Carpinteria-Summerland Fire Protection District.

- 4) Unless prohibited or restricted by C.1 – C.4 of this subsection, applications for an Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit in the California Coastal Commission's Appeals Jurisdiction shall be permitted in accordance with Section 14.72.110.

14.72.035 Unit Configuration.

- A. One Accessory Dwelling Unit and/or one Junior Accessory Dwelling Unit shall be permitted on a lot in addition to the Primary Residential Unit, pursuant to this Chapter. However, multiple Accessory Dwelling Units may be permitted in accordance with all the configuration requirements, development standards, and special procedures outlined in Section 14.72.090, Development Standards for Special Accessory Dwelling Units.
- B. An Accessory Dwelling Unit may be permitted in the following configurations:
- 1) Incorporated entirely within an existing or proposed Primary Residential Unit.
 - 2) Incorporated entirely within an existing accessory building, including garages, located on the same lot as the Primary Residential Unit.
 - 3) Through conversion of a garage, carport or covered parking structure.
 - 4) Attached to or increasing the size of an existing Primary Residential Unit or attached accessory building located on the same lot as the Primary Residential Unit.
 - 5) Detached from and located on the same lot as the existing or proposed Primary Residential Unit. An Accessory Dwelling Unit that is attached to another detached accessory building, but not the Primary Residential Unit, or is attached by a breezeway or porch, is considered detached.
- C. Except as provided in Health and Safety Code Section 17981.12, Accessory Dwelling Units shall not be permitted within an existing nonconforming structure if the structure is nonconforming as to the coastal resource protection policies of the LCP.

14.72.040 Sale, Rental, and Occupancy Terms.

All Accessory Dwelling Units and Junior Accessory Dwelling Units shall be subject to the following sale, rental, and occupancy terms:

- A. **Not to be Sold Separately.** An Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall not be sold separately from the Primary Residential Unit, subject to the provisions of Government Code Section 65852.26 and/or other provisions of state law that govern Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit sales.
- B. **Deed Restriction.** Prior to issuance of a permit for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit, the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations consistent with

this Section 14.72.040 or other applicable limitations in the Title 14 of the Carpinteria Municipal Code and City administrative policies applying to the applicable base zone district that shall run with the land.

- C. **Rental Terms.** The Accessory Dwelling Unit or Junior Accessory Dwelling Unit may be rented as a residential unit. The Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall not be rented as a Short-Term Rental, as defined in Section 14.08.562 or for less than thirty one (31) consecutive days, whichever is more restrictive. Rental terms shall not allow termination of the tenancy prior to the expiration of at least one thirty (30) day period occupancy by the same tenant.
- D. **Owner Occupancy.** The following types of projects are subject to an owner occupancy requirement:
- 1) The property owner's principal place of residence requirement, upon the property where an Accessory Dwelling Unit is permitted, shall not apply to Accessory Dwelling Units approved between adoption of this Chapter 14.72 and January 1, 2025. The property owner's principal place of residency requirement shall apply to, an Accessory Dwelling Unit permit issued after January 1, 2025, unless otherwise prohibited under state law, or upon repeal of Government Code Section 65852.2(a)(6)(B) removing the state-imposed prohibition of an owner occupancy requirement, whichever occurs first.
 - 2) Where a Junior Accessory Dwelling Unit is located on a property, the burden shall be on the property owner to show that the Primary Residential 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. A property owner shall have only one principal place of residence for the purposes of this Chapter 14.72. Notwithstanding, owner occupancy shall not be required if the property owner is another governmental agency, land trust, or housing organization.
- E. **Hardship Waiver.** If owner occupancy is required in accordance with subsection D, Owner Occupancy, the property owner may apply for a temporary waiver in the event of a hardship. For the purposes of this section, an event of a hardship includes but is not limited to the death or disability of the property owner, job transfer, or similar significant personal situation which prevents the property owner from occupying the owner's unit. A property owner or estate representative may apply for a temporary waiver of the owner-occupancy requirement for a specific time period to allow the owner's unit to be occupied by a non-property owner until 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 an event of hardship waiver. Any such temporary 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 (3) years.

