

**Lenzi, Chelsea**

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**From:** Denice Spangler Adams <calldsa@gmail.com>  
**Sent:** Monday, September 11, 2017 3:10 PM  
**To:** Lenzi, Chelsea  
**Subject:** Darlene Bierig Comments on Proposed ADU Ordinances; Item 5, on the Board of Supervisor's September 12 Meeting Agenda

Dear Supervisors,

I have the three concerns with the the proposed ADU legislation before you on September 12 which I will discuss below.

**1. Primary Residence of the Owner Upon Resale (County and Montecito Proposals)**

1. This requirement is a gross overreach and makes no sense from a public policy standpoint. SB 1096 clearly states that "a local agency may require an applicant for a permit issued to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days." Requiring an initial applicant to be an owner-occupant is far different than having this as a requirement that runs in perpetuity.

1. The goal of the state legislation is to develop additional housing units to address our housing shortage; it makes no sense to have the ADU subject to removal if a subsequent owner is not an owner occupant. Why on earth would we want to remove a bonafide housing unit from our housing stock once it has been permitted and build just because a future owner is not occupying the lot? There is no logical reason!

**1. 2. Maximum Floor Area for the ADU That is Related to Lot Size (Montecito Proposal)**

There is no justifiable reason for the ADU floor area limits based on lot size in the Montecito Ordinance to be more restrictive/onerous than those in the County Ordinance (see table below). Doing so only creates an unfair hardship on Montecito property owners and is contrary to the intent of SB 1069.

1. Montecito has some of the highest land prices in the County. Given that one of the goals of the state legislation was to develop the most affordable housing possible, being overly burdensome on lot size in Montecito is contrary to this goal since it burdens Montecito ADU's will unjustifiably higher land costs. This appears nothing more than a NIMBY response to the State law. Any aesthetic concerns that MPC may have regarding ADUs are already addressed by the lot coverage, height and setback requirements placed on development in Montecito.

Lot Area	Maximum Detached Accessory Dwelling Unit
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Montecito. County

10,000 - 19,999 square feet

600 square feet.

800 square feet

20,000 square feet - 1 acre



800 square feet.

1,200 square feet.

Over 1 acre to 2 acres



1,000 square feet.

1,200 square feet.

Over 2 acres

1,200 square feet.

1,200 square fee

1. 3. The County Ordinance places design review for ADUs with the Director of Planning who is a trained professional. The Montecito Ordinance shifts this responsibility to the Chairman of the MBAR. This shift is undesirable because it adds uncertainty in terms of review outcome, time to complete, and increases cost to the applicant. Furthermore, the shift is hard to justify because the MBAR members are appointees, no all of whom have professional planning or architectural backgrounds; with a rotating chairmanship this could result in a non-trained person making a critical ministerial decision.

Lastly, I wonder how the County intends to incorporate the State's new ADU "clean-up" legislation, due to be signed by Governor Brown within a month, into these ordinances? I don't see any analysis of the pending legislation as it relates to these proposals in your meeting packet.

Thank you for your consideration,  
Darlene Bierig