

SANTA BARBARA COUNTY PLANNING COMMISSION

Staff Report for Williams Appeals of Director Denial of Williams Accessory Dwelling Units

Hearing Date: April 28, 2021

Staff Report Date: April 13, 2021

Case No.: 20APL-00000-00030, 20APL-00000-00031, 20APL-000000-00032, 20CDP-00000-00060, 20CDP-00000-00061, and 20CDP-00000-00062

Environmental Document: Exemption pursuant to Section 15270(b) Of the State CEQA Guidelines

Deputy Director: Travis Seawards

Division: Development Review

Supervising Planner: Alex Tuttle

Supervising Planner Phone #: 805-884-6844

Staff Contact: Delaney Roney

Staff Contact Phone #: 805-568-2033

OWNER/APPELLANT

George & Karen Williams
173 Hot Springs
Santa Barbara, CA 93108

AGENT/ARCHITECT

Michelle McToldridge
Shelter Architecture
PO Box 5755
Santa Barbara, CA 93155



The parcels are identified as Assessor's Parcel Numbers 075-223-025, -024 and -023, located at 6517, 6515 and 6513 Del Playa Drive respectively, in the Goleta Community Plan area (Isla Vista), Third Supervisorial District.

1.0 REQUEST

Hearing on the request of property owners George and Karen Williams, to consider the appeals, Case Numbers 20APL-00000-00030, 20APL-00000-00031, and 20APL-00000-00032, of the Director's denial of 20CDP-00000-00060, 20CDP-00000-00061, and 20CDP-00000-00062 for the conversion of three garages into Accessory Dwelling Unit's (ADUs), in compliance with Section 35-182 of Article II, the Coastal Zoning Ordinance. The applications involve Assessor Parcel Numbers 075-223-025, -024, and -023, located at 6513, 6515, and 6517 Del Playa Drive respectively in the Goleta Community Plan area (Isla Vista), Third Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Your Commission's motion should include the following:

1. Deny the appeals, Case Numbers 20APL-00000-00060, 20APL-00000-00061, and 20APL-00000-00062.
2. Make the required findings for denial of the Coastal Development Permits (CDPs) included in Attachment A.
3. Determine that denial of the appeals and denial of the Coastal Development Permits is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15270(b) [Projects Which are Disapproved] as specified in Attachment B.
4. Deny *de novo* the Coastal Development Permits, Case Nos. 20CDP-00000-00060, -061, and -062.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

These projects are being considered by the County Planning Commission based on Section 35-182.4.A.2 of Article II, the Coastal Zoning Ordinance, which states:

Director Decisions. The following decisions of the Director may be appealed to the Planning Commission:

- a. Any determination on the meaning or applicability of this Article...*
- d. Any decision of the Director to approve, conditionally approve, or deny an application for a Coastal Development Permit except for Coastal Development Permits approved in compliance with Section 35-137 (Temporary Uses).*

4.0 ISSUE SUMMARY

George and Karen Williams, owners of the subject parcels, applied for Coastal Development Permits to convert the existing garages of three adjacent single family dwellings (SFDs) located at 6513, 6515, and 6517 Del Playa into Accessory Dwelling Units (ADUs).

The Planning and Development (P&D) Director was unable to make the required findings for the three Coastal Development Permits in accordance with Section 35-169.2 of the Coastal Zoning Ordinance (as detailed in Section 6 (Project Analysis) below), and therefore denied the CDPs on

October 16, 2020. P&D staff found that the proposed projects were inconsistent with the certified provisions of the County’s Local Coastal Program (LCP), including the California Coastal Act, the County of Santa Barbara Coastal Land Use Plan, and the County of Santa Barbara Coastal Zoning Ordinance (Article II). The decision to deny the CDPs was based upon the following determinations:

- California State Government Code Section 65852.2 (Accessory Dwelling Units) does not supersede certified provisions of LCPs, including specific LCP ADU regulations. Therefore, the current Coastal Zoning Ordinance (Article II) remains the ordinance in effect for ADUs in the Coastal Zone.
- The parking requirement for SR-M-zoned parcels with three bedroom residences is four parking spaces (Article II, section 35-76.1). The proposed projects to convert garages to ADUs will result in the removal of two of the required four parking spaces on each parcel, and therefore the project sites are not consistent with Article II code requirements.
- Section 4 of Article X of the California Constitution mandates that the maximum access and recreational opportunities be provided for all people and several Coastal Act policies call for the protection of coastal access. The proposed projects will result in inadequate parking for the existing dwellings, forcing the residents of the single family dwellings to make use of the limited public parking spaces available in Isla Vista and reduce the number of public parking spaces available to the public for coastal access.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	Urban, Coastal, RES-8.0 (maximum of 8 dwelling units per acre)
Ordinance, Zone	Article II, SR-M-8 (medium density student residential)
Site Size	0.14 acres each
Present Use & Development	Single Family Residence and Garage on each lot
Surrounding Uses/Zone(s)	North: Residential, SR-M-8 South: Pacific Ocean East: Residential, SR-M-8 West: Residential, SR-M-8
Access	Existing Driveways off of Del Playa Drive
Other Site Information	Bluff-top parcels, located approximately 250 feet from the University of California at Santa Barbara’s campus.
Public Services	Water Supply: Goleta Water District

Site Information	
	Sewage: Goleta West Sanitary District Fire: County Fire Department Police Services: County Sheriff

5.2 Project Descriptions

Case No. 20CDP-00000-00060, an application for a Coastal Development Permit to allow for the conversion of an existing garage attached to the single family dwelling into a 370 gross square foot accessory dwelling unit. No grading is proposed. No trees are proposed for removal. Two parking spaces will be eliminated and will not be replaced. The parcel is served by the Goleta Water District, the Goleta West Sanitary District, and the County Fire Department. Access is provided off of Del Playa Drive. The parcel currently contains a three bedroom single family dwelling with a first floor of 975 gross square feet, second floor of 1,370 gross square feet and an attached garage of 370 gross square feet.

Case No. 20CDP-00000-00061, an application for a Coastal Development Permit to allow for the conversion of an existing garage attached to the single family dwelling into a 370 gross square foot accessory dwelling unit. No grading is proposed. No trees are proposed for removal. Two parking spaces will be eliminated and will not be replaced. The parcel is served by the Goleta Water District, the Goleta West Sanitary District, and the County Fire Department. Access is provided off of Del Playa Drive. The parcel currently contains a three bedroom single family dwelling with a first floor of 975 gross square feet, second floor of 1,370 gross square feet and an attached garage of 370 gross square feet.

Case No. 20CDP-00000-00062, an application for a Coastal Development Permit to allow for the conversion of an existing garage attached to the single family dwelling into a 370 gross square foot accessory dwelling unit. No grading is proposed. No trees are proposed for removal. Two parking spaces will be eliminated and will not be replaced. The parcel is served by the Goleta Water District, the Goleta West Sanitary District, and the County Fire Department. Access is provided off of Del Playa Drive. The parcel currently contains a three bedroom single family dwelling with a first floor of 975 gross square feet, second floor of 1,370 gross square feet and an attached garage of 370 gross square feet.

5.3 Background Information

The three existing residences were permitted in 2005 by three Coastal Development Permits and three Modifications (04CDH-00000-00018/04MOD-00000-00007 for 6513 Del Playa, 04CDH-00000-00017/04MOD-00000-00006 for 6515 Del Playa, and 04CDH-00000-00016/04MOD-00000-00005 for 6517 Del Playa). The properties are developed with three two-story dwellings

that are each 2,345 gross square feet with a 370-square-foot garage. The Modifications allowed the encroachment of each garage into both side yard setbacks by 1-1/2 feet each. As a condition of approval of the dwellings, the applicant signed and recorded Notice to Property Owner documents that stated the garages will only be used for parking.

The parcels are located in close proximity to UCSB's campus (approximately 250 feet), and within a half mile of three public beach access points (El Embarcadero Beach Access Point near Pelican Park, Camino Pescadero Park Beach Access Point, and Escondido Pass Beach Access Point near Window to the Beach Park). As stated in the Goleta Community Plan and reiterated in a Grand Jury Report commissioned by the Board of Supervisors, "The existing parking demand in Isla Vista exceeds the parking space availability. This problem has been a recognized problem for at least 20 years" (Isla Vista – Who's in Charge, 2002, Attachment F). At the August 20, 2002 Board of Supervisors meeting, the BOS adopted a letter that agreed with this finding (Attachment G). Additionally, the Housing Element of the County's General Plan (2015) states that "For years, Isla Vista has faced challenges with parking, overcrowding, aging housing stock and deteriorating infrastructure." As such, within the SR-M zone 4, on-site parking spaces are required for dwellings with at least three bedrooms. Each parcel provided these spaces with two in the garage and two tandem spaces behind the garage, for a total of 12 spaces across the three parcels.

6.0 PROJECT ANALYSIS

6.1 Appeal Issues

The three appeals include the same two appeal issues, which are identified below and followed by staff's response.

Appeal Issue #1:

Planning and Development incorrectly applied the Coastal Act (Article X of the California Constitution) where it conflicts with Gov. Code Sections 65852.2(a)(1)(D)(xi) and 65852.2(d)

Staff Response:

P&D correctly applied the Coastal Act of 1976 because Government Code Section 65852(l) (Statutes of 2019, Section 1.5), which governs ADUs (as stated below), does not supersede the Coastal Act:

Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

Pursuant to the Government Code section cited above, certified provisions of Local Coastal Plans (LCPs), including specific ADU regulations currently in place, are not superseded by Government Code Section 65852.2 and continue to apply to Coastal Development Permit applications for ADUs. The County's certified LCP includes specific regulations pertaining to ADUs. As stated in the California Coastal Commission's memo regarding "Implementation of New ADU Laws," dated April 21, 2020 and included as Attachment H to this staff report,

However, as described below, existing ADU provisions contained in certified LCPs are not superseded by Government Code section 65852.2 and continue to apply to CDP applications for ADUs until an LCP amendment is adopted.

The memo also later states,

Currently certified provisions of LCPs are not, however, superseded by Government Code section 65852.2, and continue to apply to CDP applications for ADUs until an LCP amendment is adopted.

As such, the current Coastal Zoning Ordinance (Article II) shall remain the ordinance in effect for ADUs in the Coastal Zone until a LCP amendment is adopted. Coastal Commission staff confirmed P&D staff's understanding of this memo and interpretation of this statute.

While Article II does not require parking for ADUs under most circumstances, it does not exempt the provision of replacement parking when a garage providing required parking for the single-family dwelling is converted to an ADU, as detailed in Section 35-105 (below):

No parking area or parking space provided for the purpose of complying with the provisions of this DIVISION shall thereafter be eliminated, reduced, or converted in any manner unless equivalent facilities approved by the County are provided elsewhere in conformity with this DIVISION. The permit for the use for which the parking was provided shall immediately become void upon the failure to observe the requirements of this section.

Pursuant to this section of Article II, the parking spaces for the existing single family dwellings (four per parcel) may not be eliminated or reduced without providing appropriate replacement parking. Thus, the proposed projects are inconsistent with the ordinance regulations currently in effect by not providing replacement parking of the six spaces that will be removed due to the conversion of the garages.

Appeal Issue #2:

Planning and Development failed to balance the applicant's interests with the public's right of access. Additionally, parking is abundant within Isla Vista.

Staff Response:

During P&D’s review of these projects, it was determined that approval of the projects will have negative impacts on the public’s right of access due to the already limited public parking available within Isla Vista. The proposed projects will result in the reduction of parking spaces for each existing single family dwelling from four to two. As such, the parking on each parcel will be inadequate to serve the needs of residents in accordance with existing ordinance regulations in Isla Vista and residents will then need to make use of public parking to serve their parking needs. As each parcel is located in close proximity to three public beach access points, this precludes use of such parking spaces for public access to the shoreline. Therefore, the reduction of six total parking spaces is inconsistent with code requirements (as detailed in Section 6.4) and in conflict with coastal policies that support access to and along the shoreline. As described in Policy 7-1 of the County’s Coastal Land Use Plan, the County is mandated to “take all necessary steps to protect and defend the public’s constitutionally guaranteed rights of access to and along the shoreline.” This policy is supported by Section 4 of Article X of the California Constitution, which states, “Development shall not interfere with the public’s right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.” (Section 30211 of the Coastal Act of 1976). Additionally, Coastal Act Section 30223 states that “Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.”

One of the means of access to the shoreline is by vehicular travel, which requires the use of public parking spaces. As discussed in Section 5.3 (Background Information), due to the high population density within the community, scarcity of parking in Isla Vista has been a recognized problem for several decades. During P&D’s review of these projects, P&D staff was contacted by several concerned Isla Vista residents and property owners, and the chief concern expressed was the impact of the projects on parking availability. In this case, staff determined that, in addition to these projects being inconsistent with existing ordinance regulations, denial of these projects was in the interest of protecting the public’s constitutionally protected right of access to the shoreline, as is mandated in the County’s certified LCP.

6.2 Environmental Review

CEQA Exemption

The denial of a Coastal Development Permit request is exempt from environmental review based upon Section 15270 [Projects Which are Disapproved] of the California Environmental Quality Act (CEQA) Guidelines. See Attachment B (Notice of Exemption) for a more detailed discussion of the CEQA exemption.

6.3 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
ADEQUATE SERVICES	

<p>Coastal Land Use Plan Policy 2-6: Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.</p>	<p>Inconsistent: The three proposed projects are inconsistent with this policy because they will cause the three parcels to not have adequate parking to meet the needs of the existing residences without interfering with limited public parking available for coastal access.</p>
<p>COASTAL ACCESS</p>	
<p>Coastal Plan Policy 7-1: The County shall take all necessary steps to protect and defend the public’s constitutionally guaranteed rights of access to and along the shoreline.</p> <p>Coastal Act Section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.</p> <p>Coastal Act Section 30223: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.</p>	<p>Inconsistent: The proposed projects are inconsistent with these policies to protect coastal access opportunities for the public. As detailed in Section 6.4 (below) of this staff report, approval of these projects will result in inadequate parking to serve the residents of the dwellings (3-bedroom single family dwelling) on each parcel. They will then need to make use of public parking instead to serve their parking needs. As each parcel is located in close proximity to three public beach access points, this would preclude use of those parking spaces for public access to the shoreline, as detailed in Sections 5.3 and 6.5.</p>

6.4 Zoning: Land Use and Development Code Compliance

6.4.1 Compliance with Coastal Zoning Ordinance Requirements

With the exception of the sections mentioned below, the project is compliant with Article II Coastal Zoning Ordinance, including Section 35-76 (Medium Density Student Residential) and Section 35-142.2 (Accessory Dwelling Units).

Section 35-142.4.3.a – Accessory Dwelling Unit Application and Processing Requirements, Conflicts with other sections of this Article.

***Coastal resource protection.** If there is a conflict between the standards of this Section 35-142 (Accessory Dwelling Units) and standards that protect coastal resources, the requirements which are most protective of coastal resources shall prevail.*

Staff Determination: Inconsistent

The projects are inconsistent with this development standard since the ADUs would result in the loss of parking for the existing single family dwellings, in conflict with Section 35-105, as discussed further below.

