



Planning Commission Meeting Agenda

Monday, October 4, 2021 at 5:30 pm

City of Carpinteria, Council Chamber
5775 Carpinteria Avenue

In-Person Meeting

IN RESPONSE TO THE GOVERNOR'S ISSUANCE OF EXECUTIVE ORDER N-07-21, WHICH FORMALLY RESCINDED CALIFORNIA'S STAY-AT-HOME ORDER ISSUED LAST IN MARCH 2020, EXECUTIVE ORDER N-08-21, AND SANTA BARBARA COUNTY HEALTH OFFICER ORDER 2021-10.3, THE CITY OF CARPINTERIA HAS MADE THE DECISION TO PROVIDE IN-PERSON ATTENDANCE AND PARTICIPATION OPTIONS FOR THIS MEETING.

To minimize the potential spread of the COVID-19 virus, the County of Santa Barbara is requiring all individuals to wear face coverings while inside the City Council Chambers, regardless of vaccination status.

Attendance/Viewing Options:

- Attend the in-person meeting in City Council Chambers at City Hall (5775 Carpinteria Ave.) Please note that, per Health Officer Order 2021-10.3, the County of Santa Barbara requires all individuals to wear face coverings while indoors, regardless of vaccination status.
- View the meeting live through the City's website (<https://carpinteria.ca.us/city-hall/agendas-meetings>) on your computer, tablet or smartphone.
- View the meeting on Government Access Television Channel 21 (broadcast live and rebroadcast on the Wednesday and the Saturday following the meeting at 8:00 p.m. and 5:00 p.m., respectively).

Public Comments:

- Provide a live public comment during the in-person meeting in City Council Chambers at City Hall (5775 Carpinteria Ave.). Please note the City has the discretion to limit the speaker's time for any meeting or agenda matter. Typically, the practice has been three minutes per speaker on each item. Regardless of vaccination status, individuals providing in-person public comment are required to

wear face coverings while inside the City Council Chambers, including while providing public comment. If you fall under the exemption criteria for wearing a face covering indoors per Health Officer Order 2021-10.3, the City strongly recommends you provide public comment through one of the alternative means provided below.

- Submit a written comment (as either a general public comment or on a specific agenda item) to be distributed to Planning Commissioners by **12:00 P.M. on the day of the meeting** by either submitting your comment via (1) email to PublicComment@ci.carpinteria.ca.us, or (2) the **eComment** link on the City's agenda website (<https://carpinteria.ca.us/city-hall/agendas-meetings>). Please reference the agenda item to which your comment pertains. Note that written comments will not be read into the record during the meeting.

Please note that the City will make every effort to make the meeting accessible; however, if one of the above attendance/viewing or public comment options is unavailable due to technological issues, you are invited to take advantage of one of the other participation options outlined above (including attending and providing public comment in-person in the City Council Chambers). Additional options may be made available at the meeting.

As the situation with COVID-19 continues to evolve, the City will provide updates on any changes to this policy as soon as possible. The public is referred to the City's website at www.carpinteria.ca.us for the latest COVID-19 policies and information. The City of Carpinteria thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

THE PLANNING COMMISSION RESERVES THE RIGHT TO CHANGE THE ORDER IN WHICH ITEMS ARE HEARD. APPLICANTS NOT IN ATTENDANCE WHEN THEIR ITEM IS CALLED MAY HAVE THEIR ITEM CONTINUED TO THE NEXT REGULAR MEETING.

Any information presented to the Planning Commission by the public on any agenda item and during Public Comment using electronic materials must be arranged with staff. Electronic materials must be provided to staff a minimum of two business days prior to the meeting.

Any written, printed or electronic material and/or exhibit presented at this meeting becomes the property of the City, and a copy must be provided to City staff.

Planning Commissioners

Jane L. Benefield, Chair
Glenn La Fevers, Vice-Chair
John Callender
John Moyer
David Allen

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

INTRODUCTIONS, PRESENTATIONS, ANNOUNCEMENTS

PUBLIC COMMENT

This time on the agenda provides an opportunity for the public to address the Planning Commission on items within the jurisdiction of the Commission and not listed on other sections of the agenda. Please limit comments to no more than five minutes. Depending on the number of speakers wishing to make comments, the Chair may further limit the time available to each speaker to control the amount of time spent on this part of the agenda. If you wish to speak on a CONSENT CALENDAR item, please do so during this part of the meeting.

Please be advised that California law does not allow the Planning Commission to discuss or take action on any issue presented by the public during this portion of the meeting. The Commission may ask a question for clarification, provide a brief response to public comment, refer the matter to staff for review and a later report or direct staff to place an item on a future agenda.

The City is not responsible for the content of statements made during the public comment period or the factual accuracy of any such statements.

CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine and are normally enacted by one unanimous vote of the Commission. Individual items may be removed and considered separately at the request of a Commissioner. Any item removed from the Consent Calendar will be added to another section of the agenda.

- 1) Minutes of the regular Planning Commission meeting held September 7, 2021

NEW PUBLIC HEARING

If you have questions regarding any project listed below, please contact the Community Development Department at (805) 755-4410.

Review Procedure:

- Disclosure of Ex Parte Communications
- Staff Presentation
- Public Hearing
- Planning Commission Action

- 2) Project: Accessory Dwelling Unit Status Report and Recommendations
Applicant: City of Carpinteria

Hearing at the request of the City of Carpinteria for the Planning Commission to receive a status report on the Accessory Dwelling Unit Program, and to provide recommendations to the City Council regarding program components, as determined appropriate.

OTHER BUSINESS

MATTERS PRESENTED BY COMMISSIONERS

DIRECTOR'S REPORT

- 3) Action Minutes of the Architectural Review Board meeting of August 12, 2021
- 4) City calendar for the month of September
- 5) Planning Activity Report as of September 27, 2021
- 6) Building Permit Report as of September 27, 2021

ATTENDANCE OF PLANNING COMMISSIONERS FOR THE NEXT MEETING of November 1, 2021

ADJOURNMENT

NOTES

All actions of the Planning Commission may be appealed to the City Council. Appeals must be filed with the City Clerk within 10 calendar days of the Commission's action.

If you challenge any of the Planning Commission's decisions related to the agenda items above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence to the Planning Commission prior to the public hearing.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact Lorena Esparza in the Community Development Department at (805) 755-4410 (LorenaE@ci.carpinteria.ca.us) or the California Relay Service at (866) 735-2929. Notification 2 business days prior to the meeting will enable the City to make reasonable arrangements for accessibility to this meeting.

This agenda was posted on Monday, September 27, 2021 in the Community Development Department, on the City Hall Public Notices Board, and on the Internet.