- F. **Removal of Owner Occupancy Requirement.** With the exception of owner occupancy covenants, restrictions or conditions required to permit a Junior Accessory Dwelling Unit, the Community Development Director will, in a form acceptable to the City Attorney, release an owner occupancy requirement recorded against the property prior to adoption of this ordinance upon the request of the property owner. No other covenants, restrictions or conditions required pursuant to this Title 14, and contained in the agreement recorded against the property shall be released, unless the Community Development Director determines that the covenant, restriction or condition conflicts with California Civil Code section 714.3.

14.72.050 Required Features.

Each Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall contain, at a minimum, the following features:

- A. **Residential Elements.** Permanent provisions for separate residential occupancy must be provided as follows within the contiguous livable floor space of the Accessory Dwelling Unit or Junior Accessory Dwelling Unit and must be independent from the Primary Residential Unit, unless otherwise noted:
1. Provisions for cooking, including storage, countertop, sink, and electric outlets as required per Carpinteria Municipal Code, Title 15 – Buildings and Construction. A Junior Accessory Dwelling Unit may contain an efficiency kitchen.
 2. A bathroom consisting of a toilet, sink, and bathtub or shower. A Junior Accessory Dwelling Unit may share sanitation facilities with the existing or proposed Primary Residential Unit.
 3. A separate sleeping room, except in studio residential units, where a living room is considered a sleeping room.
- B. **Minimum Floor Area.** The minimum floor area for a new Accessory Dwelling Unit is as follows:
1. Efficiency Unit: 150 square feet.
 2. Studio Unit: 220 square feet.
- Such usable floor area shall be exclusive of open porches, garages, basements, cellars and unfinished attics. The minimum floor area for Accessory Dwelling Units that are created by converting existing structures is 150 square feet.
- C. **Exterior Access.** Exterior access to the unit, that is independent from the Primary Residential Unit must be provided. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit may provide an interior connection consisting of one fire-rated lockable door between the Primary Residential Unit, but one is not required.

- D. **Fire Sprinklers.** Fire sprinklers are required only if they are required for the Primary Residential Unit.
- E. **Permanent Foundation.** Attached and detached units shall be constructed with a City-approved permanent foundation in accordance with Chapter 15 – Buildings and Construction, of the Carpinteria Municipal Code.
- F. **Property Addresses.** Addresses identifying all residential units on the lot, with minimum three- and one-half-inch numbers plainly visible from the street or road fronting the property shall be provided.
- G. **Utility Fees.** An Accessory Dwelling Unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the Accessory Dwelling Unit was constructed with a new single-family dwelling.
- H. **Public Sewer Service.** Accessory Dwelling Units and Junior Accessory Dwelling Units shall comply with the sewer service requirements of the Carpinteria Sanitary District, including but not limited to advanced procurement of a Sewer Construction Permit for exterior plumbing modifications or sewer lateral installation.
- I. **Public Water Service.** Accessory Dwelling Units shall comply with the water service requirements of the Carpinteria Valley Water District, consistent with state law, including but not limited to Government Code Section 65852.2(f)(2)(A).
- J. **Direct Utility Connection.** No direct new or separate utility connection, or related fees, shall be required between a public sewer or water service district and an Accessory Dwelling Unit or Junior Accessory Dwelling Unit that is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure (including an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure).
- K. **Passageway.** No passageway is required in conjunction with the construction of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit.
- L. **Enforcement of Building Standards.** In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code providing the Accessory Dwelling Unit was built prior to January 1, 2020.