Section 35-76.11.1.a - Medium Density Student Residential – Parking

Single-family or multiple-residential unit: two spaces per studio or bedroom; however, a unit or units with a total of three bedrooms on any lot smaller than 7,500 net square feet shall require a total of four parking spaces, provided that no additional parking for the unit(s) would be required under Section 35-76.7 (Bedroom Density).

Staff Determination: Inconsistent

As approved in the CDHs for each parcel, each single family dwelling was approved with four parking spaces (two in the garage and two tandem in front of the garage). This is the minimum number of spaces for a SR-M-8 zoned parcel, as required by Section 35-76.11.3. The proposed projects will eliminate the two spaces within the garage and do not propose replacement parking spaces as required by Section 35-105 (below), thereby reducing the parking provided for the existing dwelling by half. As a result, each parcel will no longer comply with their previously approved CDHs by failing to provide adequate parking to serve the needs of the residents of the existing dwellings. This elimination of parking spaces is inconsistent with the requirements of a SR-M-8 zoned parcel.

Section 35-105. Maintenance of Parking Spaces.

No parking area or parking space provided for the purpose of complying with the provisions of this DIVISION shall thereafter be eliminated, reduced, or converted in any manner unless equivalent facilities approved by the County are provided elsewhere in conformity with this DIVISION. The permit for the use for which the parking was provided shall immediately become void upon the failure to observe the requirements of this section.

Staff Determination: Inconsistent

Each three-bedroom dwelling was approved with four parking spaces in accordance with Article II Section 35-105 (above). These parking spaces may not be eliminated or reduced unless replacement spaces are provided on the parcel. The projects, as proposed, do not provide any replacement parking for the converted garages. As such, the projects are inconsistent with Section 35-105 of Article II.

Section 35-76.12 Bicycle Parking Spaces.

All development within this district shall provide one unenclosed and one enclosed, permanently maintained and secure bicycle storage space for each bedroom and/or studio apartment within the development.

Staff Determination: **Inconsistent**

The CDHs that allowed for the construction of the single family dwellings on the subject parcels (04CDH-00000-00016, -17, and -18) included three bicycle parking spaces within each garage. No replacement bicycle parking spaces have been provided by these projects. Therefore, while the ADUs do not themselves require bicycle parking, conversion of these garages without replacement bicycle parking will result in the existing single family dwellings becoming inconsistent with Section 35-76.12 (Bicycle Parking).

7. APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action. There is no appeal fee as these projects are appealable to the California Coastal Commission.

The action of the Board of Supervisors may be appealed to the Coastal Commission within ten (10) working days of receipt by the Coastal Commission of the County's notice of final action.

ATTACHMENTS

- A. Findings for Denial
- B. CEQA Exemption
- C. Director Denial of 20CDP-00000-00060, -61 and -62, dated October 16, 2020
- D. Applicant Appeal of Director Denial of 20CDP-00000-00060, -61 and -62, dated October 26, 2020
- E. Project plans for of 20CDP-00000-00060, -61 and -62
- F. Grand Jury Report – “Isla Vista – Who’s in Charge” (2001-2002)
- G. Board of Supervisors Meeting Letter Regarding Isla Vista Grand Jury Report (2001-2002), dated August 20, 2002
- H. California Coastal Commission Memo titled “Implementation of New ADU Laws,” dated April 21, 2020

ATTACHMENT A: FINDINGS FOR DENIAL

1.0 CEQA FINDINGS

The County Planning Commission finds that the proposed projects are exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 [Projects Which are Disapproved]. Please see Attachment B (CEQA Notice of Exemption) of this staff report dated April 13, 2021 and incorporated herein by reference.

2.0 ADMINISTRATIVE FINDINGS

The discussion below is limited to the required findings which cannot be made for the projects.

2.1 COASTAL DEVELOPMENT PERMIT FINDINGS

Findings required for Coastal Development Permit applications subject to Section 35-169.4.2. In compliance with Section 35-169.5.2 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.2 the decision-maker shall first make all of the following findings:

2.1.1 The proposed development conforms:

- a. To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan;**
- b. With the applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 35-161 (Nonconforming Use of Land, Buildings and Structures).**

The Planning Commission finds that the projects do not conform to applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and does not comply with applicable provisions of the Article II Coastal Zoning Ordinance, as detailed in Sections 6.1, 6.3, and 6.4 of the staff report dated April 13, 2021 and included herein by reference.

2.1.2 The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).

The Planning Commission finds that the properties will not comply with all law, rules, and regulations due to the lack of adequate parking if the projects were approved. Four

vehicle parking spaces and two bicycle spaces are required for a three bedroom dwelling in the SR-M-8 zone district. The projects do not provide replacement vehicle and bicycle parking as required by Article II, as detailed in Section 6.4 of the staff report dated April 13, 2021 and included herein by reference.

2.1.3 The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

The Planning Commission finds that, as discussed in Sections 6.1, 6.3, and 6.4 of the Planning Commission staff report dated April 13, 2021 and herein incorporated by reference, the projects do not comply with the public access and recreation policies of the Coastal Zoning Ordinance and the Comprehensive Plan due to the lack of replacement parking for the converted garages.

ATTACHMENT B: NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Delaney Roney, Planning and Development Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN: 075-223-025, -024, and -023

Case No.: 20CDP-00000-00060, 20CDP-00000-00061, and 20CDP-00000-00062

Location: 6513, 6515, and 6517 Del Playa Drive (ordered corresponding to APN)

Project Title: Williams Accessory Dwelling Units

Project Applicant: Michelle McToldridge, agent for the owners

Project Description: Denial of the following permit requests:

Case No. 20CDP-00000-00060, an application for a Coastal Development Permit to allow for the conversion of an existing garage attached to the single family dwelling into a 370 gross square foot accessory dwelling unit. No grading is proposed. No trees are proposed for removal. Two parking spaces will be eliminated and will not be replaced. The parcel is served by the Goleta Water District, the Goleta West Sanitary District, and the County Fire Department. Access is provided off of Del Playa Drive. The parcel currently contains a three bedroom single family dwelling with a first floor of 975 gross square feet, second floor of 1,370 gross square feet and an attached garage of 370 gross square feet. The property is a 0.14-acre parcel zoned SR-M-8 and shown as Assessor's Parcel Number 075-223-025, located at 6513 Del Playa Drive in the Goleta Community Plan area, Third Supervisorial District.

Case No. 20CDP-00000-00061, an application for a Coastal Development Permit to allow for the conversion of an existing garage attached to the single family dwelling into a 370 gross square foot accessory dwelling unit. No grading is proposed. No trees are proposed for removal. Two parking spaces will be eliminated and will not be replaced. The parcel is served by the Goleta Water District, the Goleta West Sanitary District, and the County Fire Department. Access is provided off of Del Playa Drive. The parcel currently contains a three bedroom single family dwelling with a first floor of 975 gross square feet, second floor of 1,370 gross square feet and an attached garage of 370 gross square feet. The property is a 0.14-acre parcel zoned SR-M-8 and shown as Assessor's Parcel Number 075-223-024 located at 6515 Del Playa Drive in the Goleta Community Plan area, Third Supervisorial District.

Case No. 20CDP-00000-00062, an application for a Coastal Development Permit to allow for the conversion of an existing garage attached to the single family dwelling into a 370 gross square foot accessory dwelling unit. No grading is proposed. No trees are proposed for removal. Two parking spaces will be eliminated and will not be replaced. The parcel is served by the Goleta Water District, the Goleta West Sanitary District, and the County Fire Department. Access is provided off of Del Playa Drive. The parcel currently contains a three bedroom single family dwelling with a first floor of 975 gross square feet, second floor of 1,370 gross square feet and an attached garage of 370 gross square feet. The property is a 0.14-acre parcel zoned SR-M-8 and shown as Assessor's Parcel Number 075-223-023 located at 6517 Del Playa Drive in the Goleta Community Plan area, Third Supervisorial District.

Name of Public Agency Approving Project: County of Santa Barbara

Name of Person or Entity Carrying Out Project: George and Karen Williams, Owners

Exempt Status:

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

Cite specific CEQA and/or CEQA Guidelines Section: 15270 [Projects Which Are Disapproved]

Reasons to support exemption findings: The proposed projects are statutorily exempt from environmental review pursuant to Section 15270 [Projects Which Are Disapproved]. Section 15270 states that "CEQA does not apply to projects which a public agency rejects or disapproves." The projects are recommended for disapproval and therefore CEQA Section 15270 applies.

Lead Agency Contact Person: Delaney Roney, Planner

Phone #: (805) 568-2033

Department/Division Representative: _____

Date: _____

Acceptance Date: April 13, 2021

Distribution: Hearing Support Staff

Date Filed by County Clerk: _____



County of Santa Barbara Planning and Development

Lisa Plowman, Director
Jeff Wilson, Assistant Director
Steve Mason, Assistant Director

October 16, 2020

Ms. Michelle McToldridge
PO Box 5755
Santa Barbara, CA 93155

RE: DENIAL LETTER
Williams ADUs 6513, 6515, and 6517 Del Playa Drive
6513, 6515, and 6517 Del Playa Drive, Santa Barbara, CA 93117
Case Numbers 20CDP-00000-00060, -61, and -62, APNs 075-223-025, -24, and -23

Dear Ms. McToldridge,

Thank you for the August 25, 2020 application submittal for Coastal Development Permits to allow the conversion of the garages at 6513, 6515, and 6517 Del Playa Drive into Accessory Dwelling Units (Case Nos. 20CDP-00000-00060, -061, and -062, respectively).

After careful review by staff, the Coastal Development Permit requests are being denied based on the project's inconsistency with the California Coastal Act, the County of Santa Barbara Coastal Land Use Plan, and the County of Santa Barbara Coastal Zoning Ordinance (Article II). As proposed, the projects do not provide replacement parking for the two spaces lost as a result of the conversion of the garage on each parcel, and would result in adverse impacts on the public's ability to access the shoreline.

The Coastal Commission staff confirmed that current certified provisions of Local Coastal Plans (LCP), including specific LCP ADU sections currently in place, are not superseded by Government Code Section 65852.2 and continue to apply to Coastal Development Permit applications for ADUs. This is also detailed in Government Code Section 65852.2(I) (Statutes of 2019, Section 1.5) which states:

Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

Until the Coastal Commission has certified an amended ordinance with conditions to regulate and protect coastal resources, the current Coastal Zoning Ordinance (Article II) shall remain the ordinance in effect for ADUs in the Coastal Zone.

Section 4 of Article X of the California Constitution, mandates that maximum access and recreational opportunities be provided for all people. One of the means of access to the shoreline is by vehicular travel, which requires the use of public parking spaces. Section 30211 of the Coastal Act states, "*Development shall not interfere with the public's right of access to the sea where acquired through use, custom, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*" The County is mandated to protect this access, as is detailed in Policy 7-1 of the County's Coastal Land Use Plan, "*The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline.*" Additionally, Coastal Act Section 30223 states that "Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible." As currently proposed, the project does not provide adequate parking for the residents of the single family dwellings (as detailed below), which, due to the limited coastal access parking in Isla Vista, is in conflict with these policies.

Pursuant to Article II, Section 35-76.11, the parking requirement for SR-M zoning applicable to these projects (i.e. a single family dwelling with three bedrooms) is four spaces. The existing single family dwellings were each permitted with two parking spaces that are located in the garages and two parking spaces in a tandem configuration in the front yard setback, as allowed pursuant to Article II, Sections 35-76.11.3 and 35-76.11.7. The proposed ADUs would remove the two garage spaces without providing replacement spaces to meet the parking requirement for the existing single family dwellings. The loss of parking spaces would cause the parcels to no longer provide adequate parking for residents of the dwellings and would be inconsistent with Article II, Section 35-105 which states:

No parking area or parking space provided for the purpose of complying with the provisions of the Division shall thereafter be eliminated, reduced, or converted in any manner unless equivalent facilities approved by the County are provided elsewhere in conformity with this Division. The permit for the use for which the parking was provided shall immediately become void upon the failure to observe the requirements of this section.

Therefore, in conflict with this requirement, the parcels would make use of the limited public parking spaces available within Isla Vista to serve the needs of the dwellings' residents, and as a result would restrict public access to the shoreline.

Government Code Section 65852.2 requires that applications for ADUs be processed within 60 days from the date of submittal (i.e. October 18, 2020). P&D has determined that the proposed project is inconsistent with the California Coastal Act, the Santa Barbara County Coastal Land Use Plan and the County's Coastal Zoning Ordinance (Article II) regulations. As such, the project cannot be approved as currently proposed. Therefore, these permit applications are denied.

Our determination is based on the following project descriptions:

20CDP-00000-00060

The project is for a Coastal Development Permit to allow for the conversion of an existing garage attached to the single family dwelling into a 370 gross square foot accessory dwelling unit. No grading is proposed. No trees are proposed for removal. Two parking spaces will be eliminated and will not be replaced. The parcel is served by the Goleta Water District, the Goleta West Sanitary District, and the County Fire Department. Access is provided off of Del Playa Drive. The parcel currently contains a three bedroom single family dwelling with a first floor of 975 gross square feet and a second floor of 1,370 gross with an attached garage of 370 gross square feet. The property is a 0.14-acre parcel zoned SR-M-8 and shown as Assessor's Parcel Number 075-223-025, located at 6513 Del Playa Drive in the Goleta Community Plan area, Third Supervisorial District.

20CDP-00000-00061

The project is for a Coastal Development Permit to allow for the conversion of an existing garage attached to the single family dwelling into a 370 gross square foot accessory dwelling unit. No grading is proposed. No trees are proposed for removal. Two parking spaces will be eliminated and will not be replaced. The parcel is served by the Goleta Water District, the Goleta West Sanitary District, and the County Fire Department. Access is provided off of Del Playa Drive. The parcel currently contains a three bedroom single family dwelling with a first floor of 975 gross square feet and a second floor of 1,370 gross with an attached garage of 370 gross square feet. The property is a 0.14-acre parcel zoned SR-M-8 and shown as Assessor's Parcel Number 075-223-024 located at 6515 Del Playa Drive in the Goleta Community Plan area, Third Supervisorial District.

20CDP-00000-00062

The project is for a Coastal Development Permit to allow for the conversion of an existing garage attached to the single family dwelling into a 370 gross square foot accessory dwelling unit. No grading is proposed. No trees are proposed for removal. Two parking spaces will be eliminated and will not be replaced. The parcel is served by the Goleta Water District, the Goleta West Sanitary District, and the County Fire Department. Access is provided off of Del Playa Drive. The parcel currently contains a three bedroom single family dwelling with a first floor of 975 gross square feet and a second floor or 1,370 gross with an attached garage of 370 gross square feet. The property is a 0.14-acre parcel zoned SR-M-8 and shown as Assessor's Parcel Number 075-223-023 located at 6517 Del Playa Drive in the Goleta Community Plan area, Third Supervisorial District.

You may appeal this decision to the Planning Commission within 10 calendar days of the date of this letter by filing a formal appeal in writing. There is no appeal fee as the project is appealable to the Coastal Commission. The appeal form can be found on the Planning and Development Department's website, here:

<https://www.countyofsb.org/uploadedFiles/plnDev/Content/Permitting/AppealSubReqAPP.pdf>.

Alternatively, upon expiration of the 10-day appeal period, the denial will become effective and this cases will be closed.

Please feel free to contact me by email at droney@countyofsb.org.