MINUTES, PLANNING COMMISSION
CITY OF CARPINTERIA
CARPINTERIA, CALIFORNIA

September 7, 2021
Regular Meeting
5:30 P.M.

CALL TO ORDER and ROLL CALL The meeting was called to order at 5:30 p.m. by Chair Benefield. Commissioners Present: Jane L. Benefield, Chair John Callender Glenn La Fevers, Vice-Chair John Moyer David Allen Others Present: Steve Goggia, Community Development Director Syndi Souter, Associate Planner	CALL TO ORDER & ROLL CALL
PLEDGE OF ALLEGIANCE – Chair Benefield led the flag salute.	PLEDGE
INTRODUCTIONS, PRESENTATIONS, ANNOUNCEMENTS Chair Benefield announced the Santa Monica/Via Real 5-way intersection is going to be realigned in conjunction with the freeway development and will be light controlled. Onramps will be closed while it is reconfigured, and they are trying to complete it by the end of November. Community Development Director Steve Goggia stated there will be short freeway closures during the undergrounding of utilities.	ANNOUNCEMENTS
PUBLIC COMMENT - None	PUBLIC COMMENT
CONSENT CALENDAR 1) Minutes of the regular Planning Commission meeting held August 2, 2021 MOTION Upon a motion by Commissioner La Fevers, seconded by Commissioner Moyer, the Planning Commission voted 4-0-1 to approve the minutes of the regular Planning Commission meeting held August 2, 2021, as presented (Moyer, La Fevers, Allen and Benefield voted yes; Callender abstained).	CONSENT CALENDAR
NEW PUBLIC HEARING 2) Project: Martinez Residence Remodel & Addition Appeal, 20-2070-ARB/CDP Address: 1147 Vallecito Road Appellants: Sharon and Ruben Organista	NEW PUBLIC HEARING

Robert and Jeanne Banner
John and Jaclyn Kucharski

Planner: Syndi Souter

Continued hearing on the request of Sharon and Ruben Organista, Robert and Jeanne Banner, and John and Jaclyn Kucharski to consider the appeal filed on June 11, 2021 of the Community Development Director's decision to approve Project 20-2070-ARB/CDP for issuance of a Coastal Development Permit to allow the construction of an 856 square-foot two-story addition to the existing single family residence under the provisions of the Single Family Residential (6-R-1) Zone District, and to accept the Exemption pursuant to §15301(e)(1) and §15332 of the State Guidelines for implementation of the California Environmental Quality Act (CEQA). The application involves APN 003-192-005, located at 1147 Vallecito Road.

Associate Planner Syndi Souter reviewed highlights from the previous hearing on August 2, 2021 which was continued due to an impasse among the commissioners. She provided details about architectural changes that took place since the last hearing. She said staff was recommending denial of the appeal and to approve the project as proposed. She provided additional project details in response to commissioners' questions.

Commissioner Callender asked about including a Condition of Approval that includes the windowsill being 5'6." Staff said it would be easy to add to the conditions.

PUBLIC HEARING OPENED

Chair Benefield opened the public hearing.

Applicant Manuel Martinez said all the houses in his neighborhood are different, with each unique in its own way, and certain ones smaller on the east. He said rather than building a granny flat, he is adding onto an existing house. He spoke about how the house needs to be redone, made more energy efficient, more functional for his family and brought up to modern standards. He said according to building codes, he could still build out another 1000 feet. He expressed how he has made good faith concessions after ARB review and, even if he were to make more of them, there is no guarantee his project would get approved. He described the process as an ordeal and costly.

Community Development Director Steve Goggia said public input was received through letters that were shared with commissioners.

PUBLIC HEARING CLOSED

Chair Benefield closed the public hearing.

Commissioner Callender asked for input from fellow commissioners, explaining he is guided by comments from those with more experience. He said at this point he is evenly balanced and undecided.

Commissioner Allen said he has problems with the first finding about the proposed project being in proportion and scale with the site and other existing structures. He explained staff's position is based on analysis of percentage of lot coverage and floor area ratio compared to lot size. If that's the basis we use, then a lot of twice as big means twice as much footprint, and a lot four times as big means four times the footprint, which could be applied infinitum. He doesn't see that as the intent of the findings we have to make. He described one other two-story structure as imposing, with the others not as imposing. He said their legal charge is to go on the findings.

Commissioner La Fevers said he reviewed the additional public comments that came in, and he has not changed his mind. He reiterated that the project has been through applicable review processes (ARB and with public input) and was approved by staff who make sure conditions of approval are met. He said when visiting and surveying the neighborhood, he found the home did not at all stand out as being out of character or out of scale with the neighborhood. He didn't get the impression they were adding more to a monster. He spoke about the significant changes, such as the garage closer to Church Lane that would make it in alignment to other garages along the street. He described the second story as more imposing but fairly narrow and stepped back from the front. At the end of the day, when he drives in, he sees a nice home with beautiful architecture and doesn't get a sense it's out of scale. He added the additions are significant but seem reasonable and within scale. About privacy issues, he doesn't think that has basis in their deliberations regarding neighborhood compatibility. He is confident if it is built, it won't look out of scale, looming, twice as big, etc. He said for those reasons that he is able to make the findings.

BREAK

Chair Benefield called for a 5-minute break.

Commissioner Moyer said his feelings hadn't changed since the last meeting. He spoke about how the applicant showed him the property and he saw problems pointed out by the applicant. He feels the applicant tried diligently to work with the ARB. He doesn't feel the house is out of scale and said the applicant shouldn't be punished for having a larger lot. He also doesn't feel the upstairs bedroom could be lowered to 7 feet. Regarding the windows, he said the discussion bothers him and has nothing to do with

small beach town charm. He said Carpinteria's housing stock needs to be upgraded all over, noting his own house needs a makeover just to make it safe. He feels the change that windows must all be 5'6" sets a precedent, is erroneous, and has nothing to do with the architect's configuration.

Chair Benefield said she agrees more than before with Commissioner Allen's statements. She feels for applicants who don't understand the process, noting the ARB looks at different things than the commission. She explained the Planning Commission needs to make findings with the General Plan, which is why the applicant is in a crossfire. She still believes the project is not compatible with the neighborhood nor achieves a harmonious relationship with it. She gets that it's a bigger lot, but she doesn't agree with using the percentage analysis to justify its size. She feels they need to look into the issue of larger lots citywide, because a larger lot builds higher and bigger, which is not compatible with the neighbors. She expressed support for the appeal.

Commissioner Callender said he can see a good argument on either side of this issue. He agreed we consider different things than the ARB does, which leans toward architectural expertise and wants to see a beautiful building. He thinks the Planning Commission has a roll in giving some concrete reality to vague subjective things in the General Plan. He spoke about how when he moved to Carpinteria he learned to appreciate its small-town charm. He hopes going forward that the neighbors and applicant can be changed like he was. He said despite the inevitable changes to Carpinteria, he hopes we still see each other as members of a community where we care about each as individuals. He is prepared to vote against the appeal and allow the project to go forward, he said.