14.72.055 Development Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units.

- A. Development Standards Generally.** The development standards listed in this section apply to Accessory Dwelling Units and Junior Accessory Dwelling Units, except for Special Accessory Dwelling Units permitted in accordance with all the configuration requirements, development standards, and special procedures outlined in Section 14.72.090, Standards for Special Accessory Dwelling Units.
1. The reductions and exceptions to the development standards normally applicable to residential development allowed in this section are for the express purpose of promoting the development and maintenance of an Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit on the lot. If for any reason the Accessory Dwelling Unit is not maintained on the lot in conformance with this section, the lot shall be brought into compliance with all of the requirements for the residential development, or with the legal nonconforming condition of the lot prior to the development of the Accessory Dwelling Unit, including, but not limited to, the requirements for open yard, setbacks, and covered parking.
 2. Except as otherwise specified in this section, projects developed in accordance with this Chapter shall otherwise comply with objective development standards applicable to an attached or detached accessory building or structure for the housing type and base zone in which the lot is located.
 3. One Primary Residential Unit shall be designated on a lot on which an Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit is permitted.
 4. Notwithstanding Section B below or other local development standards for the base zone district that are not expressly prohibited by state law or reduced due to provisions in Section 14.72.030, any other minimum or maximum size for an Accessory Dwelling Unit based upon a percentage of the proposed floor area or existing floor area, or limits on building coverage, floor area ratio, open space, or minimum lot size, for either attached or detached dwellings shall permit at a minimum: an 800 square foot Accessory Dwelling Unit that is up to 16 feet in height, with four-foot side and rear yard setbacks, constructed in compliance with all other local development standards.
- B. Maximum Floor Area.** The maximum floor area(s) for a standard Accessory Dwelling Unit and Junior Accessory Dwelling Unit are as follows:
1. **Attached Accessory Dwelling Unit.** An Accessory Dwelling Unit that is attached to, and increasing the size of, the Primary Residential Unit shall not exceed 50 percent of the existing floor area of the existing Primary Residential Unit, and shall not exceed a maximum floor area of 800 square feet.

2. **Converted Accessory Dwelling Unit.** An Accessory Dwelling Unit that is incorporated entirely within an existing Primary Residential Unit, or within an existing accessory building, is not limited in size.
 3. **Detached Accessory Dwelling Unit.** An Accessory Dwelling Unit that is detached from the Primary Residential Unit and may or may not be attached to another detached accessory building, including detached garages, shall not exceed the following maximum floor area based on lot size and number of bedrooms:
 - a. Lots up to 14,999 square feet:
 - i. One-bedroom or studio units: 850 square feet.
 - ii. Two or more-bedroom units: 1,000 square feet.
 4. **Junior Accessory Dwelling Unit.** The maximum floor area of a Junior Accessory Dwelling Unit shall not exceed 500 square feet.
- C. **Relationship to Other Floor Area Limitations.** The floor area of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is included in any other floor area limitation in this Title that is applicable to an attached or detached accessory building for the housing type and in the base zone in which the lot is located.
1. **Exception.** The floor area of a detached Accessory Dwelling Unit shall be excluded from the aggregate maximum lot coverage allowed for other detached accessory buildings, such as work or storage sheds.
- D. **Building Separation.** The minimum separation between the Primary Residential Unit and a detached Accessory Dwelling Unit shall be five feet.
- E. **Front, Side, and Rear Setbacks.** The following setbacks shall apply to new and converted standard Accessory Dwelling Units approved pursuant to this section:
1. **New Construction.** Newly constructed Accessory Dwelling Units shall comply with the following setback standards:
 - a. **Front Setback:** Meet the minimum front setback for residential structures of the base zone district.
 - b. **Side and Rear Setback:** Four feet in all zones except 4-R-1, which must maintain a minimum three feet of distance in the side yards.
 2. **Converted.** No setback is required to convert the existing floor area of a principal or accessory building to an Accessory Dwelling Unit.
 3. **Demolished or Substantially Redeveloped.** No setback is required when an existing principal or accessory building is demolished or substantially redeveloped and converted to an Accessory Dwelling Unit, provided that the new building is reconstructed in the same location and with the same dimensions and floor area as the existing building.
 - a. **Exception for Small Conforming Additions.** One small 150-square-foot conforming first floor addition may be permitted on a substantially

redeveloped and converted accessory building that is nonconforming as to the front, side, or rear setbacks for accommodation of unit ingress and egress.