Sincerely,

Delaney Roney, Development Review Division
Planning and Development Department
County of Santa Barbara
123 E. Anapamu St., Santa Barbara, CA 93101
Phone: (805) 568-2033
Fax: (805) 568-2020
Email: droney@countyofsb.org

Michelle McToldridge
Williams ADUs 6513, 6515, and 6517 Del Playa
Case Numbers 20CDP-00000-00060, -61, and -62
Page 5

cc: Lisa Plowman, Planning Director
Travis Seawards, Deputy Director
George and Karen Williams, 173 Hot Springs, Santa Barbara, CA 93108



Appeal to the Board of Supervisors or Planning Commission (County or Montecito)

APPEAL TO THE BOARD OF SUPERVISORS OR PLANNING COMMISSION (APL) on the issuance, revocation, or modification of:

- All Discretionary projects heard by one of the Planning Commissions
- Board of Architectural Review decisions
- Coastal Development Permit decisions
- Land Use Permit decisions
- Planning & Development Director's decisions
- Zoning Administrator's decisions

THIS PACKAGE CONTAINS

✓ APPLICATION FORM

✓ SUBMITTAL REQUIREMENTS

AND, IF ✓'D, ALSO CONTAINS

South County Office 123 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2000 Fax: (805) 568-2030	North County Office 624 W. Foster Road, Suite C Santa Maria, CA 93455 Phone: (805) 934-6250 Fax: (805) 934-6258	Clerk of the Board 105 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2240 Fax: (805) 568-2249
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SUBMITTAL REQUIREMENTS

_____ 8 Copies of the attached application.

- X 8 Copies of a written explanation of the appeal including:
 - If you are not the applicant, an explanation of how you are an **“aggrieved party”** (“Any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by the other nature of his concerns or who for good cause was unable to do either.”);
 - A clear, complete and concise statement of the **reasons or grounds for appeal**:
 - Why the decision or determination is consistent with the provisions and purposes of the County’s Zoning Ordinances or other applicable law; or
 - There was error or abuse of discretion;
 - The decision is not supported by the evidence presented for consideration;
 - There was a lack of a fair and impartial hearing; or
 - There is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

_____ 1 Check payable to County of Santa Barbara.

 X NONE REQUIRED. THIS IS AN APPEAL OF CDP DENIALS.

Note: There are additional requirements for certain appeals including:

- a. **Appeals regarding a previously approved discretionary permit** – If the approval of a Land use permit required by a previously approved discretionary permit is appealed, the applicant shall identify: 1) How the Land Use Permit is inconsistent with the previously approved discretionary permit; 2) How the discretionary permit’s conditions of approval that are required to be completed prior to the approval of a Land Use Permit have not been completed; 3) How the approval is inconsistent with Section 35.106 (Noticing).
- b. **Appeals regarding Residential Second Units (RSUs)** – The grounds for an appeal of the approval of a Land Use Permit for a RSU in compliance with Section 35.42.230 (Residential Second Units) shall be limited to whether the approved project is in compliance with development standards for RSUs provided in Section 35.42.230.F (Development Standards).



**PLANNING & DEVELOPMENT
APPEAL FORM**

SITE ADDRESS: 6513, 6515 and 6517 DEL PLAYA DRIVE, GOLETA, CA

ASSESSOR PARCEL NUMBER: 075-223-023, -024 and -025

Are there previous permits/applications? no yes numbers: _____
(include permit# & lot # if tract)

Is this appeal (potentially) related to cannabis activities? no yes

Are there previous environmental (CEQA) documents? no yes numbers: _____

1. **Appellant:** GEORGE WILLIAMS, TRUSTEE Phone: 805.451.0049 FAX: _____

Mailing Address: 173 HOT SPRINGS ROAD, SANTA BARBARA, CA 93108 E-mail: WILLICAN44@COX.NET
Street City State Zip

2. **Owner:** GEORGE AND KAREN WILLIAMS FAMILY TRUST Phone: 805.451.0049 FAX: _____

Mailing Address: 173 HOT SPRINGS ROAD, SANTA BARBARA, CA 93108 E-mail: WILLICAN44@COX.NET
Street City State Zip

3. **Agent:** MICHELLE MCTOLDRIDGE Phone: _____ FAX: _____

Mailing Address: PO BOX 5755, SANTA BARBARA, CA 93150 E-mail: MICHELLE@SHELTER-ARCHITECTURE.COM
Street City State Zip

4. **Attorney:** JOHN WILLIAMS Phone: 310.382.6388 FAX: _____

Mailing Address: 173 HOT SPRINGS ROAD, SANTA BARBARA, CA 93108 E-mail: JOHN@DELPLAYA.COM
Street City State Zip

COUNTY USE ONLY

Case Number: _____ Companion Case Number: _____
Supervisorial District: _____ Submittal Date: _____
Applicable Zoning Ordinance: _____ Receipt Number: _____
Project Planner: _____ Accepted for Processing _____
Zoning Designation: _____ Comp. Plan Designation _____

COUNTY OF SANTA BARBARA APPEAL TO THE:

BOARD OF SUPERVISORS

PLANNING COMMISSION: COUNTY MONTECITO

RE: Project Title DEL PLAYA CONVERSION OF GARAGES INTO ADUS

Case No. 20 CDP-00000-00060; -61 and -62

Date of Action OCTOBER 16, 2020

I hereby appeal the approval approval w/conditions denial of the:

Board of Architectural Review – Which Board? _____

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? _____

Planning & Development Director decision

Zoning Administrator decision

Is the appellant the applicant or an aggrieved party?

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are and “aggrieved party” as defined on page two of this appeal form:

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County’s Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

PLEASE SEE ATTACHED APPEAL MEMORANDUM.

As shown in the attached Appeal Memorandum there are several errors of law and fact which require the Planning and Development Department's Denial to be reversed and Appealant's EDP applications to be approved.

Specific conditions imposed which I wish to appeal are (if applicable):


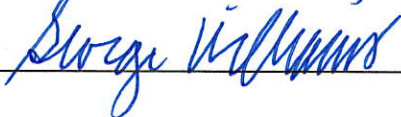


- a. _____
- b. _____
- c. _____
- d. _____

Please include any other information you feel is relevant to this application.

CERTIFICATION OF ACCURACY AND COMPLETENESS Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

Print name and sign – Firm		Date
John Williams		Oct 26, 2020
Print name and sign – Preparer of this form, Agent		Date
George Williams, Trustee		Oct 26, 2020
Print name and sign – Applicant		Date
Michelle McToldridge		10/26/20
Print name and sign – Agent		Date
George Williams, Trustee		Oct 26, 2020
Print name and sign – Landowner		Date

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Appeal of the Denial of the Williams' ADU CDP Applications

CDP Case Numbers: 20CDP-00000-00060
 20CDP-00000-00061
 20CDP-00000-00062

Property Addresses: 6513 Del Playa Drive (APN 075-223-025)
 6515 Del Playa Drive (APN 075-223-024)
 6517 Del Playa Drive (APN 075-223-023)

Background and Facts

This appeal is of the Santa Barbara County Planning and Development's ("P&D") October 16, 2020 denial of three Coastal Development Permits ("CDPs") for the conversion into JADU/ADUs the attached two-car garages in the single family homes located at 6513, 6515 and 6517 Del Playa Drive in Isla Vista (the "Houses").

In January, 2020, because it faced a housing crisis, California enacted new accessory dwelling unit (ADU/JADU) laws (Government Code Section 65852.2, et. seq.) that prevented local planning and development departments from using negative parking impacts as a reason for denying the conversion of attached single family garages into housing units.

Specifically, Gov. Code Section 65852.2(a)(1)(D)(xi) provided: "**When a garage . . . [is] converted to an accessory dwelling unit, the local agency shall not require that those off-street parking spaces be replaced**". (Emphasis added).

The new law also stated: "**Notwithstanding any other law**, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), **shall not impose parking standards for an accessory dwelling unit in any of the following instances**: (1) The accessory dwelling unit is located within one-half mile walking distance of public transit. [. . .] (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure. [. . .]" (Gov. Code Section 65852.2(d). Emphasis added).

When the State passed this legislation, it was aware that there was a critical shortage of public parking in areas affected by this new law, but the State passed the legislation anyway because the legislature and Governor concluded there was an overriding public need for additional housing. In other words, the State determined that housing trumps parking.

On July 30, 2020, in reliance on Gov. Code Section 65852.2, the George and Karen Williams Family Trust (the "Appellants"), owners of the Houses, submitted three completed applications for CDPs (the Houses are in the Coastal Zone) to convert those garages into JADU/ADUs. The Houses were built in 2005 pursuant to CDPs requiring that each garage provide two parking spots. There is not enough room on the street-side of each House's lot to replace the garage parking spots. The Houses are each within one-half mile walking distance of public transit and are part of an existing primary residence.

The Houses are located in Isla Vista, a community of more than 23,000 residents who are overwhelmingly students or employees of UCSB. (See, Wikipedia.com “Isla Vista”). Isla Vista has five shoreline/sea access foot paths that originate on Del Playa Drive and terminate on the beach or in the surf depending on the tide. (See, Google Maps “Isla Vista”) Each of these paths are less than an eighth of a mile from anywhere in Isla Vista. (See, Google Maps “Isla Vista”) There are thousands of automobile-sized public parking places available in Isla Vista which means that **each shoreline/sea access point is less than an eighth of a mile from thousands of public parking spots.** (See, Google Maps “Isla Vista”) When visiting Isla Vista by car it can be challenging to find a parking spot, but a parking spot can **ALWAYS** be found. Most residents in Isla Vista use alternative transportation including walking, bikes, skateboards, and scooters. (See, Wikipedia.com “Isla Vista”)

On October 16, 2020 P&D ignored Gov. Code Sections 65852.2(a)(1)(D)(xi) and 65852.2(d) and denied Appellant’s development applications because the projects did not replace the two parking spots in each garage with two off-street parking spots elsewhere on the property. (The Denial Letter is attached hereto and incorporated herein by this reference.) The County asserted its authority under the California Constitution and Coastal Act to protect access to the shoreline/sea and determined these ADU conversions negatively impacted public parking to such an extent that they prevented Californians from being able to drive a private car to access the shoreline/sea which meant that Californians could not access the shoreline in Isla Vista.

P&D’s decision contains several errors of law and fact and therefore should be reversed and the Appellant’s CDP applications should be approved.

Arguments

I. **Planning and Development Erred When It Concluded It Could Enforce Portions of Its Current Coastal Zoning Ordinance That Directly Conflict With New State Law.**

In its denial, P&D seems to acknowledge that the current language of Article II, Section 35-105 of the Santa Barbara Coastal Zoning Ordinance, that requires replacement parking spaces in attached garages being converted into ADUs, violates the express provisions of Gov. Code Sections 65852.2(a)(1)(D)(xi) and 65852.2(d). However, instead of simply applying the new law and approving Appellant’s applications as required, P&D insists it can completely ignore California’s new ADU law. For its justification P&D relies on a purported private communication with the Coastal Commission (which has not been shared with Appellant) and cites Gov. Code Section 65852.2(l) that states: “**Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the Coastal Act . . .**”.

P&D’s reading of Section 65852.2(l) is in error. Section 65852.2(l) should be read to mean that an applicant cannot use the new ADU law to justify building ADUs that physically block public access, destroy sensitive habitat or wetlands, or cause erosion, flooding, or wave uprush or otherwise interfere with the protections of the Coastal Act. (See below, CCC April 21, 2020

Memo, page 3). Those are all applications that must be read to supersede, alter or lessen the Coastal Act and Article X of the California Constitution. But negatively impacting parking, when the policy of parking versus housing was specifically debated when adopting the new ADU law, and the State policy of favoring housing over parking was expressly stated in the law, cannot be construed as a prohibited weakening, or altering, or superseding of the Coastal Act. The legislature and Governor clearly intended to have the lack of replacement parking apply in the Coastal Zone.

This is the correct reading of Gov. Code Section 65852.2(1) because, if the Legislature did not want the new ADU law to apply to the hundreds of thousands of residential properties in the Coastal Zone in California, it would have clearly stated so in the language of the new law. By not stating so, the Legislature clearly intended to include Coastal Zone properties in Gov. Code Section 65852.2 streamlined new housing law.

In a publically available April 21, 2020 Memorandum to all Planning Directors of Coastal Counties, (attached hereto and incorporated herein) the California Coastal Commission stated that **the Coastal Act does not exempt local governments from complying with state housing laws** (Page 1); they stated that the creation of new ADUs in existing residential areas is a promising strategy that will increase the supply of housing in a way that may be able to avoid significant adverse impacts on coastal resources (Memo, bottom of Page 1); they stated: “**Local governments are required to comply with both these new requirements for ADUs/JADUs and the Coastal Act**” (Memo, top of Page 3); and stated: “Where LCP policies directly conflict with the new provisions or require refinement to be consistent with the new laws, **those LCPs should be updated to be consistent with the new ADU provisions** to the greatest extent feasible, while still complying with the Coastal Act requirements. (Memo, middle of Page 3).

The Coastal Commission and Santa Barbara County and Santa Barbara City all concede that the new ADU law applies in the Coastal Zone. Santa Barbara City and Santa Barbara County are each in the process of amending their respective LCPs to comply with Gov. Code Section 65852.2. If Gov. Code Section 65852.2 does not apply in the Coastal Zone, there would be no need to update LCPs.

So how can P&D ignore a law (Gov. Code Section 65852.2) that it acknowledges is applicable? The answer is, it can't. It should have applied Gov. Code Section 65852.2 to Appellant's applications.

We concede that the conclusion by P&D that SB County's current LCP is not affected by Gov. Code Section 65852.2 is partially correct. The portions of the LCP that are not directly contradicted by the express language of Gov. Code Section 65852.2 are still valid and enforceable. However, the portions that are directly contradicted by specific language in Section 65852.2, like the replacement parking clauses where the State has clearly stated the policy of the State of California is to favor housing over parking, are null and void and by the express language of 65852.2 should have been applied by P&D. Had P&D applied those provisions, they would have had to approve Appellant's CDP applications.

“If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision . . .” (Gov. Code § 65852.2(a)(4)). “This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed existing single-family dwelling. **No additional standards, other than those provided in this subdivision, shall be used or imposed . . .**” (Gov. Code § 65852.2(a)(4). Emphasis added.). “No other local ordinance, policy, or regulation shall be the basis for delay or denial of a building permit or use permit under this subdivision.” (Gov. Code § 65852.2(a)(5)). Civil Code Section 4751 makes null and void the language in any deed, permit or other document that prohibits conversions into JADU/ADUs.

Because it had a local ordinance (Article II) that failed to meet the requirements of Gov. Code Section 65852.2, P&D should have applied Gov. Code Section 65852.2(a)(1)(D)(xi) that says: “When a garage . . . [is] converted to an accessory dwelling unit, the local agency **shall not** require that those offstreet parking spaces be replaced”. (Emphasis added).

Alternatively, P&D could have applied Gov. Code Section 65852.2(d) and would have had to reach the same result:

“**Notwithstanding any other law**, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), **shall not impose parking standards for an accessory dwelling unit in any of the following instances:** (1) **The accessory dwelling unit is located within one-half mile walking distance of public transit.** (2) The accessory dwelling unit is located within an architecturally and historically significant historic district. (3) **The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.** [. . .]”