MOTION

Commissioner Moyer moved and Commissioner Callender seconded to adopt the attached Resolution No. PC-21-006 (Exhibit 1) thereby denying the appeal of the Martinez Residence Remodel & Addition project, and affirming the Community Development Director's decision to approve the project and to allow construction of an 856 square-foot addition; and to accept a categorical exemption pursuant to §15301 and §15332 of the California Environmental Quality Act. Motion passed 3-2 by the following roll call vote: Allen voted no, Moyer voted yes, Callender voted yes, La Fevers voted yes, and Benefield voted no.

- 3) Project: Coastal Family School, 21-2099-CUPR/CDP
Address: 5026 Foothill Road
Applicant: Pastor Pennington, agent for the First Baptist Church of Carpinteria
Planner: Marysol Smith

APPLICANT REQUESTS THE ITEM BE REMOVED FROM THE AGENDA Hearing on the request of Pastor Pennington, agent for the First Baptist Church of Carpinteria, to consider Project 21-2099-CUPR/CDP for a Conditional Use Permit amendment and a Coastal Development Permit (application filed March 15, 2021) to allow for the installation of two portable classrooms for a new elementary school that would include pre-school and K-6 grades and would grow over the course of a five-year phased enrollment plan for a total of 94 students under the provisions of the Community Facility (CF) Zone District, and to approve the Addendum to the Mitigated Negative Declaration (MND) previously prepared for a K-8 grade school pursuant to the California Environmental Quality Act (CEQA) Guidelines. The Addendum to the MND and all documents referenced therein may be reviewed at the Community Development Department, 5775 Carpinteria Avenue, Carpinteria. The Addendum to the MND is also available for review on the City of Carpinteria website. The application involves APN 004-004-0215, addressed as 5026 Foothill Road. MOTION Upon a motion by Commissioner Allen, seconded by Chair Benefield, the Planning Commission voted unanimously to approve the applicant's request to remove the item from the agenda.	
OTHER BUSINESS - None	OTHER BUSINESS
MATTERS PRESENTED BY COMMISSIONERS - None	MATTERS PRESENTED
DIRECTOR'S REPORT 4) Action Minutes of the Architectural Review Board meeting of July 15, 2021 and July 29, 2021 5) City calendar for the month of September 6) Community Development Planning Activity Report as of August 31, 2021 7) Building Permit Report as of August 31, 2021 Community Development Director Steve Goggia reviewed the distributed information. He commented that he was moved by two commissioners' comments about small beach town charm. He agreed it's not only a look but a feeling. He clarified the ARB is not a decision-making board and only makes recommendations to the Planning Commission and City Council. He	DIRECTOR'S REPORT

said he hopes people will remember what brought them to Carpinteria. Keeping the feeling of small beach town charm is key moving forward. Commissioner Allen said he appreciates the comments and agrees, but he made a plea to not let passion blind people to the factual basis of arguments. He said you lose credibility and it angers others if you aren't scrupulous with the factual basis of your arguments.	
ATTENDANCE OF PLANNING COMMISSIONERS FOR THE NEXT MEETING OF October 4, 2021 – Commissioner Allen said he was not sure he could attend.	ATTENDANCE FOR NEXT MEETING
ADJOURNMENT - Chair Benefield adjourned the meeting at 6: 38 p.m. _____ Secretary, Planning Commission ATTEST: _____ Chair, Planning Commission	ADJOURNMENT

PLANNING COMMISSION
STAFF REPORT

MEETING DATE: October 4, 2021

ITEM FOR CONSIDERATION

Proposed Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Program

PROJECT 19-2008-ORD/LCPA

A status report to update the Planning Commission on proposed amendments to the Carpinteria Municipal Code, Title 14, Chapter 14.72 to implement recent State of California (State) enactment of housing laws to promote development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). The presentation will provide an overview of program requirements, program status, and major components that involve General Plan and Coastal Land Use Plan policy consistency. City staff is seeking Planning Commission policy input and direction involving land use policy concerns as noted under, I. RECOMMENDATIONS and IV. ACTION OPTIONS.

Report prepared by: Rita Bright, Principal Planner

 SIGNATURE

Reviewed by: Steve Goggia, Director
Community Development Department

 SIGNATURE

I. RECOMMENDATION

1. The Planning Commission may provide recommendations on the proposed ADU-JADU program to the City Council for consideration and direct staff to provide specific criteria for inclusion in preparation of the administrative draft ordinance including but not limited to:
 - A. Development of an ADU-JADU program that does not provide exclusion of ADU-JADUs in certain geographic or resource areas based on identified sensitive resources, hazards to public health and safety, and/or limited public services. Rely upon the permit review process, proposed to include either a Coastal Development Permit (non-appealable or appealable) or an exemption, to evaluate ADU-JADU applications;
 - B. Draft exclusions to the ADU-JADU program to prohibit ADUs and JADUs in certain neighborhood districts or geographic areas based on identified sensitive resources, hazards to public health and safety, and/or limited public services, supported by findings, which may include but are not limited to technical coastal hazard investigations contained in the Final Sea Level Rise Vulnerability Assessment and Adaptation Project Report (March 2019) and Coastal Act resource policies;

- C. Apply discretionary review in lieu of ADU-JADU program exclusion areas, in certain neighborhood districts or geographic areas based upon technical coastal hazard investigations contained in the Final Sea Level Rise Vulnerability Assessment and Adaptation Project Report (March 2019) and Coastal Act resource policies;
 - D. Provide other exclusions and/or heightened application review for certain areas, such as parcels containing a designated Environmentally Sensitive Habitat Area (ESHA), and/or parcels in close proximity to parking for coastal access points, with supported findings of fact; or
 - E. Provide a hybrid of components, contained within, or similar to Recommendations 1A - 1D.
2. The Commission may choose not to provide specific recommendations to the City Council at this time. The City Council would receive a staff report and may then provide staff with direction on this program, prior to submittal of and administrative draft ordinance to the Department of Housing and Community Development (HCD) and the California Coastal Commission (CCC).

II. EXECUTIVE SUMMARY

The item provides an update to the Planning Commission on proposed amendments to the Carpinteria Municipal Code (CMC), Title 14 - Zoning, Chapter 14.72 - Secondary Dwelling Units that would implement recent state enactments of housing laws to promote development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). The presentation will provide an overview of program requirements, program status, and major components that involve General Plan and Coastal Land Use Plan policy consistency. City staff is seeking Planning Commission policy input and direction involving land use policy concerns and provide optional approaches for your commission's consideration.