4. New Construction Combined with Replacement of a Nonconforming Accessory Structure. The construction of an Accessory Dwelling Unit may be combined with the demolition and replacement of a detached accessory structure that is nonconforming as to the front, side, or rear setbacks if all of the following requirements are met:
 - a. The new accessory structure is reconstructed in the same location and with the same dimensions as the existing accessory structure; or
 - b. The Accessory Dwelling Unit and any additions to the accessory structure shall conform with setbacks of this section; and
 - c. The new accessory structure shall comply with all applicable height and all other development standards of this section.

14.72.060 Design 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 or the Director's designee. Design standards in the base zone district shall apply where they do not conflict with this section or state law. For purposes of this section, portions of a building or site considered to be the Accessory Dwelling Unit shall include all of the contiguous interior livable floor area of the Accessory Dwelling Unit and any exterior alterations directly attached to, and integral to, the livable floor area of the Accessory Dwelling Unit.

- A. **Prohibition of Shiny Roofing and Siding.** New roofing and siding materials that are shiny, mirror-like, or of a glossy metallic finish are prohibited.
- B. **Grading.** No more than 30 cubic yards of grading on slopes of less than 15 percent.
- C. **Height.** An Accessory Dwelling Unit shall not exceed the following, whichever is greater:
 1. Height of the Primary Residential Unit;
 2. Number of stories of the Primary Residential Unit; or
 3. 16 feet.

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

4. Unless constructed over a garage, the new unit located in the front yard shall be:

- a. No more than one-story and 16 feet in height; and
 - b. Screened from the street by location or landscape, as viewed from the street.
- D. **Design.** New detached or attached Accessory Dwelling Units shall utilize the design of the Primary Residential Unit regarding style, fenestration, materials, colors, and details if the Accessory Dwelling Unit meets any of the following:
 - 1. Attached to, or if any portion of the Accessory Dwelling Unit is located within 20 feet of, the Primary Residential Unit;
 - 2. Two stories tall, or 12 feet or taller in building height;
 - 3. Located in the front yard or visible from a public street or public place.
 - 4. Located on a site on which there is a historical resource as follows:
 - a. Listed on the National Register of Historic Places or the California Register of Historic Resources; or
 - b. Designated as a City of Carpinteria Landmark or Structure of Merit.
- E. **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: 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, providing setbacks do not preclude construction of a Special Accessory Dwelling Unit.
- F. **Privacy Standards.** The construction of an Accessory Dwelling Unit where any portion of the proposed construction is either: two or more stories tall or 16 feet or taller in building height, shall comply with the following:
 - 1. Upper story unenclosed landings, decks, and balconies greater than 20 square feet, shall face the Primary Residential Unit or the public right-of-way.
 - 2. Upper story unenclosed landings, decks and balconies, that do not 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 an eight-foot minimum height is incorporated into the unenclosed landing, deck or balcony.
 - 3. Upper story windows that face or overlook the adjoining property, located within 15 feet of the interior lot lines, shall be installed with a minimum of 72 inches above finish floor.
- G. **Solar Access.** Newly constructed detached Accessory Dwelling Units are subject to the Energy Code requirement to provide solar panels. The panels may be installed on the Accessory Dwelling Unit or the Primary Residential Unit. Accessory Dwelling Units that are constructed within existing space, or as an addition to existing homes, including detached additions where an

existing detached building is converted from non-residential to residential space, are not subject to this requirement.

14.72.070 Protection for Historic Resources.

No Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be permitted if the proposal would cause a substantial adverse change in the significance of a historical resource that is listed or eligible for listing on the National Register of Historic Places, the California Register of Historical Resources, located in the downtown and Old Town District, or designated as a City of Carpinteria Landmark or Structure of Merit. The Community Development Director shall make this determination by requiring additional information that the Director determines is necessary, including but not limited to a Historic Resources Report, to ensure that the proposal is consistent with City cultural and historic resource policies and as appropriate, the Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

14.72.080 Parking Standards

Consistent with the requirements of the City's Coastal Land Use Plan Policies, sufficient off-street parking must be provided for any new development and substantial redevelopment so as to avoid significant adverse impacts to public access to the shoreline and coastal recreation areas. Automobile parking, therefore, must be provided consistent with this Section for lots developed with Accessory Dwelling Units or Junior Accessory Dwelling Units, as follows:

A Beach Neighborhood Overlay District. All required parking in the Beach Neighborhood Overlay District shall be located based on:

1. The City's Local Coastal Plan Objective OSC-14 and Policy OSC-14a, the City's Final Sea Level Rise Vulnerability Assessment and Adaption Plan identification of increasing coastal flood hazards in the Beach Neighborhood Overlay District and given existing identified impeded traffic flow during flood events at neighborhood and Carpinteria State Beach parking lots.
2. The need to preserve coastal public access in this area, where specific vacation rental provisions are implemented under the LCP and high demand exists for coastal visitor-serving recreational opportunities, including coastal access parking.

Parking may be located and designed consistent with D.3 of this section.

B. Primary Residential Units. Automobile parking for the Primary Residential Unit shall be provided in compliance with Chapter 14.54, except as provided below.

1. Special Procedures for Conversion or Demolition of Existing Covered Parking to an Accessory Dwelling Unit. When an existing garage, carport, or other covered parking structure is converted to an Accessory Dwelling

Unit or a Junior Accessory Dwelling Unit or demolished in conjunction with the construction of the unit, the required covered parking spaces that are displaced by the conversion or demolition shall not be required to be replaced.

2. **Nonconforming Conditions.** If the Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit is developed in accordance with all the requirements of this Chapter, and is a Special Accessory Dwelling Unit eligible for approval, nonconforming parking shall not be required to conform to current parking standards for new floor area associated with the unit(s).
- C. **Junior Accessory Dwelling Units.** No automobile parking is required for Junior Accessory Dwelling Units.
- D. **No Parking Required for Certain Dwelling Units.** The following types of Accessory Dwelling Units are not required to provide parking if it meets all of the following criteria:
 1. The Accessory Dwelling Unit is located outside of ADU Beach Neighborhood Overlay District based on the Final Sea Level Rise Vulnerability Assessment and Adaption Plan science-based identification of coastal hazards in the Beach Neighborhood Overlay District, that presently occur along the seaward side of Sandyland Road, and with increasing hazards that are projected to occur in the district due to estimated sea level rise of one to five feet, between the present and through 2100
 2. The Accessory Dwelling Unit meets at least one of the following measures that will sufficiently reduce the demand for off-street parking:
 - a. The Accessory Dwelling Unit is located within a walking distance of one-half mile of an operational public transit stop, which shall include various means of transportation that charge set fees, run on fixed routes, and are available to the public; or
 - b. The Accessory Dwelling Unit is located within the Downtown Old Town District; or
 - c. The Accessory Dwelling Unit is contained entirely within the permitted floor area of the existing Primary Residential Unit or an existing accessory building; or
 - d. When on-street parking permits are required but not offered to the occupants of the Accessory Dwelling Unit; or
 - e. When there is a carshare vehicle located within 500 feet of the Accessory Dwelling Unit.
 3. All other Accessory Dwelling Units shall provide parking as below:
 - a. A minimum of one uncovered automobile parking space per unit or bedroom, whichever is less. Guest parking shall not be required for Accessory Dwelling Units in any circumstance.

- b. The space may be provided as tandem parking on a driveway.
- c. Uncovered parking spaces may be located four 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.

14.72.090 Development Standards for Special Accessory Dwelling Units.

Special Accessory Dwelling Units, as defined in Section 14.72.020(A), shall be allowed, consistent with state law, in accordance with either subsection A or B, below, and shall conform to the development standards of subsection C, below. Design standards of the base zone district shall apply where they do not conflict with this section or state law.

A Configuration – Dwelling, Single Family Lots. A lot developed with only one existing or proposed single residential unit, may permit one of the following types of Special Accessory Dwelling Units:

1. **Converted Portion of Main Building.** Only one Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit contained entirely within the fully enclosed existing floor area of the existing or proposed Primary Residential Unit; or
2. **Converted Accessory Building.** Only one Accessory Dwelling Unit contained entirely within the fully enclosed existing 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 addition is limited to accommodating ingress and egress; or
3. **One Unit – New Construction.** One newly constructed Accessory Dwelling Unit, detached from any other main or accessory building; or
4. **Two Units – Combination.** One Junior Accessory Dwelling Unit contained entirely within the existing, legally permitted, fully enclosed livable floor area of the existing or proposed Primary Residential Unit, plus one newly constructed, Accessory Dwelling Unit, detached from any other main or accessory building.

