

Accessory Dwelling Units Ordinance Amendments



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**September 12, 2017 County Board of Supervisors Hearing
Case Nos. 16ORD-00000-00014, -00015 & -00016**





Background

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- ❑ AB 2299 and SB 1069 revised Government Code §65852.2 to streamline ADU processing.
- ❑ Effective January 1, 2017, outside the Coastal Zone, existing local ordinances that are inconsistent with §65852.2 as revised are null and void.
- ❑ Local jurisdictions may either:
 - ❑ Adopt ordinances consistent with §65852.2, or
 - ❑ Not adopt new ordinances; approve applications for ADUs if consistent with §65852.2.



Summary of State Law Requirements

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- ❑ §65852.2
 - ❑ ADU applications considered ministerially.
 - ❑ Application must be acted on within 120 days of submittal if the ADU is accessory to an existing dwelling.
 - ❑ Restricts the scope of development standards that may be applied to applications for ADUs:
 - ❑ Floor area, parking requirements, setbacks, owner-occupancy requirements, minimum length of rentals.
 - ❑ Includes less restrictive requirements for ADUs that are developed entirely within existing buildings versus those that include new construction.



Planning Commission Review

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- ❑ **May 17, 2017** - The Montecito Planning Commission acted to recommend that your Board adopt an ordinance amending the Montecito LUDC as revised by the Commission.
- ❑ **June 7, 2017** - The County Planning Commission acted to recommend that your Board adopt ordinances amending the County LUDC and the Article II Coastal Zoning Ordinance as revised by Commission.



ADU categories

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- ❑ **Category A:** Lot is residentially zoned and contains an existing principal dwelling and no new construction is proposed, i.e., ADU will be developed entirely within the principal dwelling or an existing accessory structure.
- ❑ **Category B:** Lot is residentially zoned, contains an existing principal dwelling, and new construction is proposed, i.e., the project includes (1) an addition to the principal dwelling or an accessory building, or (2) the ADU will be located within a new accessory building.
- ❑ **Category C:** Lot does not contain an existing principal dwelling and the ADU will be constructed concurrently with the principal dwelling, or is located on a non-residentially zoned lot.



Summary of proposed changes

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❑ Permit requirement

- ❑ **Existing:** A CDP or LUP is required for all ADUs except:
 - ❑ Coastal Zone AG-I zone: Detached ADU - Minor CUP.
 - ❑ Naples Townsite zone: All ADUs - Major CUP.
- ❑ **Proposed:**
 - ❑ Zoning Clearance required for Category A ADUs located outside the Coastal Zone.
 - ❑ Existing requirements maintained for all other ADUs.



Summary of proposed changes

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❑ **Minimum lot area requirement**

❑ **Existing:**

- ❑ Attached ADU: 7,000 sf.
- ❑ Detached ADU: -10,000 sf. (outside Montecito); 5 acres (inside Montecito).

❑ **Proposed:**

- ❑ Categories A & B: No minimum lot area requirement.

❑ **Lot coverage limit**

- ❑ **Existing:** Total floor area limited to 40% of the lot area.

❑ **Proposed:**

- ❑ Outside Montecito : No lot coverage limit (Categories A & B).
- ❑ Within Montecito:
 - ❑ Category A: No lot coverage limit.
 - ❑ Category B: Retain maximum 40% of lot area.



Summary of proposed changes

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❑ **Maximum floor area**

❑ **Existing:**

- ❑ Outside Montecito: 600 to 1 200 sf. depending on lot area.
- ❑ Within Montecito: 400 to 1 000 sf. depending on lot area.

❑ **Proposed:**

❑ **Category A:**

- ❑ Attached: 50% of the principal dwelling's existing living area up to 1 200 sf.
- ❑ Detached: 1 200 sf.

❑ **Category B:**

- ❑ Outside Montecito: 8% of lot area; maximum of 1 200 sf.
- ❑ Within Montecito: 400 to 1 200 sf. depending on lot area.



Summary of proposed changes - parking requirements

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❑ Parking requirements

❑ **Existing:** One additional space per bedroom in the ADU.

❑ **Proposed:**

❑ One additional space for each bedroom in the ADU except no additional spaces required if any of the following apply:

❑ ADU is located entirely within an existing structure.

❑ ADU is located within 1/2 mile of public transit.

❑ ADU is located within an architecturally and historically significant historic district.

❑ On-street parking permits are required and not offered to the ADU occupant.

❑ There is a car-share vehicle within one block of the ADU.



Summary of proposed changes

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❑ Design review

- ❑ **Existing:** The Chair of the applicable BAR, or designee, reviews and approve the ADU proposed design.
- ❑ **Proposed:**
 - ❑ Category A: No design review required.
 - ❑ All other ADUs:
 - ❑ Add development standards that address architectural design.
 - ❑ Outside Montecito: Shift the review to the Director.
 - ❑ Inside Montecito: Keep the review with the MBAR Chair.



Summary of proposed changes

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❑ **Owner-occupancy requirement**

❑ **Existing:**

- ❑ Owner must live on property in primary dwelling or in ADU
- ❑ If future owner does not live on property, ADU must either be converted to an allowed accessory use or removed.

❑ **Proposed:** Existing owner-occupancy standards are maintained.

❑ **Minimum length of rental:**

❑ **Existing:** No minimum rental term specified.

❑ **Proposed:** 30-day minimum rental period.



Recommendations

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- ❑ Follow the recommended action in the Board Agenda Letter and for each of the ordinances:
 - ❑ Make the findings for approval (Attachments 1, 4 and 7);
 - ❑ Determine that the adoption of these ordinances are exempt from CEQA (Attachments 2, 5 and 8); and
 - ❑ Adopt the ordinances (Attachments 3, 6 and 9).



Next Steps

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- ❑ Submit Article II amendment to the Coastal Commission for certification.