III. DISCUSSION

Background.

In 2017, the California Legislature passed a suite of three bills (Assembly Bill (AB) 2229, Senate Bill (SB) 1069 and AB 2406), which generally sought to encourage the development of ADUs and JADUs by streamlining the approval process and limiting local agencies' authority to regulate ADUs and JADUs. These bills and subsequent ADU/JADU legislation, however, stated that the State's ADU laws did not supersede the Coastal Act and thus the City elected not to update its certified Local Coastal Program (LCP) at that time. (Gov. Code § 65852.2(j).)

Following the City's decision, the CCC issued a memo on November 20, 2017 providing guidance on implementation of State ADU and JADU law within the Coastal Zone. Specifically, the CCC stated that local agencies should "harmonize the new ADU requirements with LCP and Coastal Act policies." (J. Ainsworth, CCC, Nov. 2017). The memo also clarified that Government Code Section 65852.2 should not be interpreted as allowing coastal jurisdictions to disregard state ADU legislation in the Coastal Zone. However, State ADU and JADU law "still preserves a meaningful level of local control by authorizing local governments to craft policies that address local realities." (*Id.*) The CCC also encouraged local governments to develop ADU and JADU standards "in a manner that protects wetlands, sensitive habitat, public access, scenic views of the coast, productive agricultural soils, and the safety of new ADUs and their occupants." In response to this memo, the City planned to incorporate State ADU and JADU law into its ongoing, comprehensive General Plan/Local Coastal Plan and LCP update. (*Id.*)

Recognizing the need to develop City ADU and JADU regulations in order to promote development of more affordable housing units as well as market rate units to increase the City's housing supply in response to State Housing Element laws and an anticipated increase the related Regional Housing Needs Allocation for the City, the City Council directed staff to proceed with incorporating State ADU and JADU law into its LCP. On September 23, 2019, the City adopted Resolution No. 5915 to initiate the Accessory Dwelling Unit zone code amendment work program item. The program requires an amendment to the Carpinteria Municipal Code (CMC), Title 14 – Zoning, Chapter 14.72 – Secondary Dwelling Units. Chapter 14.72 would be replaced in its entirety with the Accessory Dwelling Unit – Junior Accessory Dwelling Units program.

The State legislature continues to identify the production of ADUs and JADUs as an important element to increase housing production and has adopted legislation to promote new ADUs and JADUs. On January 1, 2020 and 2021, new State laws that apply to ADU and JADU regulations went into effect (AB 68, AB 881, and SB 13, codified in Gov. Code § Section 65852.2). Consistent with CCC guidance, local agencies within the Coastal Zone must implement these State ADU and JADUs laws that include but are not limited to: ministerial (non-discretionary) permit review through use of objective development standards; reduction or elimination of development fees; reduced application review timelines; limitations on zoning regulations (e.g., minimum lot size, maximum unit square footage, parking standards, setbacks, etc.); and expansion of ADU and JADU unit count, construction, and/or conversion opportunities for both single family and multi-family residential zones.

Program Status and Approach to Adopt the ADU-JADU Program.

The proposed ADU-JADU program requires compliance with both state housing laws and the California Coastal Act, given that the City is located entirely within the Coastal Zone. While many public planning agencies outside of the Coastal Zone are implementing State ADU laws by updating their housing programs or defaulting to the State's requirements, cities and counties within or partially within the Coastal Zone must also ensure compliance with state and locally certified coastal policies. Related to recent passage of State laws governing ADUs and JADUs, the CCC issued a memo dated, April 21, 2020, to further guide cities and counties with land within the Coastal Zone.

“The Coastal Act requires the Coastal Commission to encourage housing opportunities for low- and moderate-income households. (Pub. Res. Code § 30604(f).) New residential development must be ‘located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it’ or in other areas where development will not have significant adverse effects on coastal resources. (Pub. Res. Code § 30250.) The creation of new ADUs in existing residential areas is a promising strategy for increasing the supply of lower-cost housing in the coastal zone in a way that may be able to avoid significant adverse impacts on coastal resources.” (J. Ainsworth, CCC, April 2020)

Staff has completed an initial administrative draft ordinance for the ADU-JADU program. After a series of internal reviews and revisions, staff recommends that the Planning Commission, City Council, and public have an opportunity to provide input on main program components described herein, prior to commencement of HCD and CCC review of the administrative draft. As part of program review by interested parties and agencies, the CCC requests that the City submit the administrative draft program for their review and input related to program consistency with the Coastal Act. The City also intends to concurrently provide the administrative draft program to HCD, for their review and input prior to

public review. Concurrent review by both State agencies may be an opportunity to address compliance issues with state laws, and resolve any conflicting direction related to coastal resource protection and coastal hazard concerns with state housing mandates.

After review by, and coordination with both CCC and HCD, the City would make any necessary revisions to the proposed program and release for public review and comment through public workshops/meetings. Staff would then consider public comments and as a result revise the draft program with any amendments that could improve the program's effectiveness. The program would then be scheduled before the Planning Commission for recommendations to the City Council. After the City Council receives the report and renders a decision on the proposed amendments, the City must submit the adopted ADU-JADU ordinance to HCD for review and acceptance within 60 days of program adoption (Gov. Code § 65852.2(h)(1)). The City would coordinate review between both state agencies, but plans to submit the CCC for certification, pending the outcome of HCD review.

ADU-JADU Zone Code Program Components.

Consistent with State ADU and JADU law, the proposed amendments to Title 14 - Zoning, Chapter 14.72, would replace the current Second Dwelling Unit program with a new Accessory Dwelling Unit and Junior Accessory Dwelling Unit program. The amendment would streamline the permit process and reduce the development standards applicable to ADUs and JADUs. Related code amendments to Chapter 14.08 - DEFINITIONS and applicable chapters involving zone district processes governing ADU and JADU development would be included.

The program components would address necessary planning regulations to comply with State ADU and JADU law, and provide distinct sets of zoning requirements for the two main categories of ADUs: Special (State-exempt) ADUs and ADUs subject to local development standards.

1. Special (State-exempt ADUs). State ADU law provides four categories of ADUs that are exempt from local development standards and must be ministerially permitted on residential or mixed-use zoned lots, subject to the provisions of Gov. Code § 65852.2(e)(1). ADUs in this category and all JADUs would not be subject to local zoning and development standards, but must meet building code, health and safety, and a limited set of state standard requirements. ADUs created under subdivision (e) are not required to provide replacement or additional parking. The Special (State-exempt) categories include:
 - A. Up to one ADU and one JADU permitted per lot within existing or proposed space of a single-family dwelling, or a JADU within the walls of a single-family dwelling, or an ADU within an existing accessory structure that meets specified requirements for public safety;
 - B. One detached new construction ADU with not less than 4-foot side and rear yard setbacks, and may be combined on the same lot with a JADU. Such units may not exceed 800 square feet in floor area and 16 feet in height;
 - C. Multiple ADUs within portions of multifamily structure that are not presently used as livable space. Local agencies must allow at least one ADU per lot, or up to 25 percent of the existing multifamily units within a structure; and
 - D. Up to 2 detached ADUs on a lot that has a multifamily structure. Such ADUs are subject to a 16-foot height limit and a maximum side and rear yard setbacks standard of 4 feet.