By failing to apply Gov. Code Section 65852.2 when reviewing Appellant’s applications, the denial of Appellant’s CDPs was in error. No other standards, or laws, like Article II, Section 35-105, should have been used or imposed. But as cited throughout its Denial, P&D did use other standards, ordinances, policies, regulations, and laws in violation of the express language of Gov. Code Section 65852.2 (a)(4) and (5). Had P&D followed the applicable law, the applications should have been approved by P&D, and they should now be approved through this Appeal.

II. Planning and Development Erred When It Failed To Balance Appellant’s Interests With The Public’s Right of Access.

P&D claims the California Constitution and Coastal Act requires P&D to provide “maximum access” for Californians to drive their private automobile to the shoreline. P&D makes a factual finding that everyone must drive a car in order to access the beach and that Isla Vista has inadequate public parking spaces.

P&D cites Coastal Act Sections 30211 and 30223 for the proposition that one must be able to park a private automobile in order to “access” the shoreline, but P&B failed to apply Coastal Act Sections 30210 and 30214(b) to their analysis.

Coastal Act Section 30210 states:

“In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people **consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.**” (Emphasis added).

And Coastal Act Section 30214(b) states:

“It is the intent of the Legislature that **the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution.** [. . .]” (Emphasis added).

P&D must balance the rights of access with Appellant’s private property rights in a reasonable manner considering the equities of all parties. In this situation, had P&D balanced those equities, they would have found the public’s need for housing (created by these projects) outweighed the very unlikely and very limited impact these projects may have on the public’s ability to access the shoreline in Isla Vista.

Because P&D failed to balance the Appellant’s private property rights as required by the Coastal Act, Appellant’s CDP Applications should be approved.

P&D’s denial is based on its determination that Californians’ have a Constitutional right to park at or near a coastal access point, or that the Coastal Act grants Californians’ that right which P&D has the obligation to protect. This is an error of law. No such right exists. Had P&D not made this error, it would have had to apply Gov. Code Section 65852.2’s standards and approved Appellant’s applications. The Appeal should be granted and the Applications approved on this basis alone.

Additionally, P&D made errant factual findings that materially affected its decision. Contrary to P&D’s legal conclusion that there is a lack of sufficient coastal access parking in Isla Vista, parking is abundant in Isla Vista. Even a cursory review of Google Maps shows there are literally thousands of parking spaces within a short distance of five coastal access walking paths. An available parking spot can always be found somewhere in Isla Vista. It may take a while, but one can always be found. Furthermore, most people do not drive when they go to the shoreline in Isla Vista, they use alternative transportation, mostly walking or riding a bike, all access methods that do not require a parking spot. P&D cited no facts to sustain their legal conclusions. The denial of the CDPs was entirely dependent on these errant factual findings. For this reason as well, Appellant’s applications should be approved.

Conclusion

Planning and Development made several significant errors of law and fact when reviewing the Williams' CDP applications to convert the attached garages of single family homes into ADU/JADUs. The most significant error of law is that P&D should have applied Gov. Code Section 65852.2 as its sole review criteria, as required by the express language of Gov. Code Sections 65852.2. Instead, P&D wrongly relied on outdated policy and law (Article II), which Section 65852.2 made "null and void" by its express language, to justify denying the Williams' applications.

Another error of law P&D made was that it concluded that Article X of the California Constitution, or the Coastal Act gave Californians the right to park an automobile at or near a coastal access point. No such right exists.

P&D made several factual errors to justify its denials as well. Had it not made those factual errors, it would have approved these CDP applications. P&D concluded there is no available parking in Isla Vista without presenting evidence to support that conclusion. The only available evidence shows there is a very large supply of parking available in Isla Vista. P&D also concluded that a significant number of people (at least enough people to protect) drive a private car to access the beach in Isla Vista. C&P does not show any evidence to support this conclusion. The facts show that most people in Isla Vista access the shoreline using some transportation other than driving a private car.

For the foregoing reasons, this Appeal should be granted and the Williams' CDP applications should be approved.



County of Santa Barbara Planning and Development

Lisa Plowman, Director
Jeff Wilson, Assistant Director
Steve Mason, Assistant Director

October 16, 2020

Ms. Michelle McToldridge
PO Box 5755
Santa Barbara, CA 93155

RE: DENIAL LETTER
Williams ADUs 6513, 6515, and 6517 Del Playa Drive
6513, 6515, and 6517 Del Playa Drive, Santa Barbara, CA 93117
Case Numbers 20CDP-00000-00060, -61, and -62, APNs 075-223-025, -24, and -23

Dear Ms. McToldridge,

Thank you for the August 25, 2020 application submittal for Coastal Development Permits to allow the conversion of the garages at 6513, 6515, and 6517 Del Playa Drive into Accessory Dwelling Units (Case Nos. 20CDP-00000-00060, -061, and -062, respectively).

After careful review by staff, the Coastal Development Permit requests are being denied based on the project's inconsistency with the California Coastal Act, the County of Santa Barbara Coastal Land Use Plan, and the County of Santa Barbara Coastal Zoning Ordinance (Article II). As proposed, the projects do not provide replacement parking for the two spaces lost as a result of the conversion of the garage on each parcel, and would result in adverse impacts on the public's ability to access the shoreline.

The Coastal Commission staff confirmed that current certified provisions of Local Coastal Plans (LCP), including specific LCP ADU sections currently in place, are not superseded by Government Code Section 65852.2 and continue to apply to Coastal Development Permit applications for ADUs. This is also detailed in Government Code Section 65852.2(I) (Statutes of 2019, Section 1.5) which states:

Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

Until the Coastal Commission has certified an amended ordinance with conditions to regulate and protect coastal resources, the current Coastal Zoning Ordinance (Article II) shall remain the ordinance in effect for ADUs in the Coastal Zone.

Section 4 of Article X of the California Constitution, mandates that maximum access and recreational opportunities be provided for all people. One of the means of access to the shoreline is by vehicular travel, which requires the use of public parking spaces. Section 30211 of the Coastal Act states, "Development shall not interfere with the public's right of access to the sea where acquired through use, custom, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation." The County is mandated to protect this access, as is detailed in Policy 7-1 of the County's Coastal Land Use Plan, "The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline." Additionally, Coastal Act Section 30223 states that "Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible." As currently proposed, the project does not provide adequate parking for the residents of the single family dwellings (as detailed below), which, due to the limited coastal access parking in Isla Vista, is in conflict with these policies.

Pursuant to Article II, Section 35-76.11, the parking requirement for SR-M zoning applicable to these projects (i.e. a single family dwelling with three bedrooms) is four spaces. The existing single family dwellings were each permitted with two parking spaces that are located in the garages and two parking spaces in a tandem configuration in the front yard setback, as allowed pursuant to Article II, Sections 35-76.11.3 and 35-76.11.7. The proposed ADUs would remove the two garage spaces without providing replacement spaces to meet the parking requirement for the existing single family dwellings. The loss of parking spaces would cause the parcels to no longer provide adequate parking for residents of the dwellings and would be inconsistent with Article II, Section 35-105 which states:

No parking area or parking space provided for the purpose of complying with the provisions of the Division shall thereafter be eliminated, reduced, or converted in any manner unless equivalent facilities approved by the County are provided elsewhere in conformity with this Division. The permit for the use for which the parking was provided shall immediately become void upon the failure to observe the requirements of this section.

Therefore, in conflict with this requirement, the parcels would make use of the limited public parking spaces available within Isla Vista to serve the needs of the dwellings' residents, and as a result would restrict public access to the shoreline.

Government Code Section 65852.2 requires that applications for ADUs be processed within 60 days from the date of submittal (i.e. October 18, 2020). P&D has determined that the proposed project is inconsistent with the California Coastal Act, the Santa Barbara County Coastal Land Use Plan and the County's Coastal Zoning Ordinance (Article II) regulations. As such, the project cannot be approved as currently proposed. Therefore, these permit applications are denied.

Our determination is based on the following project descriptions:

20CDP-00000-00060

The project is for a Coastal Development Permit to allow for the conversion of an existing garage attached to the single family dwelling into a 370 gross square foot accessory dwelling unit. No grading is proposed. No trees are proposed for removal. Two parking spaces will be eliminated and will not be replaced. The parcel is served by the Goleta Water District, the Goleta West Sanitary District, and the County Fire Department. Access is provided off of Del Playa Drive. The parcel currently contains a three bedroom single family dwelling with a first floor of 975 gross square feet and a second floor or 1,370 gross with an attached garage of 370 gross square feet. The property is a 0.14-acre parcel zoned SR-M-8 and shown as Assessor's Parcel Number 075-223-025, located at 6513 Del Playa Drive in the Goleta Community Plan area, Third Supervisorial District.

20CDP-00000-00061

The project is for a Coastal Development Permit to allow for the conversion of an existing garage attached to the single family dwelling into a 370 gross square foot accessory dwelling unit. No grading is proposed. No trees are proposed for removal. Two parking spaces will be eliminated and will not be replaced. The parcel is served by the Goleta Water District, the Goleta West Sanitary District, and the County Fire Department. Access is provided off of Del Playa Drive. The parcel currently contains a three bedroom single family dwelling with a first floor of 975 gross square feet and a second floor or 1,370 gross with an attached garage of 370 gross square feet. The property is a 0.14-acre parcel zoned SR-M-8 and shown as Assessor's Parcel Number 075-223-024 located at 6515 Del Playa Drive in the Goleta Community Plan area, Third Supervisorial District.

20CDP-00000-00062

The project is for a Coastal Development Permit to allow for the conversion of an existing garage attached to the single family dwelling into a 370 gross square foot accessory dwelling unit. No grading is proposed. No trees are proposed for removal. Two parking spaces will be eliminated and will not be replaced. The parcel is served by the Goleta Water District, the Goleta West Sanitary District, and the County Fire Department. Access is provided off of Del Playa Drive. The parcel currently contains a three bedroom single family dwelling with a first floor of 975 gross square feet and a second floor or 1,370 gross with an attached garage of 370 gross square feet. The property is a 0.14-acre parcel zoned SR-M-8 and shown as Assessor's Parcel Number 075-223-023 located at 6517 Del Playa Drive in the Goleta Community Plan area, Third Supervisorial District.

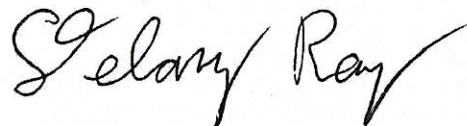
You may appeal this decision to the Planning Commission within 10 calendar days of the date of this letter by filing a formal appeal in writing. There is no appeal fee as the project is appealable to the Coastal Commission. The appeal form can be found on the Planning and Development Department's website, here:

<https://www.countyofsb.org/uploadedFiles/plndev/Content/Permitting/AppealSubReqAPP.pdf>.

Alternatively, upon expiration of the 10-day appeal period, the denial will become effective and this cases will be closed.

Please feel free to contact me by email at droney@countyofsb.org.

Sincerely,



Delaney Roney, Development Review Division
Planning and Development Department
County of Santa Barbara
123 E. Anapamu St., Santa Barbara, CA 93101
Phone: (805) 568-2033
Fax: (805) 568-2020
Email: droney@countyofsb.org

Michelle McToldridge
Williams ADUs 6513, 6515, and 6517 Del Playa
Case Numbers 20CDP-00000-00060, -61, and -62
Page 5

cc: Lisa Plowman, Planning Director
Travis Seawards, Deputy Director
George and Karen Williams, 173 Hot Springs, Santa Barbara, CA 93108

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400



To: Planning Directors of Coastal Cities and Counties
From: John Ainsworth, Executive Director
Re: Implementation of New ADU Laws
Date: April 21, 2020

The Coastal Commission has previously circulated two memos to help local governments understand how to carry out their Coastal Act obligations while also implementing state requirements regarding the regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”). As of January 1, 2020, AB 68, AB 587, AB 670, AB 881, and SB 13 each changed requirements on how local governments can and cannot regulate ADUs and JADUs, with the goal of increasing statewide availability of smaller, more affordable housing units. This memo is meant to describe the changes that went into effect on January 1, 2020, and to provide guidance on how to harmonize these new requirements with Local Coastal Program (“LCP”) and Coastal Act policies.

Coastal Commission Authority Over Housing in the Coastal Zone

The Coastal Act does not exempt local governments from complying with state and federal law “with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any other law hereafter enacted.” (Pub. Res. Code § 30007.) The Coastal Act requires the Coastal Commission to encourage housing opportunities for low- and moderate-income households. (Pub. Res. Code § 30604(f).) New residential development must be “located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it” or in other areas where development will not have significant adverse effects on coastal resources. (Pub. Res. Code § 30250.) The creation of new ADUs in existing residential areas is a promising strategy for increasing the supply of lower-cost housing in the coastal zone in a way that may be able to avoid significant adverse impacts on coastal resources.

This memorandum is intended to provide general guidance for local governments with fully certified LCPs. The Coastal Commission is generally responsible for Coastal Act review of ADUs in areas that are not subject to fully certified LCPs. Local governments that have questions about specific circumstances not addressed in this memorandum should contact the appropriate district office of the Commission.

Overview of New Legislation¹

The new legislation effective January 1, 2020 updates existing Government Code Sections 65852.2 and 65852.22 concerning local government procedures for review and approval of ADUs and JADUs. As before, local governments have the discretion to adopt an ADU ordinance that is consistent with state requirements. (Gov. Code § 65852.2(a).) AB 881 (Bloom) made numerous significant changes to Government Code section 65852.2. In their ADU ordinances, local governments may still include specific requirements addressing issues such as design guidelines and protection of historic structures. However, per the recent state law changes, a local ordinance may not require a minimum lot size, owner occupancy of an ADU, fire sprinklers if such sprinklers are not required in the primary dwelling, or replacement offstreet parking for carports or garages demolished to construct ADUs. In addition, a local government may not establish a maximum size for an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom. (Gov. Code § 65852.2(c)(2)(B).) Section 65852.2(a) lists additional mandates for local governments that choose to adopt an ADU ordinance, all of which set the “maximum standards that local agencies shall use to evaluate a proposed [ADU] on a lot that includes a proposed or existing single-family dwelling.” (Gov. Code § 65852.2(a)(6).)

Some local governments have already adopted ADU ordinances. Existing or new ADU ordinances that do *not* meet the requirements of the new legislation are null and void, and will be substituted with the provisions of Section 65852.2(a) until the local government comes into compliance with a new ordinance. (Gov. Code § 65852.2(a)(4).) However, as described below, existing ADU provisions contained in certified LCPs are not superseded by Government Code section 65852.2 and continue to apply to CDP applications for ADUs until an LCP amendment is adopted. One major change to Section 65852.2 is that the California Department of Housing and Community Development (“HCD”) now has an oversight and approval role to ensure that local ADU ordinances are consistent with state law, similar to the Commission’s review of LCPs. If a local government adopts an ordinance that HCD deems to be non-compliant with state law, HCD can notify the Office of the Attorney General. (Gov. Code § 65852.2(h).)

