

MONTECITO PLANNING COMMISSION

Staff Report

Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Ordinance Amendments

Hearing Date: March 17, 2021

Staff Report Date: March 9, 2021

Case Nos.: 20ORD-00000-00001 and 20ORD-00000-00003

Environmental Document: Notice of Exemption

Deputy Director: Dan Klemann

Division: Long Range Planning

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1.0 REQUEST

Hearing on the request of the Planning and Development Department (P&D) that the Montecito Planning Commission:

- 1.1 Case No. 20ORD-00000-00001.** Recommend that the County Planning Commission recommend that the Santa Barbara County (County) Board of Supervisors (Board) adopt an ordinance (Case No. 20ORD-00000-00001) amending Division 2, Definitions; Division 4, Zoning Districts; Division 7, General Regulations; Division 11, Permit Procedures; Division 12, Administration; Division 13, Summerland Community Plan Overlay; and Division 16, Toro Canyon Plan (TCP) Overlay District; of Article II, the Coastal Zoning Ordinance (CZO), of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment C).
- 1.2 Case No. 20ORD-00000-00003.** Recommend that the Board adopt an ordinance (Case No. 20ORD-00000-00003) amending Division 35.2, Montecito Zones and Allowable Land Uses; Division 35.3, Montecito Site Planning and Other Project Standards; Division 35.4, Montecito Standards for Specific Land Uses; Division 35.7, Montecito Planning Permit Procedures; Division 35.9, Montecito Land Use and Development Code Administration; and Division 35.10, Glossary; of Section 35-2, the Montecito Land Use and Development Code (MLUDC), of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment D).

The proposed CZO and MLUDC amendments revise existing and create new development standards and permit procedures to implement recent changes in State legislation regarding ADUs and JADUs.

2.0 RECOMMENDATION AND PROCEDURES

- 2.1 Case No. 20ORD-00000-00001.** Follow the procedures outlined below and recommend that the County Planning Commission recommend that the Board approve Case No. 20ORD-00000-00001 as shown in Attachment C based upon the ability to make the required findings. Your Commission's motion should include the following:
 1. Recommend that the County Planning Commission make the required findings for approval, including California Environmental Quality Act (CEQA) findings, and recommend that the Board make the findings for approval of the proposed amendment, including CEQA findings (Attachment A).
 2. Recommend that the County Planning Commission recommend that the Board determine that this ordinance is exempt from environmental review pursuant to State CEQA Guidelines Sections 15282(h) and 15265 (Attachment B).

3. Adopt a resolution recommending that the County Planning Commission recommend that the Board approve Case No. 20ORD-00000-00001, an ordinance amending Division 2, Definitions; Division 4, Zoning Districts; Division 7, General Regulations; Division 11, Permit Procedures; Division 12, Administration; Division 13, Summerland Community Plan Overlay; and Division 16, Toro Canyon Plan (TCP) Overlay District; of Article II, the CZO, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment C).
- 2.2 Case No. 20ORD-00000-00003.** Follow the procedures outlined below and recommend that the Board approve Case No. 20ORD-00000-00003 as shown in Attachment D based upon the ability to make the required findings. Your Commission’s motion should include the following:
1. Make the required findings for approval, including CEQA findings, and recommend that the Board make the findings for approval of the proposed amendment, including CEQA findings (Attachment A).
 2. Recommend that the Board determine that this ordinance is exempt from environmental review pursuant to State CEQA Guidelines Section 15282(h) (Attachment B).
 3. Adopt a resolution recommending that the Board approve Case No. 20ORD-00000-00003, an ordinance amending Division 35.2, Montecito Zones and Allowable Land Uses; Division 35.3, Montecito Site Planning and Other Project Standards; Division 35.4, Montecito Standards for Specific Land Uses; Division 35.7, Montecito Planning Permit Procedures; Division 35.9, Montecito Land Use and Development Code Administration; and Division 35.10, Glossary; of Section 35-2, the MLUDC, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment D).

Please refer the matter to staff if your Commission takes other than the recommended actions for the development of appropriate materials.