2. ADUs Subject to Local Development Standards.

State ADU law allows the City to apply local development standards when (1) those standards are adopted by local ordinance, and (2) such units do not conform to the requirements of Gov. Code § 65852.2(e), as described above. (Gov. Code § 65852.2 (a)–(d).) Such units may occur in zone districts where residential and multifamily units are allowed, and may be subject to zoning regulations of the base zone district, that are objective and consistent with State law.

Table 1 below provides a comparison of major regulations for the current City Second Dwelling Units program, the State ADU program, which permits implementation of objective local development standards, and the new state-exempt ADU and JADU programs. Please refer to the HCD Accessory Dwelling Unit Handbook ([Attachment A](#), December 2021) for detailed explanations of State regulations, including the governing laws (Gov. Code §§ 65852.2, 65852.22).

Table 1 - Comparison of Existing City Secondary Dwelling Units and State ADU-JADU Programs				
Development Standard	City's Existing Secondary Dwelling Units Program (CMC Chapter 14.72)	State ADU Program (Subject to Local Development Standards) (Gov. Code § 65852.2)	Special (State Exempt) ADU Standards ¹	Special (State Exempt) JADU Standards
Zone Districts	R-1, PRD	Eligible in any residential or mixed-use zone ²		
Type of ADUs	1 attached or detached unit with sleeping & kitchen facilities	May be combined with a JADU; attached or detached; 1 ADU per lot where one or multiple detached single family dwellings exist or are proposed Gov. Code § 65852.2(e)(1)(A)	May be combined with a JADU; attached or detached Gov. Code § 65852.2(e)(1)(A) & (B) Multiple ADUs for portions of existing multi-family structures that are not used as livable space (up to 25% of existing multi-family units on a lot) Gov. Code § 65852.2(e)(1)(C) May allow 2 detached ADUs per lot that has a multi-family dwelling Gov. Code § 65852.2(e)(1)(D)	May be combined with an ADU Gov. Code § 65852.2(e)(1)(A) & (B) Must be attached to the primary dwelling or attached garage Must have separate efficiency kitchen facilities Must have a separate entrance (allowing 150 square feet of expansion to meet this requirement) Gov. Code § 65852.2(e)(1)(A) Must record a Declaration of Restrictions Gov. Code § 65852.22(a)(3)

¹ Provides a comparison of ADUs, including ADUs permitted in zones allowing multi-family use.

² Limits on ADUs may only be based on water and sewer service adequacy, impacts on traffic flow and public safety, and consistency with Coastal Act coastal resource and public access policies. Gov. Code § 65852.2(e); (Pub. Res. Code § 30250.)

Table 1 - Comparison of Existing City Secondary Dwelling Units and State ADU-JADU Programs				
Development Standard	City's Existing Secondary Dwelling Units Program (CMC Chapter 14.72)	State ADU Program (Subject to Local Development Standards) (Gov. Code § 65852.2)	Special (State Exempt) ADU Standards ¹	Special (State Exempt) JADU Standards
Minimum Lot Size	8,000 square feet	No minimum lot size requirement <i>Gov. Code § 65852.2(a)(1)(B)(i)</i>		
Maximum Floor Area	Maximum 700 square feet and no more than 30% of living area of primary dwelling	At least 850 square feet for studios and 1 bedroom; 1,000 square feet for more than one bedroom ³ <i>Gov. Code § 65852.2(c)</i>	ADU conversion: N/A; existing structure <i>Gov. Code § 65852.2(e)(1)(A)(i)</i> New ADU: 800 square feet <i>Gov. Code § 65852.2(e)(1)(B)(i)</i>	500 square feet <i>Gov. Code § 65852.22(h)(1)</i>
Minimum Floor Area	Efficiency Unit 150 square feet <i>Health and Safety Code § 17958.1</i>	No less than 220 square feet + 100 square feet/occupant and no more than 2 occupants. <i>Gov. Code § 65852.2(c)(2)(A)</i>		
Height	Single story; up to 18 feet	ADU conversions: N/A; existing structural height New construction: No less than 16 feet <i>Gov. Code § 65852.2(e)(1)(B)(ii)</i>	ADU conversion: N/A; existing structural height New ADU: Up to 16 feet <i>Gov. Code § 65852.2(e)(1)(B)(ii)</i>	N/A; existing or proposed primary dwelling height <i>Gov. Code § 65852.22(a)(4) and (h)(1)</i>
Floor Area Ratio (FAR)	Included in FAR calculation of underlying zone district	May include an FAR standard (e.g., base zone district) but cannot preclude creation of a statewide exempt ADU <i>Gov. Code § 65852.2(a)(1)(B)(i) and (c)(2)(C)</i>	May not preclude development of a state exempt unit <i>Gov. Code § 65852.2(e)</i>	May not preclude development of a state exempt unit <i>Gov. Code § 65852.2(e)</i>
Setbacks	Underlying zone district setbacks apply; no units between the street and primary dwelling	ADU conversions: No setbacks New ADUs: 4 feet side and rear yard setbacks No setbacks for existing structures	Attached ADU: Side and rear yard setbacks deemed necessary for fire and safety purposes <i>Gov. Code § 65852.2(e)(1)(A)(iii)</i>	Side and rear yard setbacks deemed necessary for fire and safety purposes <i>Gov. Code § 65852.2(e)(1)(A)(iii)</i>

³ Local agencies may adopt less stringent for the creation of ADUs, including greater maximum square footage allowances (Gov. Code § 65852.2(g)).