If a local government does *not* adopt an ADU ordinance, state requirements will apply directly. (Gov. Code § 65852.2(b)–(e).) Section 65852.2 subdivisions (b) and (c) require that local agencies shall ministerially approve or disapprove applications for permits to create ADUs. Subdivision (e) requires ministerial approval, whether or not a local government has adopted an ADU ordinance, of applications for building permits of the following types of ADUs and JADUs in residential or mixed use zones:

- One ADU or JADU per lot *within* a proposed or existing single-family dwelling or existing space of a single-family dwelling or accessory structure, including an expansion of up to 150 square feet beyond the existing dimensions of an existing accessory structure; with exterior access from the proposed or existing single-family

¹ This Guidance Memo only provides a partial overview of new legislation related to ADUs. The Coastal Commission does not interpret or implement these new laws.

dwelling; side and rear setbacks sufficient for fire and safety; and, if a JADU, applicant must comply with requirements of Section 65852.22; (§ 65852.2(e)(1)(A)(i)-(iv))

- One detached, new construction ADU, which may be combined with a JADU, so long as the ADU does not exceed four-foot side and rear yard setbacks for the single family residential lot; (§ 65852.2(e)(1)(B))
- Multiple ADUs within the portions of existing multifamily dwelling structures that are not currently used as dwelling spaces; (§ 65852.2(e)(1)(C))
- No more than two detached ADUs on a lot that has an existing multifamily dwelling, subject to a 16-foot height limitation and four-foot rear yard and side setbacks. (§ 65852.2(e)(1)(D))

ADUs and JADUs created pursuant to Subdivision (e) must be rented for terms greater than 30 days. (Gov. Code § 65852.2(e)(4).)

What Should Local Governments in the Coastal Zone Do?

1) Update Local Coastal Programs (LCPs)

Local governments are required to comply with both these new requirements for ADUs/JADUs and the Coastal Act. Currently certified provisions of LCPs are not, however, superseded by Government Code section 65852.2, and continue to apply to CDP applications for ADUs until an LCP amendment is adopted. Where LCP policies directly conflict with the new provisions or require refinement to be consistent with the new laws, those LCPs should be updated to be consistent with the new ADU provisions to the greatest extent feasible, while still complying with Coastal Act requirements.

As noted above, Section 65852.2 expressly allows local governments to adopt local ordinances that include criteria and standards to address a wide variety of concerns, including potential impacts to coastal resources. For example, a local government may address reductions in parking requirements that would have a direct impact on public access. As a result, we encourage local governments to identify the coastal resource context applicable in a local jurisdiction and ensure that any proposed ADU-related LCP amendment appropriately addresses protection of coastal resources consistent with the Coastal Act at the same time that it facilitates ADUs/JADUs consistent with the new ADU provisions. For example, LCPs should ensure that new ADUs are not constructed in locations where they would require the construction of shoreline protective devices, in environmentally sensitive habitat areas, wetlands, or in areas where the ADU's structural stability may be compromised by bluff erosion, flooding, or wave uprush over their lifetime. Our staff is available to assist in the efforts to amend LCPs.

Please note that LCP amendments that involve purely procedural changes, that do not propose changes in land use, and/or that would have no impacts on coastal resources may be eligible for streamlined review as minor or de minimis amendments. (Pub. Res. Code § 30514(d); Cal. Code Regs., tit. 14, § 13554.) The Commission will process ADU-specific LCP amendments as minor or de minimis amendments whenever possible.

2) Follow This Basic Guide When Reviewing ADU or JADU Applications

a. Check Prior CDP History for the Site.

Determine whether a CDP was previously issued for development of the lot and whether that CDP limits, or requires a CDP or CDP amendment for, changes to the approved development or for future development or uses of the site. The applicant should contact the appropriate Coastal Commission district office if a Commission-issued CDP limits the applicant's ability to apply for an ADU or JADU.

b. Determine Whether the Proposed ADU or JADU Qualifies as Development.

Any person "wishing to perform or undertake any development in the coastal zone" shall obtain a CDP. (Pub. Res. Code § 30600.) Development as defined in the Coastal Act includes not only "the placement or erection of any solid material or structure" on land, but also "change in the density or intensity of use of land[.]" (Pub. Res. Code § 30106.) Government Code section 65852.2 states that an ADU that conforms to subdivision (a) "shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot." (Gov. Code § 65852.2(a)(8).)

Conversion of an existing legally established room(s) to create a JADU or ADU within an existing residence, without removal or replacement of major structural components (i.e. roofs, exterior walls, foundations, etc.) and that do not change the size or the intensity of use of the structure may not qualify as development within the meaning of the Coastal Act, or may qualify as development that is either exempt from coastal permit requirements and/or eligible for streamlined processing (Pub. Res. Code §§30106 and 30610), see also below. JADUs created within existing primary dwelling structures that comply with Government Code Sections 65852.2(e) and 65852.22 typically will fall into one of these categories, unless specified otherwise in a previously issued CDP or other coastal authorization for existing development on the lot. However, the conversion of detached structures associated with a primary residence to an ADU or JADU may involve a change in the size or intensity of use that would qualify as development under the Coastal Act and require a coastal development permit, unless determined to be exempt or appropriate for waiver.

c. If the Proposed ADU Qualifies as Development, Determine Whether It Is Exempt.

Improvements such as additions to existing single-family dwellings are generally exempt from Coastal Act permitting requirements except when they involve a risk of adverse environmental effects as specified in the Commission's regulations. (Pub. Res. Code § 30610(a); Cal. Code Regs., tit. 14, § 13250.) Improvements that qualify as exempt development under the Coastal Act and its implementing regulations do not require a CDP from the Commission or a local government unless required pursuant to a previously issued CDP. (Cal. Code Regs., tit. 14, § 13250(b)(6).)

Typically, the construction or conversion of an ADU/JADU contained within or directly attached to an existing single-family residence would qualify as an exempt improvement to a single-family residence. (Cal. Code Regs., tit. 14, § 13250(a)(1).) Guest houses and “self-contained residential units,” i.e. detached residential units, do not qualify as part of a single-family residential structure, and construction of or improvements to them are therefore not exempt development. (Cal. Code Regs., tit. 14, § 13250(a)(2).)

d. If the Proposed ADU is Not Exempt from CDP Requirements, Determine Whether a CDP Waiver Is Appropriate.

If the LCP includes a waiver provision, and the proposed ADU or JADU meets the criteria for a CDP waiver the local government may waive the permit requirement for the proposed ADU or JADU. The Commission generally has allowed a waiver for proposed *detached* ADUs if the executive director determines that the proposed ADU is de minimis development, involving no potential for any adverse effects on coastal resources and is consistent with Chapter 3 policies. (See Pub. Res. Code § 30624.7.)

Some LCPs do not allow for waivers, but may allow similar expedited approval procedures. Those other expedited approval procedures may apply. If an LCP does not include provisions regarding CDP waivers or other similar expedited approvals, the local government may submit an LCP amendment to authorize those procedures.

e. If a Waiver Would Not Be Appropriate, Review CDP Application for Consistency with Certified LCP Requirements.

If a proposed ADU constitutes development, is not exempt, and is not subject to a waiver or similar expedited Coastal Act approval authorized in the certified LCP, it requires a CDP. The CDP must be consistent with the requirements of the certified LCP and, where applicable, the public access and recreation policies of the Coastal Act. The local government then must provide the required public notice for any CDP applications for ADUs and process the application pursuant to LCP requirements, but should process it within the time limits contained in the ADU law if feasible. Once the local government has issued a decision, it must send the required final local action notice to the appropriate district office of the Commission. If the ADU qualifies as appealable development, a local government action to approve a CDP for the ADU may be appealed to the Coastal Commission. (Pub. Res. Code § 30603.)

Information on AB 68, AB 587, AB 670, and SB 13

JADUs – AB 68 (Ting)

JADUs are units of 500 square feet or less, contained entirely within a single-family residence or existing accessory structure. (Gov. Code §§ 65852.2(e)(1)(A)(i) and 65852.22(h)(1).) AB 68 (Ting) made several changes to Government Code section 65852.22, most notably regarding the creation of JADUs pursuant to a local government ordinance. Where a local

government has adopted a JADU ordinance, “[t]he ordinance may require a permit to be obtained for the creation of a [JADU].” (Gov. Code § 65852.22(a).) If a local government adopts a JADU ordinance, a maximum of one JADU shall be allowed on a lot zoned for single-family residences, whether they be proposed or existing single-family residences. (Gov. Code § 65852.22(a)(1).) (This formerly only applied to *existing* single-family residences. Now, proposals for a new single-family residence can include a JADU.) Efficiency kitchens are no longer required to have sinks, but still must include a cooking facility with a food preparation counter and storage cabinets of reasonable size relative to the space. (Gov. Code § 65852.22(a)(6).) Applications for permits pursuant to Section 65852.22 shall be considered ministerially, within 60 days, if there is an existing single-family residence on the lot. (Gov. Code § 65852.22(c).) (Formerly, complete applications were to be acted upon within 120 days.)

If a local government has *not* adopted a JADU ordinance pursuant to Section 65852.22, the local government is required to ministerially approve building permit applications for JADUs within a residential or mixed-use zone pursuant to Section 65852.2(e)(1)(A). (Gov. Code § 65852.22(g).) That section is detailed in bullet points on pages two-three of this memorandum and refers to specific ADU and JADU approval scenarios.

Sale or Conveyance of ADUs Separately from Primary Residence – AB 587 (Friedman)

AB 587 (Friedman) added Section 65852.26 to the Government Code to allow a local government to, by ordinance, allow the conveyance or sale of an ADU separately from a primary residence if several specific conditions all apply. (Gov. Code § 65852.26.) This section only applies to a property built or developed by a qualified nonprofit corporation, which holds enforceable deed restrictions related to affordability and resale to qualified low-income buyers, and holds the property pursuant to a recorded tenancy in common agreement. Please review Government Code Section 65852.26 if such conditions apply.

Covenants and Deed Restrictions Null and Void – AB 670 (Friedman)

AB 670 added Section 4751 to the California Civil Code, making void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an ADU or JADU on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code.

Delayed Enforcement of Notice to Correct a Violation – SB 13 (Wieckowski)

SB 13 (Wieckowski) Section 3 added Section 17980.12 to the Health and Safety Code. The owner of an ADU who receives a notice to correct a violation can request a delay in enforcement, if the ADU was built before January 1, 2020, or if the ADU was built after January 1, 2020, but the jurisdiction did not have a compliant ordinance at the time the request to fix the violation was made. (Health & Saf. Code § 17980.12.) The owner can request a delay of five (5) years on the basis that correcting the violation is not necessary to protect health and safety. (Health & Saf. Code § 17980.12(a)(2).)

ISLA VISTA –WHO’S IN CHARGE

INTRODUCTION

Early in the term of the 2001-2002 the Grand Jury (the Jury) held several roundtable discussions asking how the Jury could best be a service to the people of Santa Barbara County. It was during one of these sessions that Isla Vista was noted as an area of concern with many un-addressed problems – a community in neglect! Previous Grand Juries have written reports on “Public Safety In Isla Vista” (1993-1994)¹ and “The Isla Vista Recreation and Park District” (1994-1995). The 2001-2002 Jury decided to investigate the broad subject of “Isla Vista Living Conditions” this investigation compels the question: “Isla Vista – Who’s in Charge?”

APPROACH

The 2001-2002 Jury was informed by the County Local Agency Formation Commission (LAFCO) that 27 different agencies have a responsibility to influence the University of California at Santa Barbara (UCSB)/Isla Vista Community. The Jury wanted to know what these agencies did or did not do and whether they were effective in carrying out their responsibilities. A guided tour of Isla Vista and the western portions of the UCSB campus, plus an interview with the County Sheriff’s Isla Vista Foot Patrol immediately brought to mind a number of questions that needed to be addressed. The following is a list of those questions:

- What services does Isla Vista require? Which of those are in need of improvement?
- Is there consistent building code enforcement?
- Is there enforcement of zoning regulations, special regulations, fire regulations, etc.?
- What are the crime rates and how do they compare with other university related cities?
- What are the parking regulations and are they enforced?
- What is the status of the sidewalk construction for Isla Vista?
- Are the efforts of the County Public Works Department on balance with the other communities of Santa Barbara County?
- What responsibility does the University of California at Santa Barbara (UCSB) share with the Isla Vista Area?
- What fire safety hazards exist?
- Is there a commonly accepted organization of authority or leader of developments affecting the Isla Vista living conditions?

¹ These reports are available on the Santa Barbara County Grand Jury web site at www.sbcgj.org.

In securing information to answer the above questions, and in addition to the previously mentioned inspections, the Jury interviewed 14 individuals and attended the “Isla Vista Design Workshop” April 9 thru 16, 2002. The Jury also reviewed all or portions of the following reports:

- University of California at Santa Barbara (UCSB), Program Support for the Community of Isla Vista, 1970 thru 1990.
- Goleta Transportation Improvement Plan, May 1999.
- UCSB Neighborhood Support Measures for the Community of Isla Vista, June 1, 1990.
- Cooperative Relations Agreement between The Regents of the University of California and the City and County of Santa Barbara, Citizens for Goleta Valley, Citizens Planning Association and the Isla Vista Association, December 14, 1990.
- Final Redevelopment Plan for the Isla Vista Redevelopment Project, November 27, 1990 and amended December 7, 1999.
- Enhancement Committee Recommendations.
- Isla Vista Circulation and Parking Study, April 29, 1991.
- Isla Vista Community Enhancement Report, November 1992.
- Memorandum of Understanding, June 1, 2000. By and Between
 - Isla Vista Recreation and Park District
 - County of Santa Barbara
 - Redevelopment Agency of the County
 - Regents of the University of California
- Isla Vista Planning Committee Proposed Work Plan, August 12, 1999.
- Proposed Isla Vista Master Plan, August 26, 1999.
- Minutes of various Isla Vista Redevelopment Agency’s Board of Directors meetings.
- County of Santa Barbara Coastal Zoning Ordinance, December 1997.
- Santa Barbara County Coastal Plan, January 1982.
- Santa Barbara County Building Code, April 27, 2000.

After reviewing the above information, it became evident that most of the problems with Isla Vista have been previously identified and many plans or programs have been undertaken to study these problems. The Jury has re-identified many of those Findings and Recommendations in this report. The Jury determined that one major Finding and its related Recommendation was basic to the multitude of problems of the Isla Vista/University community - no agency has been charged with responsibility to correct the problems that have been identified and studied for years! The Jury is compelled to ask: “Isla Vista – Who’s in Charge?”.

ISLA VISTA’S PRIMARY NEED

This lack of an agency charged with the responsibility for implementation of the many plans is due to the following observations:

- The Isla Vista Recreation and Park District authority is limited to managing and operating the parks in Isla Vista.
- The elected body for local government in the unincorporated area is the Santa Barbara County Board of Supervisors. The citizens of Isla Vista are represented by the 3rd District Supervisor, who also represents the balance of the 3rd District, which has twice the population of the Isla Vista community.
- The County Board of Supervisors while sitting as the Santa Barbara County Redevelopment Agency manages the Isla Vista Redevelopment District. The District does not have full time employees or an assigned staff.
- Responsibility for municipal type services for the Isla Vista/University community are scattered over 27 different agencies.

The well documented problems in the area of safety, security, overcrowding, congestion, zoning and building code violations, poor lighting, limited access, elevated crime rates and disregard for property are a continuing blight on the community. No single agency is charged with the responsibility to address these problems or coordinate the response of other agencies beyond the planning process.