3.0 JURISDICTION

- 3.1 Case No. 20ORD-00000-00001.** The Montecito Planning Commission is considering the proposed CZO amendment pursuant to Santa Barbara County Code Section 2-25.2. The Santa Barbara County Code states that the Montecito Planning Commission, as the designated planning agency for the unincorporated area of the county located within the Montecito Community Plan Area, may provide recommendations to the County Planning Commission on proposed amendments to the CZO that will affect the Coastal Zone portion of the Montecito Community Plan Area.
- 3.2 Case No. 20ORD-00000-00003.** The Montecito Planning Commission is considering the proposed MLUDC amendment pursuant to Santa Barbara County Code Section 2-25.2. The Santa Barbara County Code requires that the Montecito Planning Commission, as the designated planning agency for the unincorporated area of the county located within the Montecito Community Plan Area, provide recommendations regarding proposed amendments to the MLUDC to the Board.

4.0 ISSUE SUMMARY

Over the past several years, the State legislature has identified the production of ADUs and JADUs as an important strategy to increase housing production and has adopted legislation to promote new ADUs and JADUs. In 2016 and 2017, new State laws went into effect that made it easier for property owners to develop ADUs on lots zoned for single-family or multifamily uses and JADUs on lots zoned for single-family

residences. The following year the Board adopted zoning ordinance amendments to comply with these new laws. On January 1, 2020, new State ADU and JADU laws went into effect and caused the County's Inland Area ADU ordinances (e.g., MLUDC) to become null and void. The County's Coastal Zone ADU ordinance (i.e., CZO) remains in effect to protect coastal resources. On January 1, 2021, additional changes to State ADU law went into effect to clean-up and clarify provisions from the 2020 legislation.

In 2020, the Board directed staff to initiate amendments to the CZO, County Land Use and Development Code (LUDC), and MLUDC in order to comply with the recent legislation. Accordingly, staff has drafted CZO and MLUDC amendments (Attachments C and D, respectively), as well as an LUDC amendment that staff will present to the County Planning Commission and Board. The proposed MLUDC and LUDC amendments contain identical development standards for ADUs and JADUs.

Consistent with State ADU and JADU law, all of the proposed amendments streamline the permit process and reduce the development standards applicable to ADUs and JADUs. Some of the most significant changes include the following:

- Increase the number and type of ADUs allowed per lot;
- No replacement parking requirements;
- Mandatory to allow JADUs within residential and mixed-use zones;
- Reduce the ADU and JADU permit processing timeframe from 120 days to 60 days; and
- Reduce the floor area restrictions and fees applicable to ADUs.

Sections 5.2 and 5.3, below, discuss these and other changes in more detail.

After the Board adopts the proposed amendments, the County must submit the adopted ADU ordinances to the California Department of Housing and Community Development (HCD) for review. As discussed in Section 5.5, below, HCD will determine whether the County's ADU ordinances are compliant with State ADU law and may report noncompliant ordinances to the State Attorney General.

5.0 PROJECT INFORMATION

5.1 Background

An ADU is an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with an existing or proposed single-family dwelling (SFD) or multiple-family dwelling (MFD). An ADU includes permanent provisions for living, sleeping, eating, cooking, and sanitation. A JADU is a residential dwelling unit that is no more than 500 square feet (SF) in size and contained entirely within a SFD. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing or proposed SFD.

On September 27, 2016, Governor Brown approved two bills (Assembly Bill [AB] 2299 and Senate Bill [SB] 1069) that made it easier for homeowners to develop ADUs on residentially-zoned property. Staff prepared zoning ordinance amendments to comply with these laws, which the Board adopted in 2018 and the California Coastal Commission certified in 2019. In part, the adopted ADU ordinances allowed one ADU per residentially-zoned lot and provided regulations for the design, height, location, parking, setbacks, and size of ADUs, as well as the protection of environmentally sensitive habitat (ESH), historic resources, and trees. The County permitted such ADUs with an Exemption (if located entirely within existing buildings) or a Zoning Clearance (if located within a portion of an existing or proposed building).

While the 2016 and 2017 legislation significantly streamlined the permit process for ADUs, some State legislators were concerned that local jurisdictions' ordinances were too burdensome and unreasonably restricted the development of ADUs. As a result, Governor Newsom approved three bills (AB 68, AB 881, and SB 13, codified in GC Sections 65852.2 and 65852.22) on October 9, 2019, to further streamline the permit process for and reduce the development standards for ADUs and JADUs. These bills became effective on January 1, 2020, at which time the County's ADU ordinances for the Inland Area (i.e., MLUDC and LUDC) became null and void due to noncompliance with State law. Until the County adopts new ADU ordinances, the County must process ADU and JADU applications pursuant to State law (GC Section 65852.2 and 65852.22, respectively). In February, 2020, the County implemented a streamlined, interim permit process for ADUs and JADUs. This process will remain in effect until the County adopts new ADU ordinances. Under this process, ADUs and JADUs in the Inland Area only require building permits (no planning permits or Exemptions) and must comply with the limited development standards specified in State ADU and JADU law.