Table 1 - Comparison of Existing City Secondary Dwelling Units and State ADU-JADU Programs				
Development Standard	City's Existing Secondary Dwelling Units Program (CMC Chapter 14.72)	State ADU Program (Subject to Local Development Standards) (Gov. Code § 65852.2)	Special (State Exempt) ADU Standards ¹	Special (State Exempt) JADU Standards
		demolished and rebuilt with same dimensions Gov. Code § 65852.2 (a)(1)(D)(vii)	Detached ADU: Minimum 4-foot side and rear yard setbacks Gov. Code § 65852.2(e)(1)(B)	
Parking	1 space /bedroom Must be in a garage	1 parking space/unit or bedroom, whichever is less; no guest parking requirement; tandem parking is allowed; demolished or converted garages, carports, or covered parking does not require replacement Gov. Code § 65852.2(a)(D)(xi) Parking exemptions shall apply if an ADU meets 1 of the following conditions: (1) Is located within 0.5 mile walking distance to public transit (2) Is within an architecturally or historic district (3) Is part of a primary dwelling or accessory structure (4) On-street parking permits are required but not offered to the ADU occupant	No parking spaces required and no replacement parking to satisfy parking requirements for the primary dwelling Gov. Code § 65852.2(78e)	No new spaces for JADU Gov. Code § 65852.22(b)(1)

Table 1 - Comparison of Existing City Secondary Dwelling Units and State ADU-JADU Programs				
Development Standard	City's Existing Secondary Dwelling Units Program (CMC Chapter 14.72)	State ADU Program (Subject to Local Development Standards) (Gov. Code § 65852.2)	Special (State Exempt) ADU Standards ¹	Special (State Exempt) JADU Standards
		(5) Is within one block for a car share vehicle location <i>Gov. Code § 65852.2(d)(1-5) and (j)(10)</i>		
Rental Restrictions	Owner shall reside on the parcel	Minimum 31 day rental requirement; no onsite owner occupancy requirement on units permitted before Jan. 1, 2025 <i>Gov. Code § 65852.2(a)(1)(6)(A)</i>	Minimum 31 day rental requirement; no onsite owner occupancy requirement on units permitted before Jan. 1, 2025 <i>Gov. Code § 65852.2(a)(1)(6)(A)</i>	Minimum 31 day rental requirement; owner occupancy of either the primary residence or the JADU <i>Gov. Code §§ 65852.2(a)(1)(6)(A), 65852.22(a)(2)</i>
Building Coverage	Within maximum of the underlying zone district	May include a building coverage standard (e.g., base zone district) but cannot preclude creation of a statewide exempt ADU <i>Gov. Code § 65852.2(a)(1)(B)(i) and (c)(2)(C)</i>	May not preclude development of a state exempt unit <i>Gov. Code § 65852.2(e)</i>	May not preclude development of a state exempt unit <i>Gov. Code § 65852.2(e)</i>
Dev. Impact Fees	Required, although reduced <i>CMC Ch 15.80</i>	Exempt for ADUs less than 750 square feet; ADUs greater than 750 square feet may be waived or charged a proportional fee (ADU/ primary dwelling SF) <i>Gov. Code § 65852.2(e)(1)(C)</i>	Exempt for ADUs less than 750 square feet; ADUs greater than 750 square feet may be waived or charged a proportional fee (ADU/ primary dwelling SF) <i>Gov. Code § 65852.2(e)(1)(C)</i>	Exempt (Maximum floor area allowed, 500 square feet, is below the 750 square foot threshold <i>Gov. Code § 65852.2(e)(1)(C)</i>
Public Utilities	Must be served by CSD	Local agency, sewer district, special district, water corporations may provide service. Water and sewer service adequacy is required	Local agency, sewer district, special district, water corporations may provide service. Water and sewer	The JADU is not considered a separate or new dwelling and shall not be subject to connection fees. <i>Gov. Code § 65852.22(e)</i>

Table 1 - Comparison of Existing City Secondary Dwelling Units and State ADU-JADU Programs				
Development Standard	City's Existing Secondary Dwelling Units Program (CMC Chapter 14.72)	State ADU Program (Subject to Local Development Standards) (Gov. Code § 65852.2)	Special (State Exempt) ADU Standards ¹	Special (State Exempt) JADU Standards
		Gov. Code § 65852.2(a)(1)(A) & (f) Local agency, special district, or water corporation may require a new or separate utility connection between the ADU and utility and a proportionate share of a fee based on service duty factors. Gov. Code § 65852.2(f)(5)	service adequacy is required Gov. Code § 65852.2(a)(1)(A) & (f) No separate utility connection or connection fee may be required for an ADU proposed within the proposed or existing space of a primary dwelling or accessory structure, unless the ADU is developed concurrently with a new primary dwelling Gov. Code § 65852.2(f)(4)	
Non-Conforming	Code conforming primary dwelling requirement	No requirement to correct nonconforming zoning conditions Gov. Code § 65852.2(e)(2)	No requirement to correct nonconforming zoning conditions Gov. Code § 65852.2(e)(2)	No requirement to correct nonconforming zoning conditions Gov. Code § 65852.2(e)(2)
Permit Requirement - Outside Coastal Appeals Zone - In Coastal Appeals Zone	- Administrative CDP no appeal - Administrative CDP appealable to the CCC 60 day timeframe; delays allowed under certain circumstances Gov. Code § 65852.2(a)(3)	- Administrative CDP no appeal - Administrative CDP appealable to the CCC 60 day timeframe; delays allowed under certain circumstances Gov. Code 65852.2(a)(3)	- Administrative CDP no appeal - Administrative CDP appealable to the CCC 60 day timeframe; delays allowed under certain circumstances Gov. Code § 65852.2(a)(3)	- Exempt⁴ (Building permit issuance) 60 day timeframe; delays allowed under certain circumstances Gov. Code § 65852.22(c)
Architectural Review	Required ARB CMC 2.36.080	Permitted; must be sufficiently objective	Permitted; must be sufficiently objective	Exempt Gov. Code § 65852.2(a)(1)(B)(1)

⁴ Improvements that qualify as exempt development under the Coastal Act and its implementing regulations do not require a CDP from the Commission or a local government unless required pursuant to a previously issued CDP (Cal. Code Regs., tit. 14, § 13250(b)(6)).
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Table 1 - Comparison of Existing City Secondary Dwelling Units and State ADU-JADU Programs				
Development Standard	City's Existing Secondary Dwelling Units Program (CMC Chapter 14.72)	State ADU Program (Subject to Local Development Standards) (Gov. Code § 65852.2)	Special (State Exempt) ADU Standards ¹	Special (State Exempt) JADU Standards
		to allow ministerial review Gov. Code § 65852.2(a)(1)(B)(1)	to allow ministerial review Gov. Code § 65852.2(a)(1)(B)(1)	

IV. ENVIRONMENTAL

This discussion item is not subject to the California Environmental Quality Act.

V. ANALYSIS

Consistency with State Housing Laws and the California Coastal Act.

The proposed ADU and JADU program proposes to implement recently passed State housing laws that address acceleration of ADU and JADU housing production. The City's program is currently under preparation but the administrative draft document currently proposes eligibility of ADUs and JADUs in zone districts that permit residential and mixed-use zoning. The regulations would also include objective development standards, that if successfully incorporated into project design, would allow ministerial application review. Such review can expedite project application review given discretionary planning analysis and design review, and CEQA investigations would not be required. The proposed program also contemplates a permit process for ADUs that do not or cannot conform to the proposed objective development standards; such units are currently proposed to be subject to discretionary review.

