

Lenzi, Chelsea

From: Denice Spangler Adams <calldsa@gmail.com>
Sent: Monday, September 11, 2017 10:14 AM
To: Lenzi, Chelsea
Cc: Black, Dianne
Subject: ADU Agenda Item 5 - Postpone Adoption of Any Ordinances Pending HCD Clarifications & Pending Corrective Legislation to be enacted later this month.

Respected Elected Officials,

There are many unanswered procedural and other issues related to the ADU state mandate and local interpretations and process. Moreover, corrective legislation is expected to be enacted later this month.

Therefore, it is ill-advised to adopt any local ADU ordinance(s) at this time.

I respectfully request a motion be made to postpone any action on proposed ADU local ordinances, including the Montecito Planning Commission proposed local ordinance which contains known unlawful restrictions including removal of an ADU if not owner-occupied, until additional legal facts are known and analysis is made by staff and County Counsel.

Some, not all, specific issues are identified in my communications with Housing and Community Development in Sacramento assigned to oversee ADU Program implementation, and with Dianne Miester Black, County Deputy Director.

Respectfully,
Denice S. Adams,
ADU Land Use Permit Holder
CallDSA@gmail.com
Montecito, CA 93108
Phone: 8056803939

Some Related Correspondence:

Gregg Nickless, ADU Program Chief
Housing & Community Development, Sacramento

Good Monday Greg!

Please tell me if and when an ADU Permit expires, and how the ADU process is suppose to work. I cannot find in SB1069 any expiration of ADU Permits; or a step by step processing procedure.

My understanding as the Applicant-owner of a LUPermit, is my ADU Permit runs with my parcel. There is no authorized specified termination date in existing law for an ADU Permit.

(FYI SB County process differs dramatically from SB City.)

PROCESS in Santa Barbara County:

1. ADU Applicants submit a site plan, elevations, topo map, floor plan, preliminary calcs, with a written app at a pre-scheduled intake appointment with an assigned County Planner. (It can take a month or more to get an appointment.) It costs about \$20K-\$60K to prepare a submission for a detached ADU.

Neighbors are then notified & a development pending sign goes up for 10-days in front of the Applicant's home, (A courtesy only.)

Within 120 days a LUPermit is issued to the Applicant. (Mine took only 37 days.)

QUESTION- Expiration: When does this LUPermit authorizing construction of an ADU on the parcel expire? I cannot find in law any expiration date. I assumed authorization to build my approved ADU was good for as long as I owned my parcel.

Note: I asked staff early on about any possible expiration because I knew as a retired senior It might take me years to get a loan to proceed. I used money from my small IRA to pay to get the ADU LUPermit.

2) NEXT, after Santa Barbara County issues a LUPermit, the Applicant is authorized to submit building plans/ construction drawings within a year (because now County is now requiring "substantial physical construction occur" within 2 years of effective date of LUPermit.)

This is the very costly part of the process.

An Applicant may need to access a loan for another \$50K - \$100K for architectural, engineering, geologic, energy and other work to produce working drawings and pay required categorical fees.

3) LASTLY, the third and final stage is construction.

Santa Barbara County states an ADU Applicant is "NOT VESTED UNTIL SUBSTANTIAL PHYSICAL CONSTRUCTION OCCURS".

Construction to meet Santa Barbara County's requirement to be vested could require qualifying to access a construction loan of another \$400K-\$500K.

Santa Barbara County restricts growth via its interpretive rules and expiration dates of the ADU program.

Legislative intent is to increase housing inventory by allowing homeowners to build on our parcels.

You said yourself there is not yet a financing product especially one for retired seniors like me who need a single story ADU due to physical need.

Santa Barbara County will strip me of my right as a permit holder to build my ADU under state law, rendering my existing permit worthless, if I cannot become vested by completing "substantial physical construction" within 2 years.

My ADU LUPermit will "expire" according to SB County.

This is NOT the law. Please confirm, and notify SB County accordingly.

Thanks,
Denice Spangler Adams
8056803939
CallDSA@gmail.com

Greetings Deputy Black,

What I need to know exactly from you as County Deputy Director, is how the County is implementing and interpreting the CA ADU Law for issued and approved LU Permit Holders located in Montecito. I'm confused by your communication of 9/8/17 below.

I need written clarification of the meaning of terms in your 9/8 email as specifically relate to my permitted ADU, that I need to build for my perusal due to physical limitations. I need to rent out my 3 story home to a young family wanting to attend our highly ranked Cold Spring School that needs students.

Your email of 9/8 confirms to me I am NOT "vested" under CA State Law SB1069, despite your subordinate County counter staff assuring me that I am "fully vested under state law and good to go and own an ADU under state law." (Not ever to be subjected to MPC's proposed local ordinance that goes before BOS tomorrow on 9/12, or any future one approved by the BOS.)

For the record: At great sacrifice, I have spent tens of thousands of dollars, my limited time and energy, planning, seeking and rushing to gain approval of a detached ADU from the County, to avoid being subjected to any future local ordinance resulting from the documented historic unlawful tactics, manipulations and goals that define specific Commissioners on the Montecito Planning Commission (MPC) and Montecito Association. Both unelected entities are determined to restrict growth with the intention of preserving Montecito exclusively for the mega-wealthy: "leave if your pockets aren't deep enough to go through our intentional lengthy review

process resulting in cost prohibitive conditions.' (They're unaware it costs money to move.)

The proposed MPC local ordinance ensures that no ADU requiring financing can be built in Montecito due to its required "ADU removal" requirement, if the owner requires long term institutional care or a heir or future owner is unable to be an owner-occupant.

ADU law, SB1069 reads a local ordinance may only require the APPLICANT of the ADU to be an owner-applicant. There is no Authority for "removal or conversion", or to require a heir/ future owner to be an owner-occupant.

To help me in your reply, please reference applicable code and/or law to support your statement below, with both the definition in legal and practical terms of "vested" and "substantial" -- as relate to building my permitted ADU.

I need to be clear, by way of specific example, what do these two terms mean: "vested" and "substantial".

Also, confirm for benefit of a prospective lender that my ADU will always be permitted and owned under the terms of current state law, never subjected to MPC's local ordinance.

Furthermore that it is the County's interpretation that my significant investment in my ADU Permit, engineering studies, and construction drawings are worthless UNTIL \$500,000 is accessible to me to "substantially" construct a 1034 sf within 2 years and for me to pay all local exorbitant fees on my parcel for which I paid these same categorical fees in 1986-87, when I built my primary residence.

You emailed me:

"No development is considered vested until substantial physical construction occurs. You are in control of this and just need to act on your permit (get a building permit and begin construction) before your land use permit and any extension of that permit expires."

Requiring "SUBSTANTIAL PHYSICAL CONSTRUCTION" to be VESTED is not part of ADU state mandate as written into law as per SB1069. Please clarify for me.

Thank you.

Denice Spangler Adams

CallDSA@gmail.com

8056803939

350 Calle Elegante 93108

(On the SB City line w 10' easement for SBCity Water subjecting me to 2 District Authorities & double taxation w no City representation as per City Charter.)

On Sep 8, 2017, at 7:30 PM, Black, Dianne <Dianne@co.santa-barbara.ca.us> wrote:

Regarding the rules that apply to your approved ADU, you have the right to obtain a building permit and build your unit as long as that occurs before your land use permit and any approved extensions are received before the permit expires. No development is considered vested until substantial physical construction occurs. You are in control of this and just need to act on your

permit (get a building permit and begin construction) before your land use permit and any extension of that permit expires.

Sent from my iPhone