In 2017, the Board directed staff to use the same development standards to the degree possible when drafting the previous (2018) ADU ordinance amendments for the Inland Area and Coastal Zone. The Board ultimately adopted ordinances for the MLUDC, LUDC, and CZO that are the same except the ordinance for the CZO contains some differences to comply with the California Coastal Act. Staff applied this same approach to all of the current ADU ordinance amendments. As a result, the proposed ordinances for the MLUDC and LUDC contain identical development standards. The proposed ordinance for the CZO is similar, but contains additional development standards to protect coastal resources and require a Coastal Development Permit.

State ADU law distinguishes between two categories of ADUs: those that are exempt from local development standards and those that are subject to local development standards. Sections 5.2 and 5.3, respectively, below, discuss these two categories.

5.2 ADUs Exempt from Local Development Standards

State ADU law identifies the following four types of ADUs that are exempt from local development standards and must be allowed on lots located within residential or mixed-use zones, subject to the development standards listed in GC Section 65852.2(e)(1). The following types of ADUs are also subject to minimum floor area requirements per GC Section 65852.2(j)(1)(A), rental restrictions per GC Section 65852.2(e)(4), and front setback requirements per the CZO and MLUDC:

- One ADU per lot located within a SFD or accessory structure;
- One “small” new construction detached ADU (i.e., up to 800 square-feet in size limit and 16-feet in height) per lot containing a SFD;
- Multiple attached or detached ADUs (at least one and up to 25 percent of the existing MFD units shall be allowed as ADUs) located within non-livable portions of existing MFDs or accessory structures; and
- Two “large” detached ADUs (i.e., no size limit, but subject to height and setback requirements) per lot containing a MFD.

Table 1 summarizes the specific development standards applicable to these four types of ADUs.

Table 1 – State Development Standards for Specific ADU Types

| Development Standard | One ADU conversion on a SFD lot | One “small” new construction detached ADU on a SFD lot | One or more ADU conversions on a MFD lot | Two “large” detached ADUs on a MFD lot |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Height | N/A (if within existing SFD or accessory structure) or subject to SFD height limit (if within proposed SFD) | 16 feet <i>GC § 65852.2(e)(1)(B)(ii), MLUCD § 35.442.015.E.3.d, and CZO § 35-142.5.3.d</i> | N/A (located within existing MFD structure) | 16 feet <i>GC § 65852.2(e)(1)(D), MLUCD § 35.442.015.E.5.c, and CZO § 35-142.5.5.c</i> |
| Location | Located within an existing or proposed SFD or existing accessory structure <i>GC § 65852.2(e)(1)(A)(i), MLUCD § 35.442.015.E.2.c, and CZO § 35-142.5.2.c</i> | Located within a new construction detached accessory building on a lot with an existing or proposed SFD <i>GC § 65852.2(e)(1)(B), MLUCD § 35.442.015.E.3.b, and CZO § 35-142.5.3.b</i> | Located within portions of existing MFD structures not used as livable space (e.g., storage rooms, garages, passageways, attics, or basements) <i>GC § 65852.2(e)(1)(C)(i), MLUCD § 35.442.015.E.4.b, and CZO § 35-142.5.4.b</i> | Located entirely within existing or new construction detached accessory structure(s) on a lot with an existing MFD. <i>GC § 65852.2(e)(1)(D), MLUCD § 35.442.015.E.5.b, and CZO § 35-142.5.5.b</i> |
| Maximum Floor Area | No limit; 150 SF expansion allowed for ingress/egress <i>GC § 65852.2(e)(1)(A)(i), MLUCD § 35.442.015.E.2.c.(1), and CZO § 35-142.5.c.(1)</i> | 800 SF <i>GC § 65852.2(e)(1)(B)(i), MLUCD § 35.442.015.E.3.c, and CZO § 35-142.5.3.c</i> | No limit | No limit |
| Minimum Floor Area | An Efficiency Unit (i.e., a unit with a living room of no less than 220 SF, plus an additional 100 SF for each occupant in excess of two) <i>GC § 65852.2(j)(1)(A), MLUCD § 35.442.015.H.1, and CZO § 35-142.8.1</i> | | | |
| Parking | No parking requirements for ADUs and no replacement parking to satisfy the parking requirements for the principal dwelling <i>MLUCD § 35.442.015.E.1.b and CZO § 35-142.5.1.b</i> | | | |
| Rental Restrictions | Rentals must be for a term longer than 30 days <i>GC § 65852.2(e)(4), MLUCD § 35.442.015.H.3, and CZO § 34-142.8.3</i> | | | |
| Setbacks | Side and rear setbacks sufficient for fire and safety; comply with front setbacks of the applicable zone | 4-foot side and rear setbacks; comply with front setbacks of the applicable zone | N/A (located within existing MFD structure) | 4-foot side and rear setbacks; comply with front setbacks of the applicable zone |