While the program's focus is to provide a more streamlined and efficient review path for development of ADUs and JADUs, given that the City is located entirely within the California Coastal Zone, this program must also ensure that proposed regulations are consistent with the California Coastal Act coastal resource policies, as required under Public Resources Code (PRC) Section 30200 *et seq.* (Attachment D, J. Ainsworth, 2020). These coastal resource policies are also reflected in the City's adopted Coastal Land Use Plan (2003). Such policies include but are not limited to: public access, recreation, marine environment, land resources, development, and industrial development. Where actions may result in conflict between coastal resource policies, those that are most protective of significant coastal resources shall be prioritized (Pub. Res. Code § 30007.5). Further, PRC Section 30200(b) states,

"Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of the chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts."

During formulation of the proposed ADU and JADU zoning code regulations, staff referred to the newly adopted housing laws as well as available HCD guidance documents. State laws allow local agencies to identify areas where ADUs and JADUs may be permitted within its jurisdiction. Such areas may be based on the adequacy of water and sewer services and ADUs on traffic flow and public safety. (Gov. Code § 66852.2(a)(1)(A).) Further, given this relationship between State housing laws and the Coastal Act, the proposed program must ensure that its adoption would not conflict with coastal resource protection policies, supported by findings. Therefore, if warranted, the City is authorized to exclude areas from ADU or JADU eligibility and/or ministerial permit review, where such exclusion ensures protection of public health, safety, general welfare, and consistency with specified planning laws.

Coastal Resource Policy Analysis.

As part of initial planning research for the preparation of the administrative draft program, staff contacted other coastal public agencies that are in the process of updating their ADU Ordinances including: the City of Santa Cruz, City of Solana Beach, City of Goleta, and City of Santa Barbara. Additional ADU programs were evaluated regarding coastal resource policy consistency approaches, including use of prohibition or exclusion areas to address planning and environmental concerns, heightened review for resource-sensitive areas, and an approval finding of project consistency with coastal resource policies. Most of the ADU and JADU programs within the coastal zone do not provide such exclusion areas; rather they provide a development standard that requires consistency with Coastal Act resource policies. However, the City of Solana Beach, located in the northern portion of San Diego County, is a coastal city that includes exclusion areas in their adopted ADU and JADU ordinance. The City of Solana Beach prohibits ADUs and JADUs on lots that contain ESHA; bluff tops; or are in their Hillside Overlay Zone, Very High Fire Hazard Area, or Wildland Urban Interface; or that would require more than 50 cubic yards of grading. HCD completed review of the City of Solana Beach's ADU ordinance and provided no comments (J. Lim, July 2021).

As part of ongoing policy consistency evaluation for the proposed program, staff reviewed the City's current permit procedures and considered relevant technical investigations recently conducted by the City to consider the current permitting approach in areas that have identified coastal resources. As well as the adopted General Plan/Local Coastal Land Use Plan and Title 14 – Zoning code, staff evaluated the *Final Sea Level Rise Vulnerability Assessment and Adaptation Plan* (SLRVAAP) (City of Carpinteria, 2019), the City's Interim Sea Level Rise Guidance ([Attachment F](#), City of Carpinteria, 2020), and various environmental and planning analyses performed in the City.

The SLRVAAP and Interim SLR Guidance document represents the City's response to the CCC's release of guidance documents encouraging local governments to amend their LCPs in light of the evolving sea level rise science behind sea level rise. In August 2015, the CCC adopted its Sea Level Rise Policy Guidance: *Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Development Permits*. The guidance was updated in 2018 to reflect the current best available science, provided by the California Ocean Protection Council. The focused changes consider recent scientific studies and statewide guidance that reflect updated understanding of sea level rise projections in California. The guidance document serves to inform public agencies of coastal hazard risks and their effects upon vulnerable resources and services. This information is useful when considering existing and proposed development opportunities in areas subject to coastal hazards.

Based upon review of the SLRVAAP, including mapped coastal hazards associated with sea level rise modeling and projections, staff identified potential coastal resource policy concerns associated with public safety and coastal hazards, coastal access, recreation, land resources, and environmentally sensitive habitat areas. Additional policy issues may be raised as part of CCC and HCD staff review as well as public comment. Initial policy concerns are briefly summarized below (please also refer to SLRVAAP figures, [Attachment E](#)):

Coastal Hazards: The SLRVAAP required preparation of the City's sea level rise model, citywide mapping of related coastal hazards by City-selected sectors, and identification of projected risks based on estimated sea level rise (2-, 5-, and 10-foot rise) and time horizons by year (existing, 2030, 2060, and 2100)⁵. Sectors include both coastal resources; public services, facilities, and infrastructure; and both public and private properties. An adaptation plan was then developed to address potential coastal hazard risks, define measures to reduce such risks, identify tipping points and triggers (to activate an adaptation program), and establish a monitoring plan.

Land Use/Resources:

Objective LU-1: Establish the basis for orderly, well planned urban development while protecting coastal resources and providing for greater access and recreational opportunities for the public.

Policy LU-1a: The policies of the Coastal Act are incorporated by reference as the guiding policies of the land use plan (Public Resources Code Sections 30210 through 30263).

Objective S-4: Minimize the potential risks and reduce the loss of life, property and the economic and social dislocations resulting from flooding.

The SLRVAAP identifies that currently, 90 percent of vulnerable parcels are residential and most are located in the Beach Neighborhood. The study estimates that increased coastal flooding will extend further north in the Beach Neighborhood, with 1 foot of sea level rise. The study also estimates that up to 105 residential units could be at risk with 2 feet of sea level rise due to coastal flooding, coastal erosion, and tidal flooding. With 5 feet of sea level rise, the study projects that Concha Loma and Carpinteria Bluffs would experience substantial erosion in addition to continued, high tidal flooding in the Beach Neighborhood ([Attachment E](#)).

Policy Concern: Inclusion of the Beach Neighborhood District may increase public safety risks associated with sea level rise with the development of ADUs and JADUs in areas expected to experience sea level rise under the SLRVAAP. Additionally, given that the State law would reduce and/or exempt off-street parking requirements, the Beach Neighborhood District may experience increased on-street parking by residents, in an area that already experiences high-use of multiple coastal access points and related parking areas, as well as on-street public parking close to these coastal access points. A potential increase in on-street parking attributable to ADU and JADU development, near high-use coastal access points that are vulnerable to sea level rise, may result in adverse effects upon coastal access.

Coastal Access - Roads and Parking:

⁵ The probability of projected sea level rise occurring in the respective time horizons is < 0.5% in 2030, ~2% in 2060, and ~2% in 2100 (California Ocean Protection Council, 2018).

