



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

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

**Department Name:** Planning & Development  
**Department No.:** 053  
**For Agenda Of:** May 7, 2019  
**Placement:** Set Hearing for May 21, 2019  
**Estimated Tme:** 20 minutes on May 21, 2019  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Director Lisa Plowman, Director, Planning and Development  
Department, (805) 568-2085  
Contact Info: Dan Klemann, Deputy Director, Long Range Planning  
Division, (805) 568-2072  
**SUBJECT:** California Coastal Commission Certification of the Accessory Dwelling Unit Local  
Coastal Program Amendment

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:**

As to form: N/A

**Recommended Actions:**

On May 7, 2019, staff recommends that the Board of Supervisors (Board) set a hearing for May 21, 2019, to consider accepting the California Coastal Commission's (CCC's) conditional certification of the Accessory Dwelling Unit (ADU) Article II Coastal Zoning Ordinance (Article II) amendment (Case No. 16ORD-00000-00016) as an amendment to the County's certified Local Coastal Program (LCP).

On May 21, 2019, staff recommends that the Board take the following actions:

- a) Receive notice of the CCC's conditional certification of the ADU LCP Amendment (LCPA) (CCC Case No. LCP-4-STB-18-0071-2-Part B), with two suggested modifications (Attachment 1);
- b) Adopt a resolution acknowledging receipt of the CCC's resolution of certification, including two suggested modifications, accepting and agreeing to the suggested modifications, and agreeing to issue Coastal Development Permits for the total area included in the County's certified LCP (Attachment 2);
- c) Determine that the Board's action is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15282(h) and 15265 (Attachment 3); and
- d) Direct the Planning and Development Department to transmit the adopted resolution to the Executive Director of the CCC.

**Auditor-Controller Concurrence**

As to form: N/A

### **Summary Text:**

On August 14, 2018, the Board adopted the ADU LCPA and authorized staff to submit the amendment to the CCC for review and certification. On March 7, 2019, the CCC conditionally certified the County's ADU LCPA with two suggested modifications. The first suggested modification includes 10 minor revisions to Article II, Section 35-142, and the second suggested modification includes one minor revision to Article II, Section 35-169.4.2 (see Section 2.0 of the Background section, below). The CCC's action letter, dated March 18, 2019 (Attachment 1), contains the suggested modifications. The CCC staff report, dated February 21, 2019 (Attachment 4), and the addendum to the staff report, dated March 4, 2019 (Attachment 5), contain additional information regarding the suggested modifications.

Staff is amenable to the two suggested modifications as they present insignificant policy and textual changes to the ADU LCPA. Much of the additional text presented in the suggested modifications duplicates existing policies within the County's Coastal Land Use Plan and Article II. Therefore, staff recommends that the Board accept the suggested modifications and authorize staff to submit the ADU LCPA to the CCC for final certification.

### **Background:**

#### **1.0 General Information**

On August 14, 2018, the Board adopted an ordinance (Ordinance No. 5057) amending Article II to revise existing development standards and permit procedures and implement State law regarding ADUs (Government Code Section 65852.2). The Board also adopted a resolution (Resolution No. 18-199) authorizing staff to submit the ADU LCPA to the CCC for review and certification. On February 21, 2019, the CCC issued a staff report with two suggested modifications to the ADU LCPA (Attachment 4). On March 4, 2019, the CCC issued an addendum to the staff report making minor corrections to one of the suggested modifications and providing one public comment letter regarding the ADU LCPA (Attachment 5).

#### **2.0 CCC Suggested Modifications Summary**

On March 7, 2019, the CCC conditionally certified the ADU LCPA with two suggested modifications, which include the following revisions:

- Revised Article II, Section 35-142.4.2, to clarify that Coastal Development Permits for ADUs are not ministerial and shall not require a public hearing.
- Revised the headings in Article II, Sections 35-142.6 and 7.
- Added text to Article II, Section 35-142.7.4.a.4, to require all exterior lighting to comply with "lighting requirements in all applicable community plans, area plans, and overlay districts."
- Added text to Article II, Section 35-142.7.5.a, to require ADUs to comply with "... all applicable ESH policies and provisions of the certified Local Coastal Program."
- Deleted Article II, Sections 35-142.7.5.d.1) and -2), thereby removing the requirement that ADUs minimize impacts to agricultural activities and prime soils and preserve natural features, landforms, and vegetation to the maximum extent feasible.
- Deleted text in Article II, Section 35-142.7.6.c.1)b), to eliminate redundancies between this subsection and the previous subsection -1)a)i).
- Added Article II, Section 35-142.8.d, to require that new detached ADUs be "... clustered with other existing structures to the maximum extent feasible."