| Development Standard | One ADU conversion on a SFD lot | One “small” new construction detached ADU on a SFD lot | One or more ADU conversions on a MFD lot | Two “large” detached ADUs on a MFD lot |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| | <i>GC § 65852.2(e)(1)(A)(iii), MLUDC § 35.442.015.E.2.d, and CZO § 35-142.5.2.d</i> | <i>GC § 65852.2(e)(1)(B), MLUDC § 35.442.015.3.e, and CZO § 35-142.5.3.e</i> | | <i>GC § 65852.2(e)(1)(D), MLUDC § 35.442.015.E.5.d, and CZO § 35-142.5.5.d</i> |
| Other Standards | <p>May be located on the same lot as a JADU</p> <p><i>GC § 65852.2(e)(1)(A), MLUDC § 35.442.015.E.2.e, and CZO § 35-142.5.2.e</i></p> <p>Must have exterior access from SFD</p> <p><i>GC § 65852.2(e)(1)(A)(ii), MLUDC § 35.442.015.E.2.a, and CZO § 35-142.5.2.a</i></p> | <p>May be located on the same lot as a JADU</p> <p><i>GC § 65852.2(e)(1)(B), MLUDC § 35.442.015.3.f, and CZO § 35-142.5.3.f</i></p> | <p>At least one ADU and up to 25 percent of the existing MFD units shall be allowed as ADUs within existing MFD structures.</p> <p><i>GC § 65852.2(e)(1)(C)(ii), MLUDC §§ 35.442.015.E.4.a.(1) and (2), and CZO §§ 35-142.5.4.a.1 and 2)</i></p> | N/A |
| Zone | <p>Residential or mixed-use zone</p> <p><i>GC § 65852.2(e)(1), MLUDC § 35.442.015.E.1.a, and CZO § 35-142.5.1.a</i></p> | | | |

5.3 ADUs Subject to Local Development Standards

State ADU law [GC Section 65852.2(a) through (d)] allows the County to apply local development standards (when adopted by ordinance) to ADUs that do not meet the criteria of GC Section 65852.2(e)(1) and, therefore, ADUs not included in Section 5.2 and Table 1, above. Such ADUs must be located within zones that allow SFDs or MFDs and only one ADU is allowed per lot. For these types of ADUs, the proposed amendments provide development standards regarding design, ESH, coastal resources, grading, height, historical and archaeological resources, location, size, parking, sale restrictions, setbacks, and tree protection. The proposed amendments also contain provisions that apply to all ADUs and JADUs (both those discussed in Section 5.2, above, and this Section 5.3), including standards related to minimum size and the length of rentals. Where possible, staff maintained existing development standards from the previous ADUs ordinances. However, certain development standards were deleted or revised in order to comply with State law. Table 2 summarizes the major changes to the County’s existing development standards.

