

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:
Prepared on: 6/15/04
Department Name: CAO
Department No.: 012
Agenda Date: 6/22/04
Placement: Departmental
Estimate Time: 15 minutes
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors
FROM: Michael F. Brown
County Administrator
STAFF CONTACT: Jim Laponis, Deputy County Administrator
Lori Norton, Analyst
SUBJECT: Legislative Program Committee Recommendations

Recommendation:

That the Board of Supervisors considers the following recommendation from the Legislative Program Committee meeting of June 15, 2004:

- 1. Oppose AB 2702 (Steinberg) Housing: Second Units.** AB 2702 provides that local agency ordinances, regulations, or policies may not preclude or effectively preclude 2nd units unless the local agency makes a finding based on substantial evidence. Further, it prohibits a local agency from adopting an ordinance that requires an owner's dependent or caregiver to occupy the primary dwelling or 2nd unit or that limits occupancy based on familial status, age, or other specified characteristics. AB 2702 provides maximum standards local governments may use to evaluate proposed 2nd units. **(Attachment 1, Third District, Planning & Development, Housing & Community Development)**

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with actions required by law or by routine business necessity. They are also aligned with Goal Number 1: An efficient Government able to anticipate and respond effectively to the needs of the community.

Executive Summary and Discussion:

On June 15th, 2004, the Legislative Program Committee considered, and recommended the Board of Supervisors consider the recommendation listed above. The Committee membership is as follows: Second District Supervisor Susan Rose, Third District Supervisor Gail Marshall, County Administrator Michael F. Brown, County Counsel Stephen Shane Stark, and County Auditor Controller Bob Geis. Members Rose and Geis were absent from the meeting. All members present unanimously approved the recommended

action. Additional recommended actions and information arising from the June 15th Committee meeting will be included on the Board's July 6, 2004 Agenda.

AB 2702

The Committee engaged in a brief discussion of AB 2702, and received information regarding the current status of the bill, which is scheduled to be heard in the Senate Housing and Community Development Committee on June 21, 2004. At the conclusion of the discussion the Committee recommended the Board oppose AB 2702. It was noted that AB 2702 further limits local land use planning authority by requiring a local government to approve an application for a 2nd unit if it complies with the following:

- a. Unit is not intended for resale
- b. Lot is zoned for single-Family or multifamily use
- c. Lot contains an existing single-family dwelling
- d. 2nd unit is either attached or detached and located on the same lot as the existing dwelling
- e. Requirements for height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to the primary dwelling
- f. Local building cost requirements which may apply to detached dwellings
- g. Approval by Health Officer if private sewage disposal required
- h. Increased floor area of attached unit not less than 550 square feet, unless requested by the owner
- i. Total floor area of detached unit not less than 550 square feet, unless requested by the owner

By establishing maximum standards that may be applied in evaluating residential second units, the State is assuming a "one size fits all" strategy without consideration of local opportunities and constraints.

It was noted that in addition to further imposing on local land use planning authority, most cities and counties have just implemented AB 1866, the residential second unit bill which became effective in July 2002. Whether implementation of AB 1866 will result in the production of affordable housing (second residential units) is not yet known. The Committee noted that sufficient time should be given to allow local governments to evaluate the success of AB 1866 prior to imposing further limitations on local government.

Mandates and Service Levels:

Taking a position on proposed legislation is not mandated.

Fiscal and Facilities Impacts:

No County fiscal or facility impacts are allocated with the recommendations.

**C: Cliff Berg, Governmental Advocates
Department Directors**