“UCSB is in danger of falling in popular image and will not be in the same league as other University of California campuses”.² A new Master Plan being generated by four affected agencies is to be completed in the next two years. Immediate steps need to be taken by the Board of Supervisors to clearly designate an agency, department or individual to have the primary responsibility of implementing programs and policies that will begin to correct the blight that affects Isla Vista. Without this, the new Master Plan will go the way of the many prior attempts, nothing will happen and it will be studied again in the future.

FINDINGS AND RECOMMENDATIONS

Finding 1: No single agency has been assigned the responsibility to address Isla Vista problems incrementally or collectively beyond the planning process.

² Draft Proposed Isla Vista Master Plan, August 26, 1999 and Isla Vista Planning Committee Proposed Work Plan, Revised August 12, 1999.

Finding 2: The Isla Vista Redevelopment District does not have full time employees or an assigned staff.

Finding 3: Responsibility for municipal type services for the Isla Vista/University community are scattered over 27 different agencies.

Finding 4: The County, District and University are jointly planning efforts and resource commitments for a new Master Plan which is to be completed in the next two years.

Finding 5: In many areas the sidewalks have yet to be constructed, although it was an action item in the 1990 Redevelopment Plan.

Finding 6: The absence of sidewalks has allowed parking in the front yards of residential facilities to be a common occurrence.

Finding 7: County documents state that the cost of right-of-way limits the installation of sidewalks. The Jury's interviews indicated that several landlords would donate their right-of-way for sidewalk construction.

Finding 8: The Isla Vista Redevelopment District does not have sufficient funds to complete the construction of sidewalks, while at the same time it has funded (\$366,500) the purchase of the El Encanto Apartment Housing site. This site is not within the District's boundary.

Finding 9: Most of the streets have streetlights installed on only one side and many of the existing lights exceed the County Department of Public Works standard for spacing. For example, the four blocks on Camino Pescadero, north of Sabado Tarde have only five existing streetlights.

Finding 10: Some of the existing street lights are rated at 70 watts.

Finding 11: The University of California at Santa Barbara (UCSB) has inadequate parking for students, faculty and administration.

Finding 12: The existing parking demand in Isla Vista exceeds the parking space availability. This problem has been a recognized problem for at least 20 years.

Finding 13: In 1995, the 3rd District Supervisor stated that the parking problem in Isla Vista "continues to be an unmitigated community disaster".³

³ Memo from William B. Wallace to Board of Supervisors re Isla Vista Permit Parking Program dated February 21, 1995.

Finding 14: Prior studies, by the County, of the parking problems in Isla Vista recognized that the problems resulted in “heavily congested streets with illegally parked vehicles causing obstructions to emergency vehicles, pedestrians, busses and other motorists and bicycles”.⁴

Finding 15: The Isla Vista Homeowners Association has repeatedly requested that the County undertake a program to facilitate parking for Isla Vista residents.

Finding 16: Present parking ordinances (quantity of parking spaces required based on the number of bedrooms or studios) cause many of the owners to make building changes without proper permitting.

Finding 17: The Isla Vista Housing Inspection Program was established in April 1998.

Finding 18: The Inspection Program office is not staffed or equipped for adequate Zoning Inspection in addition to Building Code and Safety inspections.

Finding 19: The Inspection Program office computer does not have a broadband connection to the County’s network.

Finding 20: There is no central organization that works to improve the general living conditions. The Isla Vista Parks and Recreation District is the manager of parks and recreation and the Isla Vista Redevelopment District acts only when the Board of Supervisors convene as the District.

Finding 21: UCSB has adapted an “Extended Jurisdiction” policy beyond campus boundaries. This enables the Student Faculty Conduct Committee to conduct private hearings with students for offenses committed off campus. This is presently limited to offenses, which fall under the categories of physical abuse, sexual assault, sexual harassment and hazing.

Finding 22: The main entrances to the University do not transit the community of Isla Vista.

Finding 23: UCSB pays little or no fees for community impacts of housing, schooling and parking facilities for the approximately 8,000 students that reside in Isla Vista.

Recommendation 1: The Board of Supervisors should designate an agency, department or individual to have primary responsibility to implement programs and policies that will begin to correct the many problems in Isla Vista.

⁴ Isla Vista Permit Parking Program, Draft Policy Summary, January 21, 1994.

Recommendation 2: The named agency, department or individual become the central contact for the University administration in the cooperative improvement of the Isla Vista community.

Recommendation 3: Create a parking district to develop and enforce parking ordinances.

Recommendation 4: Create incentive plans to encourage multiple unit rental owners to upgrade their properties.

Recommendation 5: Install new streetlights in areas that exceed Santa Barbara County Public Works standard spacing. Install these new lights on the side opposite the existing ones to improve the overall lighting.

Recommendation 6: Increase wattage of new streetlights to a minimum of 100 watts to improve public safety.

Recommendation 7: County Public Works Department continue to construct as many new sidewalks as the annual budget allows, while working with property owners to resolve the right-of-way for sidewalk construction.

Recommendation 8: The Isla Vista Redevelopment District should insure that all projects remain in the Redevelopment District.

Recommendation 9: Segregate the Isla Vista community parking program revenues for use to acquire additional off-site parking in the immediate vicinity of Isla Vista.

Recommendation 10: Work with the Metropolitan Transit District to develop a shuttle bus system, which would facilitate remote low-cost parking and minimize the need for vehicle use in Isla Vista.

Recommendation 11: The Isla Vista Redevelopment District should develop a plan for a remote low-cost parking facility.

Recommendation 12: Assign a part-time Zoning Enforcement Planner to assist the present Building Inspector.

Recommendation 13: Connect the PC workstation in the Isla Vista office to the County network via a broadband system.

Recommendation 14: Revise the parking ordinances in relation to the actual availability of existing parking.

Recommendation 15: The Sheriff’s Foot Patrol should request that the UCSB “Extended Jurisdiction” policy include second offense alcohol violations by both individual and student housing units.

Recommendation 16: The County needs to work with the University to expedite the revision of the west campus so that Pardall Street becomes a major entrance to the University.

Recommendation 17: The County should approach the University to consider payment of impact fees as any other large employer or developer.

Recommendation 18: The Redevelopment District should work with the University to develop the Isla Vista area into an equivalent world-class living area of which the students and faculty would be proud.

AFFECTED AGENCY

Board of Supervisors

Finding 1, 2, 4, 5, 7, 8, 9, 12 thru 20, 24, 27

Recommendation 1 thru 5, 8, 9, 10, 11, 13, 14, 16, 17

Isla Vista Redevelopment District

Finding 1, 2, 4, 5, 8, 9, 10, 12, 16

Recommendation 1, 3, 4, 5, 8, 10, 11, 18

Santa Barbara County Planning and Development Department

Finding 1, 7, 12, 14 thru 19, 23

Recommendation 4, 11, 12, 13, 14, 16, 17

Santa Barbara County Sheriff’s Department

Finding 6, 25

Recommendation 15

Santa Barbara County Public Works Department

Finding 5 thru 10

Recommendation 5, 6, 7

SANTA BARBARA COUNTY BOARD AGENDA LETTER



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

Agenda Number:
Prepared on: 8/8/02
Department Name: County Administrator
Department No.: 012
Agenda Date: 8/20/02
Placement: Departmental
Estimate Time: 45 mins.
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Michael F. Brown
County Administrator

STAFF CONTACT: James Laponis, Deputy County Administrator, 568-3400
Benjamin Goldstein, 884-8050

SUBJECT: Joint Board of Supervisors' and County Redevelopment Agency's Response to the 2001-2002 Grand Jury Report "Isla Vista - Who's In Charge"

Recommendations:

That the Board of Supervisors and County Redevelopment Agency:

1. Adopt staff's proposed responses as the joint Board of Supervisors and County Redevelopment Agency's response to the 2001-2002 Grand Jury Report, "Isla Vista – Who's In Charge." (Attachment A)
2. Accept the Isla Redevelopment Project Area Committee's review comments as contained in Attachment B.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community, and Goal No. 5.A High Quality of Life for All Residents.

Executive Summary and Discussion:

The Grand Jury Report contains 23 findings and 18 recommendations and was released on June 7, 2002. In accordance with Section 933(b), the governing body of the agency (Board of Supervisors) must respond within 90 days after issuance of the Grand Jury Report. Consequently, the Board of Supervisors' response must be finalized and transmitted to the Presiding Judge of the Superior Court no later than Thursday, September 5, 2002.

The Report requires responses from three County departments (Planning and Development, Public Works, and Sheriff-Coroner) as well as the Board of Supervisors and County Redevelopment Agency. The department's responses have been sent to the Presiding Judge and are provided as Attachments C, D, and E.

Mandates and Service Levels:

California Penal Code Section 933(c) requires that comments to Grand Jury Findings and Recommendations be made in writing. These comments, in themselves, do not change existing programs or service levels

Fiscal and Facilities Impacts:

None from the recommended action.

Special Instructions:

The response of the Board of Supervisors must be transmitted to the Presiding Judge of the Superior Court no later than September 5, 2002. Please return the signed letter to Jennie Esquer, County Administrator's Office, for distribution to the Superior court. The signed letter, written responses, and a 3.5" computer disc with the response in a Microsoft Word file must be forwarded to the Grand Jury

Attachments:

- Attachment A - Board of Supervisor's and Redevelopment Agency's Response
- Attachment B - Isla Redevelopment Project Area Committee's Review Comments
- Attachment C - Planning & Development Response
- Attachment D - Public Works Response
- Attachment E - Sheriff's Department Response
- Attachment F - Copy of Grand Jury 2001-2002 Report

cc: John Patton, Director of Planning & Development
Phil Demery, Director of Public Works
James Thomas, Sheriff-Coroner

August 20, 2002

The Honorable Rodney S. Melville, Presiding Judge
Santa Barbara County Superior Court
312-C East Cook Street
Santa Maria, CA 93456-5369

Mary Anne Harrison
2001/02 Grand Jury Foreperson
1100 Anacapa Street
Santa Barbara, CA 93101

**Board of Supervisors' and Redevelopment Agency's Joint Response to the 2001-02 Grand
Jury Report on:
"Isla Vista – Who's in Charge"**

Dear Judge Melville and Grand Jury Members:

During its regular meeting of August 20, 2002, the Board of Supervisors met as both the Board and the County's Redevelopment Agency and adopted the following responses as those of both bodies to the findings and recommendations in the 2001-2002 Grand Jury's report "Isla Vista – Who's in Charge."

Introduction to Board of Supervisors and County Redevelopment Agency Response to the Grand Jury Report: “Isla Vista-Who’s In Charge”

Recognizing that the many of the problems in Isla Vista have persisted since at least 1969, the County of Santa Barbara, the University and the Isla Vista Recreation and Park District (IVRPD) began, in the summer of 1998, to investigate joint strategies to improve the community of Isla Vista. Prior to 1998 each agency had worked separately to identify problems and work on solutions. In January 1999, a larger working group was formed, comprising members from the County Planning and Development Department's Comprehensive Planning Division, the County Administrator's Office, the Third District Supervisor's Office, UCSB's Office of Budget and Planning, and the IVRPD to review the options for addressing overcrowding, residential dwelling quality, adequacy of downtown services, architectural design quality, the UCSB/IV interface, parking, traffic, and other infrastructure issues. The group determined that Isla Vista needed a comprehensive approach to solve its complex problems. In June 1999, the working group suggested that a Master Plan be prepared for Isla Vista, which would be implemented through a variety of means, including an amended Redevelopment Plan. This long-range planning effort was estimated to require over four years of effort, concluding in 2004.

In order to formalize the working group and each agency's commitment to the Master Plan process, a memorandum of understanding (MOU) was signed by the Board of Supervisors, County Redevelopment Agency, UCSB and the IVRPD in July 2000. This MOU clarifies the roles, scope of planning efforts and the resource commitments of the parties in a comprehensive planning effort for Isla Vista.

Since the MOU was approved the parties have made progress toward the completion of the Master Plan. These milestones include:

- Completion of an international design competition to select a consultant to assist with the preparation of the Master Plan. The competition allowed the residents of the community to participate in reviewing and selecting the consultant.
- Election of a project area committee (PAC) that reviews and makes recommendations regarding amendments to the Redevelopment Plan. This committee was also appointed as a general plan advisory committee (GPAC) to provide input on the Master Plan.
- Kick-off of the Master Plan preparation with an eight-day design workshop. The workshop was open to the public and was focussed on identifying the problems in Isla Vista and the initial development of solutions.
- Publication of the findings and recommendations of the design workshop.

While it is understood that the Master Plan will not be a panacea for all physical and social issues in the community, this is the first community improvement effort that has included all of these critical agencies. Working together, the sponsoring agencies believe that a plan can be created that will include real solutions to these issues that have plagued Isla Vista.

Finding 1: *No single agency has been assigned the responsibility to address Isla Vista problems incrementally or collectively beyond the planning process.*

Agree. No single entity has the breadth of responsibility and authority to address all problems in Isla Vista. Multiple agencies serving an unincorporated area are not unique. Many local communities in California have multiple governmental agencies established to provide services in this manner and various overlapping agencies with different jurisdictions often provide municipal services, even in incorporated areas. In fact, the unincorporated communities of Montecito, Goleta, Orcutt and Isla Vista share this similar trait. The County, the University and the IVRPD have formed a collective working group that is addressing issues of planning and implementation of policies and programs in Isla Vista.

Finding 2: *The Isla Vista Redevelopment District does not have full time employees or an assigned staff.*

Disagree partially. Agree that the Redevelopment Agency does not employ staff directly, but instead contracts with the County (Planning and Development specifically). Prior to the incorporation of Goleta, the Redevelopment Agency was contracting with the County for five full-time positions responsible for working within the county's two redevelopment project areas. This included one Supervising Planner position, two Planner III positions, and two Planner I-II positions. Disagree that the Redevelopment Agency (RDA) does not have an assigned staff. With the incorporation of Goleta, the agency will continue to contract with the County to fund one half-time Supervising Planner position, one full-time Planner III position, and one full-time Planner I-II position devoted to the Isla Vista project area. These employees are managed through Planning and Development's Comprehensive Planning Division.

Finding 4: *The County, District and University are jointly planning efforts and resource commitments for a new Master Plan which is to be completed in the next two years.*

Agree. The Master Plan is scheduled for adoption in the fall of 2004.

Finding 5: *In many areas the sidewalks have yet to be constructed, although it was an action item in the 1990 Redevelopment Plan.*

Agree. However, the Public Works department has an active sidewalk construction program in Isla Vista that receives funding from the Department's annual road plan which is approved by the Board of Supervisors. For example, this most recent fiscal year \$200,000 was approved for sidewalk construction activities.

Finding 7: *County documents state that the cost of right-of-way limits the installation of sidewalks. The Jury's interviews indicated that several landlords would donate their right-of-way for sidewalk construction.*

Agree. The cost of right-of-way limits the installation of sidewalks, but there are landlords willing to donate property for sidewalk construction. The 3rd District, Public Works Department,

and General Services Department are working with landowners in Isla Vista who are willing to donate right-of-way for sidewalk construction in the priority locations that have been established as a result of community meetings held by the 3rd District.

The Board of Supervisors adopted a resolution that established compensation in the amount of \$20 per square foot of right-of-way conveyed to the County. This set cost has expedited right-of-way acquisitions and has allowed property owners to benefit from the installation improvements at the County's cost. The value was derived from the fact that in most, if not all cases, the easement areas will be located in setback areas that have relatively fewer practical uses other than for sidewalk improvements.