Table 2 – Comparison of Existing vs. Proposed Local Development Standards

| Development Standard | State Law | Existing Standard | Proposed Standard |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| DIMFs | <p>ADUs less than 750 SF and JADUs: No DIMFs</p> <p><i>GC § 65852.2(f)(3)</i></p> <p>ADUs of 750 SF or more: DIMFs “charged proportionately in relation</p> | <p>All ADUs: DIMFs based on fee schedules in effect at time of payment</p> <p><i>MLUDC § 35.442.015.H.1 and CZO § 35-142.8.1</i></p> | <p>Same as State law</p> <p><i>MLUDC § 35.442.015.D.4 and CZO § 35-142.4.6</i></p> |

| Development Standard | State Law | Existing Standard | Proposed Standard |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>to the square footage of the primary dwelling unit.” <i>GC § 65852.2(f)(3)</i></p> | | |
| Height | <p>ADU conversions: N/A (located within existing structure)</p> <p>New construction attached and detached ADUs: Height limit may be adopted by ordinance¹ <i>GC § 65852.2(a)(1)(B)(i)</i></p> | <p>ADU conversions: N/A (located within existing structure)</p> <p>New construction attached and detached ADUs:</p> <ul style="list-style-type: none"> • 16 feet <i>MLUDC §§ 35.442.015.G.5.b and c and CZO §§ 35-142.7.6.b and c</i> • Additional height allowed in order to match height of existing structure to which the ADU will be attached <i>MLUDC §§ 35.442.015.G.5.a and b and CZO §§ 35-142.7.6.a and b</i> • 25 feet for a combined detached accessory structure containing an ADU <i>MLUDC § 35.442.015.G.5.c.(1)(a)(iii) and CZO § 35-142.7.6.c.1a)iii)</i> | <p>ADU conversions: Same as State law <i>MLUDC § 35.442.015.F.5.a and CZO § 35-142.6.5.a</i></p> <p>New construction attached ADUs: Up to maximum height for the principal dwelling in the applicable zone¹ <i>MLUDC § 35.442.015.F.5.b.(1) and CZO § 35-142.6.5.b.1)</i></p> <p>New construction detached ADUs:</p> <ul style="list-style-type: none"> • 16 feet¹ (for one-story ADUs) <i>MLUDC § 35.442.015.F.5.b.(2)(a) and CZO § 35-142.6.5.b.2)a)</i> • 25 feet¹ (for two-story ADUs) <i>MLUDC § 35.442.015.F.5.b.(2)(b) and CZO § 35-142.6.5.b.2)b)</i> |
| JADUs | <p>JADUs allowed within a SFD or attached garage in areas zoned for single-family residential use <i>GC §§ 65852.2(e)(1)(A) and 65852.22(a)</i></p> | <p>JADUs not permitted uses</p> | <p>Same as State law <i>MLUDC § 35.442.015.G.4 and CZO § 35-142.7.4</i></p> |
| Maximum floor area | <p>ADU conversions: No limit</p> <p>New construction attached ADUs:</p> <ul style="list-style-type: none"> • 50 percent of principal dwelling floor area^{1,2} <i>GC § 65852.2(a)(1)(D)(iv)</i> • Other size-related limits may be adopted by ordinance^{1,2} | <p>ADU conversions:</p> <ul style="list-style-type: none"> • No limit (on lots zoned for SFDs) • 50 percent of principal dwelling living area, up to 1,200 SF (attached ADU conversions on lots zoned for MFDs) <i>MLUDC § 35.442.015.F.3.a.(1) and CZO § 35-142.6.4.a.1)</i> | <p>ADU conversions: Same as State law <i>MLUDC § 35.442.015.F.10.a and CZO § 35-142.6.10.a</i></p> <p>New construction attached ADUs: Same as State law <i>MLUDC § 35.442.015.F.10.b.(3) and CZO § 35-142.6.10.b.3)</i></p> |