B. Configuration - Dwelling, Multiple Family Lots. A lot developed with two or more residential units may permit one of the following types of Special Accessory Dwelling Units:

1. **Converted Non-Livable Space.** At least one Accessory Dwelling Unit, and up to twenty five percent (25%) of the existing number of multifamily structures (structure containing multiple dwelling units) on a lot, may be converted into a Special Accessory Dwelling Unit on the lot, if contained entirely within portions of fully enclosed existing floor area of a residential structure that is not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages; or

2. Two Units – New Construction. No more than one newly constructed Accessory Dwelling Unit, detached from any other main or accessory building, shall be allowed for lots with four or fewer units. For lots with greater than four units, no more than two newly constructed Accessory Dwelling Units, detached from any other main or accessory building shall be allowed.
- C. **Development Standards Generally.** The development standards listed in this section apply to specific types of Special Accessory Dwelling Units with certain size, height, and setback standards that, if followed, allow for a permit issued by the Director of the Community Development Department. Further, no lot coverage, floor area ratio, open space, or minimum lot size shall preclude the construction of a Special Accessory Dwelling Unit.
1. Maximum unit size. The maximum unit size of a Special Accessory Dwelling Unit shall be 800 square feet.
 2. Height. The maximum height of a Special Accessory Dwelling Unit shall be 16 feet.
 3. Setbacks. Rear yard and side yard setbacks shall be a minimum of 4 feet.
 4. Parking. Except for Accessory Dwelling Units or Junior Accessory Dwelling Units located in Beach Neighborhood Overlay District, which is subject to Section 14.72.080 – PARKING STANDARDS, no replacement or additional parking shall be required.
 5. Nonconformity. Correction of any existing or created nonconformity shall not be required, except that Special Accessory Dwelling Units shall not be allowed in buildings or structures that are nonconforming as to coastal resource protection policies or development standards of the LCP.
 6. Rental term. No unit shall be rented for 30 days or less.
 7. Fire sprinklers. Fire sprinklers are required in units where required for the primary residence.
 8. Density. Units shall not be calculated as part of general plan/coastal land use plan density calculations.
 9. Ownership occupancy. Special Accessory Dwelling Units and Junior Accessory Dwelling Units shall conform to owner occupancy terms as defined in Section 14.72.040(D).
- D. **Development Standards for Conversion of Existing or Proposed Primary Single-Family Residence or Accessory Structure into a Special Accessory Dwelling Unit.**
- Except for Accessory Dwelling Units located in Beach Neighborhood Overlay District, which is subject to Section 14.72.080 – PARKING STANDARDS, no size limitation, height, setback, lot coverage, design review, landscape, or other development standard shall be required. The proposed unit shall be required to obtain a building permit.

- E. Any reductions and exceptions in this section are for the express purpose of promoting the development and maintenance of a Special Accessory Dwelling Unit or Junior Accessory Dwelling Unit on the lot. If for any reason the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is no longer maintained on the lot, the lot shall be brought into compliance with all of the requirements for the remaining residential development, or with the legal nonconforming condition of the lot prior to the development of the Accessory Dwelling Unit or Junior Accessory Dwelling Unit.
- F. Applications utilizing the Special Accessory Dwelling Unit 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.
- G. Except as otherwise specified in this section, Special Accessory Dwelling Units developed in accordance with this Chapter shall otherwise comply with the development standards applicable to the housing type and base zone district in which the lot is located and all applicable state and local building codes.

14.72.100 Processing Requirements.

All Accessory Dwelling Units and Junior Accessory Dwelling Units shall comply with applicable state and local building codes and shall require approval of either a Coastal Development Permit without public hearing and a building permit, or an Appealable Coastal Development Permit and a building permit for units located within the zones governed by the California Coastal Commission Appeals Jurisdiction.

