

ACCESSORY DWELLING UNITS (ADUs)
2017 REGULATIONS UPDATE TO MEET STATE REQUIREMENTS

Brief History

Fall 2016

- AB2299 and SB1069 are passed into law to address housing crisis
 - Eased development standards, permitting requirements and limited regulation authority by local agencies
- In December, state developed guidance and provided clarifications regarding unclear requirements
- County staff compared current regulations to the new state law, determined that current regulations are non-compliant and began drafting the proposed regulations update

January 1, 2017

- Revisions to CA Govt. Code 65852.2 took effect – local agencies with non-compliant regulation were required to defer to the state law and approve new ADU applications within 120 days of receipt
- Staff presented 2-step regulations update to the community and decisions makers
 - Step 1: allow for quick compliance with the retained ability for the County to regulate ADUs
 - Step 2: provides an opportunity for full engagement

State Mandates

Allow in any residential district on properties with one existing single-family dwelling

Maximum size

- Attached: 50% of existing living area, up to 1,200 s.f.
- Detached: 1,200 s.f.

Allow garage and interior space conversions to ADUs

Setbacks

- None for garage conversion
- 5 feet side and rear for ADU above a garage
- Conversion of existing interior space: setbacks sufficient for fire safety

Parking

- One off-street parking space per ADU or per ADU bedroom
- Must be permitted in setback areas in locations or through tandem parking unless unsafe
- Garage Conversions:

- Replace only what is removed
- Locate in any configuration: covered, uncovered, tandem, or by mechanical automobile parking lifts

No additional parking when:

- Property is within 1/2 mile of public transit
- Property is within an architecturally and historically significant historic district
- ADU is entirely within the existing interior space
- On-street parking permits are required but not offered to the ADU occupant
- A car share vehicle is located within one block of the ADU

Ministerial Approval (i.e. building permit) within 120 days

Local Flexibility

Location

- Restrict location where ADUs are permitted based the adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety

Parking

- Impose standards related to number of parking spaces
 - Except as superseded by State Law

Development Regulations

- Height limit
- Minimum setback for additions and detached units
- Maximum lot coverage
- Minimum landscaping
- Maximum size
- Standards that prevent adverse impacts on Registered Historic Places

Architectural standards

- Must be clear and approvable by staff through ministerial process

General

- May require that owner occupy the property
- May require rentals are for terms longer than 30 days

2-Step Regulations Update

Step 1: Implement “temporary” Code amendments

- Quickly comply with State Law
- Minimize the period during which State Law is locally in effect

- Development standards remain unless superseded
- New ADUs will still be allowed where they are already allowed by right
- **Approval of new ADUs is paused in Residential Districts elsewhere in the County while comprehensive community outreach is conducted and specific plans are updated – this includes East County communities**
- Maintain regulation of ADUs & comply with State Law
- **No change to how ADUs are permitted and regulated in Agricultural Districts**

Step 2: Engage public to develop long term requirements

- Evaluation of areas that can support ADUs
 - Including eastern portion of the County where ADUs currently require a Rezoning or Site Development Review process
- Continue to receive evolving guidance from the state
- Gauge community interest
- Engage general public and HOAs in public discussions (Local agency cannot base permit issuance on HOA restrictions)
- With community involvement, develop proposed countywide development standards
- Propose permanent standards to the public and decision makers at a series public meetings

Step 1 Outreach

- CVMAC: January 23, 2017
 - Completed—BOS approval recommended
- USC: January 25, 2017
 - Completed presentation and Q&A session
- Planning Commission: February 6, 2017
 - Adopted Resolution recommending BOS approval
- T&P Committee: February 14, 2017
 - Staff was encouraged to engage East County residents more
- Agricultural Advisory Committee: February 28, 2017
 - Information presented to Committee
- Board of Supervisors: March 7, 2017

Next Step

- Commence Step 2 in early spring 2017