| Development Standard | State Law | Existing Standard | Proposed Standard |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p><i>GC § 65852.2(a)(1)(B)(i)</i></p> <p>New construction detached ADUs:</p> <ul style="list-style-type: none"> • 1,200 SF^{1,2} <p><i>GC § 65852.2(a)(1)(D)(v)</i></p> <ul style="list-style-type: none"> • Other size-related limits may be adopted by ordinance^{1,2} <p><i>GC § 65852.2(a)(1)(B)(i)</i></p> <p>JADUs: 500 SF</p> <p><i>GC § 65852.22(h)(1)</i></p> | <ul style="list-style-type: none"> • 1,200 SF (detached ADU conversions on lots zoned for MFDs) <p><i>MLUDC § 35.442.015.F.3.a.(2) and CZO § 35-142.6.4.a.2)</i></p> <p>New construction attached ADUs: 50 percent of principal dwelling living area, up to 1,200 SF or 8 percent net lot area, whichever is less</p> <p><i>MLUDC § 35.442.015.G.8.a.(1) and CZO § 35-142.7.9.a.1)</i></p> <p>New construction detached ADUs: 1,200 SF or 8 percent net lot area, whichever is less</p> <p><i>MLUDC § 35.442.015.G.8.a and CZO § 35-142.7.9.a</i></p> | <p>New construction attached and detached ADUs:</p> <ul style="list-style-type: none"> • 850 SF for studio or one-bedroom ADUs on lots of 15,000 net SF or less¹ <p><i>MLUDC § 35.442.015.F.10.b.(1) and CZO § 35-142.6.10.b.1)</i></p> <ul style="list-style-type: none"> • 1,000 SF for ADUs with two or more bedrooms on lots of 15,000 net SF or less¹ <p><i>MLUDC § 35.442.015.F.10.b.(1) and CZO § 35-142.6.10.b.1)</i></p> <ul style="list-style-type: none"> • 1,200 SF on lots greater than 15,000 net SF¹ <p><i>MLUDC § 35.442.015.F.10.b.(2) and CZO § 35-142.6.10.b.2)</i></p> <p>JADUs: Same as State law</p> <p><i>MLUDC § 35.442.015.G.5, and CZO § 35-142.7.5</i></p> |
| Minimum Floor Area | <p>All ADUs and JADUs: An Efficiency Unit</p> <p><i>GC § 65852.2(c)(2)(A)</i></p> | <p>All ADUs: 300 SF or an Efficiency Unit</p> <p><i>MLUDC §§ 35.442.015.F.3.b and G.8.b and CZO §§ 35-142.6.4.b and 7.9.b</i></p> | <p>Same as State law</p> <p><i>MLUDC § 35.442.015.H.1 and CZO § 35-142.8.1</i></p> |
| Parking | <p>All ADUs and JADUs: No replacement parking required</p> <p><i>GC § 65852.2(a)(1)(D)(xi)</i></p> <p>ADU conversions, new construction attached ADUs, and JADUs: No new parking spaces required</p> <p><i>GC §§ 65852.2(a)(1)(D)(x)(III) and (d)(3)</i></p> <p>New construction detached ADUs: One new parking space required, depending on ADU location</p> <p><i>GC § 65852.2(a)(1)(D)(x)(I) and (d)</i></p> | <p>All ADUs: Replacement parking required</p> <p><i>MLUDC § 35.436.050 and CZO §§ 35-108.1 and 2</i></p> <p>ADU conversions and new construction attached ADUs: No new parking spaces required</p> <p>New construction detached ADUs: At least one new parking space required, subject to certain exceptions</p> <p><i>MLUDC § 35.442.015.G.9.a and CZO § 35-142.7.10</i></p> | <p>Same as State law</p> <p><i>MLUDC §§ 35.442.015.F.11 and CZO §§ 35-142.6.11</i></p> |

| Development Standard | State Law | Existing Standard | Proposed Standard |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Permit processing timeframe | 60 days; delays allowed under certain circumstances <i>GC § 65852.2(a)(3)</i> | 120 days | Same as State law <i>MLUDC § 35.442.015.D.2</i> |
| Setbacks | <p>ADU conversions: No setbacks <i>GC § 65852.2 (a)(1)(D)(vii)</i></p> <p>New construction attached and detached ADUs:</p> <ul style="list-style-type: none"> • 4 feet side and rear setbacks <i>GC § 65852.2(a)(1)(D)(vii)</i> • No setbacks for existing structures demolished and reconstructed in the same building footprint <i>GC § 65852.2(a)(1)(D)(vii)</i> <p>JADUs: Side and rear setbacks sufficient for fire and safety purposes <i>GC § 65852.2(e)(1)(A)(iii)</i></p> | <p>ADU conversions:</p> <ul style="list-style-type: none"> • Side and rear setbacks sufficient for fire safety purposes <i>MLUDC §§ 35.442.015.E.5 and F.5 and CZO §§ 35-142.5.5 and 6.6</i> • No setbacks if located within existing garage <i>MLUDC §§ 35.442.015.F.5.a and G.10.b and CZO §§ 25-142.6.6.a and 7.11.b</i> <p>New construction attached and detached ADUs: Same minimum setbacks as the principal dwelling, except that 5-foot side and rear setbacks required for ADUs located above existing garages <i>MLUDC § 35.442.015.G.10.a and CZO § 35-142.7.11.a</i></p> | <p>ADU conversions: Same as State law <i>MLUDC § 35.442.015.F.13.a and CZO § 35-142.6.13.a</i></p> <p>New construction attached and detached ADUs:</p> <ul style="list-style-type: none"> • Comply with principal dwelling setbacks¹ <i>MLUDC § 35.442.015.F.13.b.(1) and CZO § 35-142.6.13.1)</i> • No setbacks for existing structures demolished and reconstructed in the same building footprint <i>MLUDC § 35.442.015.F.13.b.(2) and CZO § 35-142.6.13.b.2)</i> <p>JADUs: Same as State law; comply with front setbacks of the applicable zone <i>MLUDC § 35.442.015.G.10 and CZO § 35-142.7.10</i></p> |

