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  • Except as superseded by State Law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