- A. **Residential Density.** An Accessory Dwelling Unit or Junior Accessory Dwelling Unit is a residential use that is consistent with the existing Coastal Land Use Plan designation and zoning for lots within the allowable residential zones. Any Accessory Dwelling Unit or Junior Accessory Dwelling Unit permitted pursuant to this section does not exceed the allowable density for the lot upon which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.
- B. **Combined Permits.** If a permit application for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is submitted at the same time as a permit application for a new single-unit dwelling, review of the permit for the Accessory Dwelling Unit or Junior Accessory Dwelling Unit application shall be delayed until the permit for the single-unit dwelling has been approved.
- C. **Permit Approval.** Except for applications to create an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit in the Beach Neighborhood Overlay District, where the City determines that discretionary review is required, the City shall act on the application to create an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit within 60 days from the date a complete application is submitted, if an existing primary residence or multifamily dwelling exists on the lot and the proposed Accessory Dwelling Unit or Junior Accessory Dwelling Unit conforms to all applicable objective development

standards of this Chapter. If an applicant requests a delay, the application shall be deemed approved unless the City provides the applicant with notice within the 60 day period that the application implicates Coastal Act/LCP policies such that it requires further review.

- D. **Building Permit Approval.** The City shall ministerially approve or disapprove a complete building permit application for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit in compliance with time periods established by State law, following any applicable coastal development permit approvals.
- E. **Exemption for Public Improvements.** No public improvements shall be required for the creation or conversion of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit.
- F. **Impact Fees.** Accessory Dwelling Units up to 750 square feet are exempt from impact fees. Accessory Dwelling Units that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling. In no event shall Junior Accessory Dwelling Units be charged impact fees.
- G. **School Impact Fees.** School districts may levy impact fees for Accessory Dwelling Units greater than 500 square feet. Such fees should be based on City and school district coordination and evaluation, and findings of a district prepared nexus study to determine any appropriate fees necessary to ensure the adequacy of school facilities.
- H. **Recorded Agreement.** Before obtaining a building permit for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit, the property owner shall execute an agreement, containing a reference to the deed under which the property was acquired by the present owner which outlines the requirements regarding the sale, rental, and owner occupancy of lots developed with Accessory Dwelling Units and Junior Accessory Dwelling Units as specified in Section 14.72.040 of this Chapter and other applicable limitations in the Title 14 of the Carpinteria Municipal Code and City administrative policies applying to the applicable base zone district that shall run with the land.
- I. **Recorded Deed Restriction.** As a condition of coastal permit approval for new development in the ADU Beach Neighborhood Overlay District, and as required by the City Zoning code and other applicable laws, ordinances, policies, practice and/or procedures, the City may require that an applicant record a deed restriction on the property to acknowledge and agree to certain conditions, including but not limited to: 1) that the development is located in a hazardous area, or an area that may become hazardous in the future; 2) to assume the risks of injury and damage from such hazards in connection with the permitted development; 3) to unconditionally waive any claim of damage or liability against the City of Carpinteria and Coastal Commission, if the property is appealed, its officers, agents, and employees with respect to approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of

such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; 5) that they have no rights under Coastal Act Section 30235 and related LCP policies to shoreline armoring in the future; 6) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable; 7) that the boundary between public land (tidelands) and private land may shift with rising seas, the structure may eventually be located on public trust lands, and the development approval does not permit encroachment onto public trust land; 8) any future encroachment must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain, and any future encroachment would also be subject to the State Lands Commission's (or other trustee agency's) leasing approval; and 9) that the structure may be required to be removed or relocated and the site restored if it becomes unsafe or if removal is required.