¹ Pursuant to GC Section 65852.2(c)(2)(C), any size-related development standards adopted by ordinance must allow for an ADU of at least 800 SF in size and 16 ft. in height with four-foot side and rear setbacks to be constructed in compliance with all other local development standards.

² Pursuant to GC Section 65852.2(c)(1)(B), any maximum floor area requirement adopted by ordinance must allow for an ADU of at least 850 SF (if the ADU is a studio or one-bedroom unit) or 1,000 SF (if the ADU contains two or more bedrooms).

5.4 Pending ADU and JADU Applications

From January 1, 2020, to January 25, 2021, the County received a total of 162 ADU applications (47 located in Montecito) and 7 JADU applications (one located in Montecito). Of those applications, the County issued Building Permits for 55 ADUs (13 located in Montecito) and 6 JADUs (one located in Montecito).

The proposed amendments include a provision that states an issued Building Permit for an ADU or JADU shall remain valid provided that the ADU or JADU receives final building inspection approval within one year of the effective date of the applicable ADU ordinance.

6.0 ENVIRONMENTAL REVIEW

- 6.1 Case No. 20ORD-00000-00001.** The proposed CZO amendment is exempt from environmental review pursuant to State CEQA Guidelines Sections 15282(h) and 15265. State CEQA Guidelines Section 15282(h) provides a statutory exemption for cities or counties to adopt ADU ordinances to implement GC Section 65852.2. State CEQA Guidelines Section 15265 statutorily exempts local government activities involving the preparation and adoption of local coastal program amendments from environmental review.
- 6.2 Case No. 20ORD-00000-00003.** The proposed MLUDC amendment is exempt from environmental review pursuant to State CEQA Guidelines Section 15282(h), which provides a statutory exemption for cities or counties to adopt ADU ordinances to implement GC Section 65852.2.

Please see the Notice of Exemption (Attachment B) for additional information.

7.0 POLICY CONSISTENCY

As discussed in the Findings for Approval (Attachment A), the proposed amendments are consistent with the Comprehensive Plan, Coastal Land Use Plan (CLUP), CZO, and MLUDC because they implement Program 1.4 (Tools to Incentivize High-Quality Affordable Housing) of the *2015-2023 Housing Element Update* (Housing Element) and update the zoning ordinances to be consistent with State ADU and JADU law.

The Housing Element contains 37 programs to carry out the County’s housing goals and policies. The Board adopted the Housing Element after making a finding that it was in conformity with the other elements of the Comprehensive Plan. Program 1.4 directs the County to consider adopting land-use tools to “provide housing opportunities for all segments of the population, including ... policies to encourage the development of unit types that are affordable by design ... and ... permit streamlining efforts.” Program 1.4 identifies and encourages the development of several unit types that are affordable by design, including ADUs, infill development, and mixed-use development.

The proposed amendments implement Program 1.4 by streamlining the permit process and reducing the development standards applicable to ADUs and JADUs, as well as expanding the zones in which ADUs and JADUs are allowed. Specifically, the proposed amendments streamline the permit process for ADUs and JADUs by eliminating planning permit requirements for ADUs and JADUs and reducing the permit processing timeframe from 120 days to 60 days in compliance with GC Section 65852.2(a)(3). The proposed amendments also reduce the development standards applicable to ADUs and JADUs in compliance with State law. For example, the proposed amendments eliminate replacement parking requirements for all ADUs and JADUs, reduce appearance and style development standards for new construction detached ADUs, and revise floor area, height, location, and setback requirements to provide greater design flexibility for ADUs that are subject to local development standards. Lastly, the proposed amendments expand the zones where ADUs and JADUs are allowed to include mixed-use zones and zones that allows SFDs or MFDs, thereby encouraging ADUs, infill development, and mixed-use development as directed by Program 1.4.