- Revised Article II, Section 35-142.7.12, to strengthen tree protection provisions and require replanting as on-site or off-site mitigation when protected trees are removed or damaged due to ADU development.
- Added Article II, Section 35-142.8.e, to prohibit ADUs within existing accessory buildings that are nonconforming with regard to the coastal resource protection policies and coastal resource protection development standards of the County's certified LCP.
- Revised the format of Article II, Section 35-169.4.2.c.1).

The suggested modifications do not present significant policy or textual changes to the ADU LCPA. Therefore, staff recommends that the Board accept the above modifications with no additional amendments.

If the Board accepts the suggested modifications by adopting the attached resolution (Attachment 2), staff will submit the resolution to the CCC. The CCC's Executive Director will then make a determination that the County's action and notification procedures are legally adequate to satisfy any specific requirements set forth in the CCC's certification order (Attachment 4, Section II of the CCC staff report, dated February 21, 2019). The Executive Director will report this determination to the CCC at its next regularly scheduled public meeting.

If the CCC does not object to the Executive Director's determination, a notice of the certification will be filed with the Secretary of the Resources Agency and the certification will be deemed final and effective. However, if a majority of the CCC members object to the Executive Director's determination and find that the County's action does not conform to the provisions of the CCC's action to certify the LCPA, the CCC will review the County's action in a subsequent public hearing as if it were a re-submittal.

Upon final certification from the CCC, the LCPA as modified will become effective immediately and will be incorporated into the County's certified LCP.

Finally, the CCC's conditional certification will expire on September 7, 2019, unless the Board accepts the suggested modifications prior to that date. The Board has the following options if it chooses not to accept the suggested modifications:

1. Adopt amendments to the suggested modifications and re-submit the amended ADU LCPA.
2. Reject the suggested modifications without adopting any amendments to the suggested modifications and request that the CCC not certify the ADU LCPA.
3. Allow the CCC's certification with the suggested modifications to expire by taking no action prior to September 7, 2019.

### **Environmental Review:**

Staff recommends that the Board determine that the preparation and adoption of the ADU LCPA is exempt from environmental review pursuant to CEQA Guidelines Sections 15282(h) and 15265.

CEQA Guidelines Section 15282(h) provides a statutory exemption for cities or counties to adopt ADU ordinances to implement State laws regarding ADUs (Government Code Section 65852.2). Additionally, CEQA Guidelines Section 15265 statutorily exempts local government activities involving the preparation and adoption of an LCP from environmental review. Please see the Notice of Exemption (Attachment 3) for additional details.

### **Fiscal Analysis:**

Funding for the ADU LCPA is budgeted in the Long Range Planning Division Budget Program on page D-272 of the *Santa Barbara County Fiscal Year 2018-19 Recommended Budget*. There are no facilities

impacts. The State's ADU laws went into effect on January 1, 2017. Since that date, staff has expended approximately 1,750 hours/\$140,000 to prepare and process ADU ordinance amendments for Article II, as well as the County Land Use and Development Code and Montecito Land Use and Development Code.

**Special Instructions:**

The Planning and Development Department will fulfill all noticing requirements.

The Clerk of the Board will provide copies of the Minute Order and signed resolution to the Planning and Development Department, attention Jessi Steele, Planner.

**Attachments:**

1. CCC Action Letter, dated March, 18, 2019
2. Board Resolution to Accept the CCC's Certification of the ADU LCPA with Modifications
3. Notice of Exemption
4. CCC Staff Report, dated February 21, 2019
5. CCC Staff Report Addendum, dated March 4, 2019

**Authored By:**

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