Finding 8: *The Isla Vista Redevelopment District does not have sufficient funds to complete the construction of sidewalks, while at the same time it has funded (\$366,500) the purchase of the El Encanto Apartment Housing site. This site is not within the District's boundary.*

Disagree partially. The funding for the El Encanto apartments was provided by the mandated affordable "housing set aside" fund. Pursuant to state law, 20% of redevelopment project area property tax increment funds may only be spent on affordable housing projects within the project area or in an adjacent area that would likely serve those that may work or currently live in the project area.

Agree that the RDA does not have sufficient funds to complete all the sidewalks in the project area and carry out other redevelopment projects. However, the RDA is not the sole source of funding for sidewalks. The County's Public Works Department funds sidewalk construction and has an active sidewalk construction program in Isla Vista.

Finding 9: *Most of the streets have streetlights installed on only one side and many of the existing lights exceed the County Department of Public Works standard for spacing. For example, the four blocks on Camino Pescadero, north of Sabado Tarde have only five existing streetlights.*

Agree. However, the current standards were adopted for new development in 1987. All development requiring streetlights in Isla Vista occurred prior to 1987. Ordinarily, streetlights are positioned on one side of residential streets as opposed to both sides. In fact, over 50 new streetlights have been placed at specific locations throughout the community as a result of community requests facilitated by the 3rd District office. County revenues collected for streetlights in Isla Vista are used to pay Southern California Edison for energy and maintenance costs of their lights. These revenues are derived from benefit assessments in County Service Area 31.

Finding 10: *Some of the existing street lights are rated at 70 watts.*

Agree. All residential streets, except at intersections, have a minimum requirement of 70 Watts (5,800 lumens).

Finding 12: *The existing parking demand in Isla Vista exceeds the parking space availability. This problem has been a recognized problem for at least 20 years.*

Agree.

Finding 13: *In 1995, the 3rd District Supervisor stated that the parking problem in Isla Vista "continues to be an unmitigated community disaster."*

Agree. This comment was made by a former 3rd District Supervisor.

Finding 14: *Prior studies, by the County, of the parking problems in Isla Vista recognized that the problems resulted in "heavily congested streets with illegally parked vehicles causing obstructions to emergency vehicles, pedestrians, busses and other motorists and bicycles."*

Agree.

Finding 15: *The Isla Vista Homeowners Association has repeatedly requested that the County undertake a program to facilitate parking for Isla Vista residents.*

Agree.

Finding 16: *Present parking ordinances (quantity of parking spaces required based on the number of bedrooms or studios) cause many of the owners to make building changes without proper permitting.*

Disagree partially. Agree that zoning violations involving illegal building conversions occur in Isla Vista. It is recognized that parking requirements are high for development and conversions in the medium and high-density Student Residential (SR-M and SR-H) zone districts. In these zone districts, each bedroom is required to have an off-street parking place due to the common practice of 2 or 3 students sharing a bedroom. An overall parking plan for Isla Vista will be developed as part of the Master Plan process.

Finding 17: *The Isla Vista Housing Inspection Program was established in April 1998.*

Agree.

Finding 18: *The Inspection Program office is not staffed or equipped for adequate Zoning Inspection in addition to Building Code and Safety inspections.*

Disagree. The current office is adequately staffed to respond to reported zoning violations and violations discovered during building permit inspections. In addition, a Zoning Enforcement officer in the Santa Barbara office is assigned to support enforcement efforts in Isla Vista. Since 1998, a significant number of violations have been abated through proper permitting or de-conversion of unpermittable construction. New construction inspectors are not staffed out of the

Isla Vista office, however, there is a high degree of coordination between the Building and Safety Division and the Zoning Divisions. Due to the reduced number of violations, the 2002-03 budget includes one building inspector to staff the Isla Vista office.

Finding 19: *The Inspection Program office computer does not have a broadband connection to the county's network.*

Agree. Planning and Development is seeking to improve the computer services in the office to better assist the building inspector.

Finding 20: *There is no central organization that works to improve the general living conditions. The Isla Vista Parks and Recreation District is the manager of parks and recreation and the Isla Vista Redevelopment District acts only when the Board of Supervisors convene as the District.*

Disagree partially. As noted in the introduction, in January 1999, a working group was formed, comprising members from the County Planning and Development Department's Comprehensive Planning Division, the County Administrator's Office, the Third District Supervisor's Office, UCSB's Office of Budget and Planning, and the IVRPD to review the options for addressing overcrowding, residential dwelling quality, adequacy of downtown services, architectural design quality, the UCSB/IV interface, parking, traffic, and other infrastructure issues. The group determined that Isla Vista needed a comprehensive approach to solve its complex problems. In June 1999, the working group suggested that a Master Plan be prepared for Isla Vista, which would be implemented through a variety of means, including an amended Redevelopment Plan. A Project Area Committee that includes representatives from tenants, property and business organizations was founded in 2001 to advise on redevelopment policy. This long-range planning effort was estimated to require over four years of effort, concluding in 2004.

Recommendation 1: *The Board of Supervisors should designate an agency, department or individual to have primary responsibility to implement programs and policies that will begin to correct the many problems in Isla Vista.*

The recommendation will not be implemented because it is not warranted. The County, including the RDA, is working cooperatively with UCSB and the IVRPD to develop the comprehensive Isla Vista Master Plan.

Recommendation 2: *The named agency, department or individual become the central contact for the University administration in the cooperative improvement of the Isla Vista community.*

The recommendation will not be implemented because it is not warranted. The County, including the RDA, is working cooperatively with UCSB and the IVRPD to develop the comprehensive Isla Vista Master Plan.

Recommendation 3: *Create a parking district to develop and enforce parking ordinances.*

The recommendation requires further analysis. One of the key issues that contribute to the overcrowding in Isla Vista is the excess of vehicles. The solution to the parking problem must be comprehensive and include a number of components, including integration with UCSB's parking rules. Creation of a parking district is one of the many ideas that are being considered as part of the Isla Vista Master Plan, scheduled for completion in Fall 2004. Initial concepts involve a parking permit program to reduce commuter parking, improving access to alternative transportation and providing a remote parking facility for students and residents who only occasionally need to use their vehicle. While the Master Plan is not scheduled for completion until 2004, the sponsoring agencies are intending to move forward with proposals for a parking district or authority within one year. All parties, including the Grand Jury, should expect any proposal for parking meter or parking permit programs to be presented to the community before it is implemented.

Recommendation 4: *Create incentive plans to encourage multiple unit rental owners to upgrade their properties.*

The recommendation requires further analysis. Incentives to encourage landowners to undertake improvements are likely to be a component of the Master Plan. Initial incentive strategies were outlined at the design workshop and will be more fully developed during the Master Plan process which is scheduled for completion in 2004.

Recommendation 5: *Install new streetlights in areas that exceed Santa Barbara County Public Works standard spacing. Install these new lights on the side opposite the existing ones to improve the overall lighting.*

This recommendation has been partially implemented. The 3rd District, in coordination with the Utilities Division of Public Works and the Edison Company has developed a streetlight upsizing project for Isla Vista that will systematically replace the 5800-lumen lamps with 9500 lumen lamps. The plan was presented at a community meeting held by the 3rd District and the first Phase of that project is complete. As scheduled, the remaining lights will be retrofitted within the year. In addition, over 50 new streetlights have been placed at specific locations throughout the community as a result of community requests facilitated by the 3rd District office. Historically, spacing and location of the lights are determined on the basis of technical and budgetary criteria. The current street lighting program is only intended to fund electricity and maintenance costs of the existing Edison owned infrastructure. Current revenues are insufficient for a substantial amount of new luminaries. Increases to existing revenues for electricity and maintenance would require passage of a Proposition 218 ballot proceeding. However, an attempt to adjust rates by marginal increase failed in 1999.

Recommendation 8: *The Isla Vista Redevelopment District should insure that all projects remain in the Redevelopment District.*

The recommendation will not be implemented because it is not warranted. The preliminary parking strategy, which is consistent with Grand Jury recommendation 11 (see below), includes the provision of an off-site storage lots for infrequently used cars. RDA funds may be used to

contribute to this project. The policy preference for housing financed in part by the RDA is to site projects within the project area. However, there may be particular housing needs of current IV residents that would be more successfully met outside of IV. Given this potential, the RDA should maintain the same ability any redevelopment agency has to fund affordable housing projects that would likely serve existing project area residents or employees, but may be outside the project area boundaries. For example, the City of Santa Barbara successfully cooperated with the County on the St. Vincent's project at State Route 154 and Calle Real.

Recommendation 9: *Segregate the Isla Vista community parking program revenues for use to acquire additional off-site parking in the immediate vicinity of Isla Vista.*

The recommendation requires further analysis. As noted in response to Grand Jury recommendation 3, the solution to the parking problem must be comprehensive and include a number of components. Initial concepts involve a parking permit program to reduce commuter parking in Isla Vista, improving the convenience of transit service and providing a remote parking facility for students and residents who only occasionally need to use their vehicle. A parking permit program may or may not generate revenue. Any revenues that are generated would be used for addressing Isla Vista parking, transportation and circulations issues. All of these alternatives will be explored as part of the Isla Vista Master Plan process.

Recommendation 10: *Work with the Metropolitan Transit District to develop a shuttle bus system, which would facilitate remote low-cost parking and minimize the need for vehicle use in Isla Vista.*

The recommendation requires further analysis. A shuttle system is being considered for inclusion in the Isla Vista Master Plan, while scheduled for completion in Fall of 2004, this proposal may be implemented sooner as opportunities present themselves. The solution to the parking problem must be comprehensive and include improved access to alternative transportation. The County has been working with the Metropolitan Transit District (MTD) since the mid 1990s on providing a shuttle system that serves the Goleta Valley, including Isla Vista and the University. A proposed shuttle system is included in MTD's 1998 South Coast Transit Plan and the County's Goleta Transportation Improvement Plan that provides service between Isla Vista, the Camino Real Market Place, the Hollister Industrial Corridor, and the Fairview neighborhoods. The timing of this project is dependent on funding availability, particularly for operations. This route is identified as a high priority by MTD. The RDA and Public Works Department will coordinate with the MTD throughout the Master Plan process to maximize access to transit within Isla Vista and to provide access to any future remote parking lot.

Recommendation 11: *The Isla Vista Redevelopment District should develop a plan for a remote low-cost parking facility.*

The recommendation requires further analysis. As noted in response to Grand Jury recommendation 3, the solution to the parking problem must be comprehensive and include a

number of components. A remote parking facility for students and residents who only occasionally need to use their vehicle is being considered as part Isla Vista Master Plan process.

Recommendation 13: *Connect the PC workstation in the Isla Vista office to the County network via a broadband system.*

The recommendation has not yet been implemented, but will be implemented within six months.

Recommendation 14: *Revise the parking ordinances in relation to the actual availability of existing parking.*

The recommendation requires further analysis. The existing parking requirements on rental and commercial property under the zoning ordinances will be reviewed and revised as appropriate during the Master Plan process. One idea discussed at the design workshop is to allow these types of properties to pay fees in lieu of providing parking on site.

Recommendation 16: *The County needs to work with the University to expedite the revision of the west campus so that Pardall Street becomes a major entrance to the University.*

The recommendation requires further analysis. The term "west campus" generally refers to University property west of Isla Vista. For purposes of responding to this recommendation it is assumed that the Grand Jury is referring to the area of the campus adjacent to Ocean Road. Planning and Development is working closely with the University on their west campus development plans and will help to expedite those improvements where appropriate. The Master Plan will address the University's relationship to Isla Vista, particularly along Ocean Road. Recommendations from the design workshop included major improvements to the Pardall intersection. Whether this will remain a pedestrian and bicycle access or will at some point be open to vehicles will be determined in the Master Plan.

Recommendation 17: *The County should approach the University to consider payment of impact fees as any other large employer or developer.*

The recommendation has been implemented. When the University's Long Range Development Plan was developed in the late 1980s, the County approached the University about payment of impact fees to mitigate off-campus effects on the community. After extensive negotiation, a Cooperative Relations Agreement (CRA) and Mitigation and Implementation Agreement were entered into in 1990 by the City and County of Santa Barbara, the University, Citizens for Goleta Valley, Citizens Planning Association and the Isla Vista Association. These agreements called for mitigation of housing and traffic impacts. The CRA established an affordable housing fund that requires contribution from the University that must be used by the University to develop affordable housing for their staff, faculty and students. The Mitigation Implementation Agreement set out a plan for the University to financially contribute to future roadway improvements in Goleta and mitigate traffic impacts associated with growth on campus.

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These agreements do not require payment of impact fees on the same basis as any other large employer or developer, but they do provide for meaningful mitigation of some of the effects of University development. In cooperation with the City of Goleta, the County will continue to work with the University to address impacts associated with campus growth during the upcoming LRDP update and the Ellwood/Devereux Plan, particularly housing, traffic and parking, public safety and public schools.

Recommendation 18: *The Redevelopment District should work with the University to develop the Isla Vista area into an equivalent world-class living area of which the students and faculty would be proud.*

The recommendation is being implemented. As discussed in the introduction, the County, including the RDA, the University, and the IVRPD entered into an MOU to formally commit to working together to improve the community of Isla Vista. The Master Plan is scheduled for adoption in Fall 2004. However, there are many short and medium term projects that are being implemented now (sidewalk construction, streetlight upgrades, traffic and circulation improvements). The parties recognize that implementation of the plan is a long-term approach that will require coordinated private and public investment. The RDA will be able to issue bonds for redevelopment projects up to 2010. This funding can be used to leverage private dollars to construct catalyst projects identified in the master and redevelopment plans and create the type of physical improvements and economic stimulus that will generate long standing benefits to the Isla Vista community.

Respectfully Submitted,

Gail Marshall
Chair, Board of Supervisors
Chair, Redevelopment Agency

**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Gail Marshall, Chair Board of Supervisors
FROM: Isla Vista Redevelopment Project Area Committee
DATE: August 15, 2002
RE: Grand Jury Response

On August 15, 2002 the Isla Vista Redevelopment Project Area Committee prepared and approved the following comments on the Board of Supervisor's and Redevelopment Agency's Joint Response to the 2001-02 Grand Jury Report on: "Isla Vista – Who's in Charge"

Overall Comments:

Overall tone of response misses the point. Isla Vista has long-term problems, and none of the responses indicate how status quo will be changed. Board of Supervisors needs to accept responsibility to implement real change in the future.

Finding 1:

Responsibilities to address Isla Vista problems should be assigned. Response should address issue of long-term governance and services in Isla Vista.

Finding 5:

Response should include schedule and plan to implement sidewalk improvements.

Finding 8:

Response should do more to clarify difference between set-aside and general Redevelopment tax increment revenue. In last sentence of the response, please define "active." Add statement to response that priority should be given to projects within Isla Vista.

Finding 9:

Response should not include excuses – rather response should outline how lighting issue will be addressed, and accept responsibility for the existing lighting problems.

Finding 20:

Working group that was formed in 1999 to address housing and other issues should include private sector representatives.

Recommendation 1:

Change response to “recommendation needs further analysis.” Responsibility to implement programs and polices should be assigned. Response should address issue of long-term governance and services in Isla Vista. PAC disagrees strongly that recommendation is not warranted.