The proposed amendments are consistent with the remaining portions of the CZO and MLUDC that are not revised by these amendments. The proposed amendments include a provision that states where there are conflicts between the ADU or JADU standards of CZO Section 35-142 or MLUDC Section 35.442.015 and other provisions of the zoning ordinances, the standards of CZO Section 35-142 or MLUDC Section

35.42.015 shall prevail. Additionally, the proposed CZO and MLUDC amendments are consistent with GC Section 65852.2(a)(1)(C), which provides that ADUs “do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.” These provisions are codified within the ADU and JADU application and processing requirements of the proposed amendments.

In the Coastal Zone, the County must consider ADU and JADU applications pursuant to GC Section 65852.2(l), 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 ...” Thus, ADUs and JADUs proposed within the Coastal Zone must be consistent with the Coastal Act and the resource protection policies and standards contained therein, which are codified within the proposed CZO amendment.

By implementing Program 1.4 and updating the zoning ordinances to be consistent with State ADU and JADU law, the proposed amendments are consistent with the Comprehensive Plan, including the Housing Element and applicable community and area plans, the CLUP, the requirements of State planning and zoning laws, the CZO, and the MLUDC.

8.0 ORDINANCE COMPLIANCE

As discussed in Section 7.0, above, the proposed amendments are consistent with the remaining portions of the CZO and MLUDC which are not revised by these amendments. Additionally, the proposed amendments include a provision that states where there are conflicts between the ADU or JADU standards of CZO Section 35-142 or MLUDC Section 35.442.015 and other provisions of the CZO or MLUDC, that the standards of CZO Section 35-142 or MLUDC Section 35.442.015 or shall prevail.

9.0 PROCEDURES

The Montecito Planning Commission may recommend approval, approval with revisions, or denial of the proposed CZO and MLUDC amendments to the County Planning Commission and Board, respectively.

10.0 APPEALS PROCEDURE

Ordinance amendments are legislative acts that require final action by the Board. Therefore, the action of the Montecito Planning Commission does not require an appeal for the Board’s consideration.

11.0 NEXT STEPS

Santa Barbara County Code Section 2-25.2 allows the Montecito Planning Commission to provide recommendations to the County Planning Commission regarding proposed CZO amendments that will affect the Coastal Zone portion of the Montecito Community Plan Area. Santa Barbara County Code Section 2-25.2(a) gives the Montecito Planning Commission the authority to provide recommendations directly to the Board regarding proposed MLUDC amendments. Accordingly, staff will present the proposed CZO and LUDC amendments to the County Planning Commission on March 31, 2021. Staff will then present the proposed CZO, LUDC, and MLUDC amendments to the Board for adoption.

GC Section 68582.2(h) requires that the County submit the ordinances to HCD within 60 days after the date of adoption. HCD may submit written findings to the County as to whether the ordinances comply with State ADU law. If HCD finds that the ordinances comply with State ADU law, the MLUDC and LUDC ordinances would take effect upon the date that the County receives HCD’s written findings, provided the

effective date is at least 30 days after the date of adoption. The County would then submit the CZO ordinance to the California Coastal Commission for certification. Alternatively, if HCD finds that the ordinances do not comply with State ADU law, the County would have 30 days to (1) amend the ordinances to comply with State ADU law, or (2) adopt the ordinances without changes and include findings in the resolution that explain the reasons the County believes that the ordinances comply with State ADU law. The MLUDC and LUDC ordinances would take effect upon the date that the Board adopts the resolution. Again, the County would then submit the CZO ordinance to the California Coastal Commission for certification. If the County does not amend the ordinances or make the required findings, HCD may notify the State Attorney General that the County is in violation of State law.

ATTACHMENTS

- A. Findings for Approval (Case Nos. 20ORD-00000-00001 and 20ORD-00000-00003)
- B. Notice of Exemption (Case Nos. 20ORD-00000-00001 and 20ORD-00000-00003)
- C. CZO Resolution and Amendment (Case No. 20ORD-00000-00001)
- D. MLUDC Resolution and Amendment (Case No. 20ORD-00000-00003)