14.72.110 Authority to Review.

- A. **Coastal Commission Permit Jurisdiction.** Notwithstanding other permit and appeal provisions of this chapter, development proposals which are located on lands identified as tidelands, submerged lands or public trust lands as identified on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Carpinteria, adopted by the Coastal Commission, shall require a coastal development permit from the Coastal Commission pursuant to California Public Resources Code Section 30519(b). Upon submittal to the City of an application for a coastal development permit, the Community Development Director shall notify the applicant and the Coastal Commission of the determination that the project is within the retained permit jurisdiction of the Coastal Commission, and therefore, a State coastal development permit issued by the Coastal Commission is required for the development. In conjunction with the City's review and decision on the development in accordance with the requirements of this chapter and other City codes, the City shall also make a recommendation to the Coastal Commission regarding the development's conformance with the certified Local Coastal Program, including this chapter. The City's determination of development conformance with the objectives and requirements of the Local Coastal Program shall be advisory only and not a final action under this chapter. Development shall not proceed until the Coastal Commission grants a coastal permit for such a development.
- B. **Coastal Commission Appeals Jurisdiction.** Where an appealable coastal development permit is required pursuant to Section 14.48 of this Title, the authority to review an application for a Coastal Development Permit is designated to the Community Development Director or the Director's designee. In the appealable area, decisions of the Director or the Director's designee may be appealed to the Coastal Commission in accordance with

Section 14.48. Actions on applications to construct Accessory Dwelling Units within these areas shall be consistent with the provisions of the applicable zone and the policies and development standards of the City of Carpinteria's certified Local Coastal Program and Chapter 3 of the California Coastal Act.

- C. **Discretionary Review with Appeals (ESHA and Beach Neighborhood Overlay District.)** Applications to create an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit in Beach Neighborhood Overlay District, where the Community Development Director or the Director's designee determines that discretionary review is required, shall be processed with a Coastal Development Permit, that may be appealed in accordance with Section 14.78 of this Chapter.
- D. **Coastal Development Permits without Discretionary Review.** When a proposed Accessory Dwelling Unit or Junior Accessory Dwelling Unit is not a Special Accessory Dwelling Unit and is located outside the Coastal Commission appeals jurisdiction, the Beach Neighborhood Overlay District, and/or an Environmentally Sensitive Habitat Area, a coastal development permit application shall be required and the application shall be reviewed and approved by the Community Development Director, or the Director's designee, without a public hearing in accordance with Government Code Section 65852.2. The decision of the Community Development Director, or the Director's designee shall not be appealable and constitute the final action of the City.
- E. **Administrative Coastal Development Permit for Special Accessory Dwelling Units.** When a Special Accessory Dwelling Unit is proposed in conformance with 14.72.090 of this Section and is located outside the Coastal Commission appeals jurisdiction, the Beach Neighborhood Overlay District, and/or an Environmentally Sensitive Habitat Area, such unit shall be issued an administrative coastal development permit by the Community Development Director or the Director's designee without a public hearing in accordance with Government Code Section 65852.2 and not be appealable and constitute the final action of the City.
- F. **Building Permits for Junior Accessory Dwelling Units.** When a Junior Accessory Dwelling Unit is completely within the footprint of a single-family residence and is located outside the Coastal Commission appeals jurisdiction and/or the Beach Neighborhood Overlay District, such unit shall be required to obtain a building permit to ensure compliance with building code and health and safety standards.

End


PASSED, APPROVED AND ADOPTED on the 23rd of January, 2023, by the following vote:

AYES: COUNCILMEMBER(S): Lee, Nomura, Solorzano, Alarcon, Clark

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None

ABSTAIN: COUNCILMEMBER(S): None




Mayor, City of Carpinteria

ATTEST:



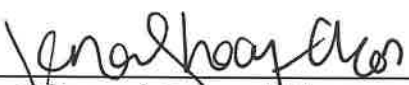
Brian C. Barrett, CMC, CPMC
City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held on January 23, 2023.



Brian C. Barrett, CMC, CPMC
City Clerk, City of Carpinteria

APPROVED AS TO FORM:



Jena Shoaf Acos, on behalf of Brownstein
Hyatt Farber Schreck, LLP acting as
City Attorney of the City of Carpinteria

Exhibit 1

Ordinance No. 758

ADU Beach Neighborhood Overlay District

ADU Beach Neighborhood Overlay District



Legend

- ADU Beach Neighborhood Overlay Boundary
- Parcels in Beach Neighborhood ADU Overlay
- Public Beach Access
- Carpinteria City Boundary
- City of Carpinteria
- Unincorporated