Recommendation 2:

See comment on Recommendation 1.

Recommendation 3:

Response should state that parking meter program, implementation of parking permit program, and designation of responsible agency should be implemented immediately. Early resolution of parking issue is critical to any efforts to redevelop as identified by master plan transportation consultants.

Recommendation 5:

Response should indicate that street lighting is responsibility of County Government. County needs to address street lighting problems in Isla Vista immediately. Funding for street lighting in Isla Vista should be obtained. Lighting has been a problem in Isla Vista over 20 years.

Recommendation 8:

Response should indicate that priority should be given to projects in Isla Vista project area.

Recommendation 9:

Response should be changed to “agree”– any revenue from any implemented parking program should be available for the benefit of Isla Vista.

Recommendation 14:

Cut last two sentences of response. It is unclear what they mean.

Recommendation 16:

The term “major entrance” is confusing. Pardall should be improved as an appropriate entrance for more than 10,000 students onto UCSB per day.

Recommendation 18:

Change response to “recommendation **is being** implemented.” PAC is dissatisfied with rate of implementation of short-term projects.

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400



To: Planning Directors of Coastal Cities and Counties
From: John Ainsworth, Executive Director
Re: Implementation of New ADU Laws
Date: April 21, 2020

The Coastal Commission has previously circulated two memos to help local governments understand how to carry out their Coastal Act obligations while also implementing state requirements regarding the regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”). As of January 1, 2020, AB 68, AB 587, AB 670, AB 881, and SB 13 each changed requirements on how local governments can and cannot regulate ADUs and JADUs, with the goal of increasing statewide availability of smaller, more affordable housing units. This memo is meant to describe the changes that went into effect on January 1, 2020, and to provide guidance on how to harmonize these new requirements with Local Coastal Program (“LCP”) and Coastal Act policies.

Coastal Commission Authority Over Housing in the Coastal Zone

The Coastal Act does not exempt local governments from complying with state and federal law “with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any other law hereafter enacted.” (Pub. Res. Code § 30007.) The Coastal Act requires the Coastal Commission to encourage housing opportunities for low- and moderate-income households. (Pub. Res. Code § 30604(f).) New residential development must be “located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it” or in other areas where development will not have significant adverse effects on coastal resources. (Pub. Res. Code § 30250.) The creation of new ADUs in existing residential areas is a promising strategy for increasing the supply of lower-cost housing in the coastal zone in a way that may be able to avoid significant adverse impacts on coastal resources.

This memorandum is intended to provide general guidance for local governments with fully certified LCPs. The Coastal Commission is generally responsible for Coastal Act review of ADUs in areas that are not subject to fully certified LCPs. Local governments that have questions about specific circumstances not addressed in this memorandum should contact the appropriate district office of the Commission.

Overview of New Legislation¹

The new legislation effective January 1, 2020 updates existing Government Code Sections 65852.2 and 65852.22 concerning local government procedures for review and approval of ADUs and JADUs. As before, local governments have the discretion to adopt an ADU ordinance that is consistent with state requirements. (Gov. Code § 65852.2(a).) AB 881 (Bloom) made numerous significant changes to Government Code section 65852.2. In their ADU ordinances, local governments may still include specific requirements addressing issues such as design guidelines and protection of historic structures. However, per the recent state law changes, a local ordinance may not require a minimum lot size, owner occupancy of an ADU, fire sprinklers if such sprinklers are not required in the primary dwelling, or replacement offstreet parking for carports or garages demolished to construct ADUs. In addition, a local government may not establish a maximum size for an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom. (Gov. Code § 65852.2(c)(2)(B).) Section 65852.2(a) lists additional mandates for local governments that choose to adopt an ADU ordinance, all of which set the “maximum standards that local agencies shall use to evaluate a proposed [ADU] on a lot that includes a proposed or existing single-family dwelling.” (Gov. Code § 65852.2(a)(6).)

Some local governments have already adopted ADU ordinances. Existing or new ADU ordinances that do *not* meet the requirements of the new legislation are null and void, and will be substituted with the provisions of Section 65852.2(a) until the local government comes into compliance with a new ordinance. (Gov. Code § 65852.2(a)(4).) However, as described below, existing ADU provisions contained in certified LCPs are not superseded by Government Code section 65852.2 and continue to apply to CDP applications for ADUs until an LCP amendment is adopted. One major change to Section 65852.2 is that the California Department of Housing and Community Development (“HCD”) now has an oversight and approval role to ensure that local ADU ordinances are consistent with state law, similar to the Commission’s review of LCPs. If a local government adopts an ordinance that HCD deems to be non-compliant with state law, HCD can notify the Office of the Attorney General. (Gov. Code § 65852.2(h).)

If a local government does *not* adopt an ADU ordinance, state requirements will apply directly. (Gov. Code § 65852.2(b)–(e).) Section 65852.2 subdivisions (b) and (c) require that local agencies shall ministerially approve or disapprove applications for permits to create ADUs. Subdivision (e) requires ministerial approval, whether or not a local government has adopted an ADU ordinance, of applications for building permits of the following types of ADUs and JADUs in residential or mixed use zones:

- One ADU or JADU per lot *within* a proposed or existing single-family dwelling or existing space of a single-family dwelling or accessory structure, including an expansion of up to 150 square feet beyond the existing dimensions of an existing accessory structure; with exterior access from the proposed or existing single-family

¹ This Guidance Memo only provides a partial overview of new legislation related to ADUs. The Coastal Commission does not interpret or implement these new laws.

dwelling; side and rear setbacks sufficient for fire and safety; and, if a JADU, applicant must comply with requirements of Section 65852.22; (§ 65852.2(e)(1)(A)(i)-(iv))

- One detached, new construction ADU, which may be combined with a JADU, so long as the ADU does not exceed four-foot side and rear yard setbacks for the single family residential lot; (§ 65852.2(e)(1)(B))
- Multiple ADUs within the portions of existing multifamily dwelling structures that are not currently used as dwelling spaces; (§ 65852.2(e)(1)(C))
- No more than two detached ADUs on a lot that has an existing multifamily dwelling, subject to a 16-foot height limitation and four-foot rear yard and side setbacks. (§ 65852.2(e)(1)(D))

ADUs and JADUs created pursuant to Subdivision (e) must be rented for terms greater than 30 days. (Gov. Code § 65852.2(e)(4).)

What Should Local Governments in the Coastal Zone Do?

1) Update Local Coastal Programs (LCPs)

Local governments are required to comply with both these new requirements for ADUs/JADUs and the Coastal Act. Currently certified provisions of LCPs are not, however, superseded by Government Code section 65852.2, and continue to apply to CDP applications for ADUs until an LCP amendment is adopted. Where LCP policies directly conflict with the new provisions or require refinement to be consistent with the new laws, those LCPs should be updated to be consistent with the new ADU provisions to the greatest extent feasible, while still complying with Coastal Act requirements.

As noted above, Section 65852.2 expressly allows local governments to adopt local ordinances that include criteria and standards to address a wide variety of concerns, including potential impacts to coastal resources. For example, a local government may address reductions in parking requirements that would have a direct impact on public access. As a result, we encourage local governments to identify the coastal resource context applicable in a local jurisdiction and ensure that any proposed ADU-related LCP amendment appropriately addresses protection of coastal resources consistent with the Coastal Act at the same time that it facilitates ADUs/JADUs consistent with the new ADU provisions. For example, LCPs should ensure that new ADUs are not constructed in locations where they would require the construction of shoreline protective devices, in environmentally sensitive habitat areas, wetlands, or in areas where the ADU's structural stability may be compromised by bluff erosion, flooding, or wave uprush over their lifetime. Our staff is available to assist in the efforts to amend LCPs.

Please note that LCP amendments that involve purely procedural changes, that do not propose changes in land use, and/or that would have no impacts on coastal resources may be eligible for streamlined review as minor or de minimis amendments. (Pub. Res. Code § 30514(d); Cal. Code Regs., tit. 14, § 13554.) The Commission will process ADU-specific LCP amendments as minor or de minimis amendments whenever possible.

2) Follow This Basic Guide When Reviewing ADU or JADU Applications

a. Check Prior CDP History for the Site.

Determine whether a CDP was previously issued for development of the lot and whether that CDP limits, or requires a CDP or CDP amendment for, changes to the approved development or for future development or uses of the site. The applicant should contact the appropriate Coastal Commission district office if a Commission-issued CDP limits the applicant's ability to apply for an ADU or JADU.

b. Determine Whether the Proposed ADU or JADU Qualifies as Development.

Any person "wishing to perform or undertake any development in the coastal zone" shall obtain a CDP. (Pub. Res. Code § 30600.) Development as defined in the Coastal Act includes not only "the placement or erection of any solid material or structure" on land, but also "change in the density or intensity of use of land[.]" (Pub. Res. Code § 30106.) Government Code section 65852.2 states that an ADU that conforms to subdivision (a) "shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot." (Gov. Code § 65852.2(a)(8).)

Conversion of an existing legally established room(s) to create a JADU or ADU within an existing residence, without removal or replacement of major structural components (i.e. roofs, exterior walls, foundations, etc.) and that do not change the size or the intensity of use of the structure may not qualify as development within the meaning of the Coastal Act, or may qualify as development that is either exempt from coastal permit requirements and/or eligible for streamlined processing (Pub. Res. Code §§30106 and 30610), see also below. JADUs created within existing primary dwelling structures that comply with Government Code Sections 65852.2(e) and 65852.22 typically will fall into one of these categories, unless specified otherwise in a previously issued CDP or other coastal authorization for existing development on the lot. However, the conversion of detached structures associated with a primary residence to an ADU or JADU may involve a change in the size or intensity of use that would qualify as development under the Coastal Act and require a coastal development permit, unless determined to be exempt or appropriate for waiver.

c. If the Proposed ADU Qualifies as Development, Determine Whether It Is Exempt.

Improvements such as additions to existing single-family dwellings are generally exempt from Coastal Act permitting requirements except when they involve a risk of adverse environmental effects as specified in the Commission's regulations. (Pub. Res. Code § 30610(a); Cal. Code Regs., tit. 14, § 13250.) Improvements that qualify as exempt development under the Coastal Act and its implementing regulations do not require a CDP from the Commission or a local government unless required pursuant to a previously issued CDP. (Cal. Code Regs., tit. 14, § 13250(b)(6).)

Typically, the construction or conversion of an ADU/JADU contained within or directly attached to an existing single-family residence would qualify as an exempt improvement to a single-family residence. (Cal. Code Regs., tit. 14, § 13250(a)(1).) Guest houses and “self-contained residential units,” i.e. detached residential units, do not qualify as part of a single-family residential structure, and construction of or improvements to them are therefore not exempt development. (Cal. Code Regs., tit. 14, § 13250(a)(2).)

d. If the Proposed ADU is Not Exempt from CDP Requirements, Determine Whether a CDP Waiver Is Appropriate.

If the LCP includes a waiver provision, and the proposed ADU or JADU meets the criteria for a CDP waiver the local government may waive the permit requirement for the proposed ADU or JADU. The Commission generally has allowed a waiver for proposed *detached* ADUs if the executive director determines that the proposed ADU is de minimis development, involving no potential for any adverse effects on coastal resources and is consistent with Chapter 3 policies. (See Pub. Res. Code § 30624.7.)

Some LCPs do not allow for waivers, but may allow similar expedited approval procedures. Those other expedited approval procedures may apply. If an LCP does not include provisions regarding CDP waivers or other similar expedited approvals, the local government may submit an LCP amendment to authorize those procedures.

e. If a Waiver Would Not Be Appropriate, Review CDP Application for Consistency with Certified LCP Requirements.

If a proposed ADU constitutes development, is not exempt, and is not subject to a waiver or similar expedited Coastal Act approval authorized in the certified LCP, it requires a CDP. The CDP must be consistent with the requirements of the certified LCP and, where applicable, the public access and recreation policies of the Coastal Act. The local government then must provide the required public notice for any CDP applications for ADUs and process the application pursuant to LCP requirements, but should process it within the time limits contained in the ADU law if feasible. Once the local government has issued a decision, it must send the required final local action notice to the appropriate district office of the Commission. If the ADU qualifies as appealable development, a local government action to approve a CDP for the ADU may be appealed to the Coastal Commission. (Pub. Res. Code § 30603.)

Information on AB 68, AB 587, AB 670, and SB 13

JADUs – AB 68 (Ting)

JADUs are units of 500 square feet or less, contained entirely within a single-family residence or existing accessory structure. (Gov. Code §§ 65852.2(e)(1)(A)(i) and 65852.22(h)(1).) AB 68 (Ting) made several changes to Government Code section 65852.22, most notably regarding the creation of JADUs pursuant to a local government ordinance. Where a local

government has adopted a JADU ordinance, “[t]he ordinance may require a permit to be obtained for the creation of a [JADU].” (Gov. Code § 65852.22(a).) If a local government adopts a JADU ordinance, a maximum of one JADU shall be allowed on a lot zoned for single-family residences, whether they be proposed or existing single-family residences. (Gov. Code § 65852.22(a)(1).) (This formerly only applied to *existing* single-family residences. Now, proposals for a new single-family residence can include a JADU.) Efficiency kitchens are no longer required to have sinks, but still must include a cooking facility with a food preparation counter and storage cabinets of reasonable size relative to the space. (Gov. Code § 65852.22(a)(6).) Applications for permits pursuant to Section 65852.22 shall be considered ministerially, within 60 days, if there is an existing single-family residence on the lot. (Gov. Code § 65852.22(c).) (Formerly, complete applications were to be acted upon within 120 days.)

If a local government has *not* adopted a JADU ordinance pursuant to Section 65852.22, the local government is required to ministerially approve building permit applications for JADUs within a residential or mixed-use zone pursuant to Section 65852.2(e)(1)(A). (Gov. Code § 65852.22(g).) That section is detailed in bullet points on pages two-three of this memorandum and refers to specific ADU and JADU approval scenarios.

Sale or Conveyance of ADUs Separately from Primary Residence – AB 587 (Friedman)

AB 587 (Friedman) added Section 65852.26 to the Government Code to allow a local government to, by ordinance, allow the conveyance or sale of an ADU separately from a primary residence if several specific conditions all apply. (Gov. Code § 65852.26.) This section only applies to a property built or developed by a qualified nonprofit corporation, which holds enforceable deed restrictions related to affordability and resale to qualified low-income buyers, and holds the property pursuant to a recorded tenancy in common agreement. Please review Government Code Section 65852.26 if such conditions apply.

Covenants and Deed Restrictions Null and Void – AB 670 (Friedman)

AB 670 added Section 4751 to the California Civil Code, making void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an ADU or JADU on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code.

Delayed Enforcement of Notice to Correct a Violation – SB 13 (Wieckowski)

SB 13 (Wieckowski) Section 3 added Section 17980.12 to the Health and Safety Code. The owner of an ADU who receives a notice to correct a violation can request a delay in enforcement, if the ADU was built before January 1, 2020, or if the ADU was built after January 1, 2020, but the jurisdiction did not have a compliant ordinance at the time the request to fix the violation was made. (Health & Saf. Code § 17980.12.) The owner can request a delay of five (5) years on the basis that correcting the violation is not necessary to protect health and safety. (Health & Saf. Code § 17980.12(a)(2).)