Objective OSC-14: Provide for adequate park and recreation facilities to meet the needs of the community and visitors.

Policy OSC-14k: In those areas where it is established that the public acquired a right of access through use, custom or legislative authorization, new development shall not interfere with or diminish such access. This policy shall be interpreted to allow flexibility in accommodating both new development and continuation of historic public parking and access.

The SLRVAAP identifies 4 parking lots and approximately 0.1 mile of roads (in the area of the City and State beaches) currently at risk, with a 1 percent annual storm (i.e., a 100-year storm). The lots include coastal access parking at the southern terminus of Ash, Holly, Elm, and Linden Avenues, which would be subject to further damage over time. In addition, with 2 feet of sea level rise, a major parking lot at Carpinteria State Beach would be at risk, and 1.1 miles of roads become at risk along lower Linden and Elm Avenues. With 5 feet of sea level rise, 3 additional Carpinteria State Beach parking lots (2 of the day-use lots south of the Concha Loma Neighborhood), approximately 4.8 miles of public roads providing on-street parking in the Beach Neighborhood, Carpinteria State Beach, portions of Carpinteria Avenue and 7th Street, and the westernmost southbound segment of U.S. Highway 101 are at risk (Attachment E).

Policy Concern: The Beach Neighborhood District and parts of the Concha Loma District already experience high-use of coastal access parking areas, including on-street public parking close to designated coastal access points. In the Beach Neighborhood District, high-use parking and access points currently experience coastal flooding with a 1 percent annual storm (i.e., a 100-year storm) and are projected to be at an increased risk of loss with projected rises in sea level. In the longer term (5 feet of sea level rise/~Year 2100), the Concha Loma Neighborhood may experience additional coastal access on-street parking use, should the two State parking lots seaward of the neighborhood be damaged or lost.

The addition of ADU-JADU residents in these two districts with existing high coastal access use, along with projected loss of beach access parking, including on-street public parking, may result in adverse effects upon coastal access.

Coastal Access - Trails:

Objective OSC-15c: Maintain the existing trail system and provide additional recreation and access opportunity by expanding the trail system.

The SLRVAAP identifies that currently, all vertical coastal access points and all lateral coastal trails are vulnerable to coastal erosion and coastal flooding; more than half of these resources are vulnerable to tidal flooding. In the longer term, with 5 feet of sea level rise, all bluff top coastal trails and those within Carpinteria Salt Marsh Park are vulnerable to coastal hazards (Attachment E).

Policy Concern: As discussed in the preceding analyses, the Beach Neighborhood District and portions of the Concha Loma District may experience increased on-street parking by residents of ADUs and JADUs proximate to coastal access points and trails, given State law provides for a reduction and/or exemption of off-street parking requirements. ADU and JADU development,

which would be expected to result in increased on-street parking use by residents, could result in adverse effects upon coastal public access.

Environmentally Sensitive Habitat Areas:

Objective OSC-1: Protect, preserve and enhance local natural resources and habitats.

Policy OSC-1a. Protect Environmentally Sensitive Habitat Area(s) (ESHA) from development and maintain them as natural open space or passive recreational areas.

Policy OSC-1b. Prohibit activities, including development, that could damage or destroy ESHA.

The SLRVAAP identifies Environmentally Sensitive Habitat Areas (ESHA) that could be directly impacted by sea level rise and related coastal hazards, with coastal flooding and cliff erosion potentially affecting more ESHA (Attachment E).

Policy Concern: While much of mapped ESHA is located in the Recreation District, which would not permit ADUs and JADUs, localized ESHA including wetlands and drainages, may be located in zone districts that could allow ADUs and JADUs. Intensification of uses on certain constrained sites may result in adverse effects upon ESHA resources.

Program Options to address Compliance with State Housing Laws and the California Coastal Act.

Given the potential coastal resource policy concerns described above, several possible ADU and JADU program options exist that, to varying degrees, may effectively comply with both State housing laws and the Coastal Act. The analysis below described potential concerns of both HCD and CCC; however, formal public review and comment from stakeholders, including the Carpinteria Valley Water District, Carpinteria Sanitary District, and Carpinteria-Summerland Fire Protection District have not occurred, given public review on the proposed program has not commenced. While the options below are not exhaustive, they illustrate concepts that the Planning Commission may wish to further consider and/or refine, as part of a recommendation to the City Council. General concepts of each option and their ability to comply with State laws are described below.

Option 1. Allow City-wide ADU and JADU Applications with No Exclusion Areas.

Option 1 would allow ADUs and JADUs to be eligible in all zone districts that permit residential and mixed uses without any exclusion or prohibition areas. Under this option, ADUs would be reviewed in accordance with Coastal Development Permit requirements that rely upon objective development standards and processed consistent with Table 1. An ADU permit in the non-appealable portion of the Coastal Zone would require approval of an administrative, non-appealable CDP. If a project is located in the CCC appeals jurisdiction, the CDP would be appealable to the CCC. Further, if either an ADU or a Special ADU conforms to the respective set of objective development standards, approval shall be granted. A JADU that conforms to the standards would require a building permit, but would be exempted from the CDP requirement.

Under this scenario, more ADU and/or JADU applications may be filed for City review; however, the requirement to be consistent with coastal resource policies remains. Therefore, ADU and JADU units in areas identified with coastal resource concerns may nonetheless be denied. Without defined exclusion areas in the ordinance, **Option 1** may increase applicant expectations of permit approval, which could be frustrated should the project location or proposed design conflict with state requirements and applicable resource policies.

Option 2. Exclusion of ADUs and JADUs within Certain Neighborhood Districts or Geographic Areas based on Coastal Act and Sensitive Resource Policies and Supporting Technical Studies.

Option 2 would prohibit ADUs and JADUs within certain areas based on documented information, including the SLRVAAP. State laws allow local agencies to identify areas where ADUs and JADUs may be permitted within its jurisdiction. Such areas may be based on the adequacy of water and sewer services and ADUs on traffic flow and public safety. (Gov. Code § 66852.2(a)(1)(A).) Further, the proposed program must ensure that its adoption would not conflict with coastal resource protection policies, supported by findings.

The expected project life of development (existing or proposed) helps to determine the amount of sea level rise to which the project could be exposed. An estimated range of structural life is 75 to 100 years for residential or commercial structures and 100 years, and 100 years or more for critical infrastructure (CCC, Sea Level Rise and Policy Guidance, 2018). As noted, the SLRVAAP identifies coastal hazard risks to coastal resources in the Beach Neighborhood District and portions of the Concha Loma District. Additionally, both areas experience high-use of coastal access parking areas, including on-street public parking close to designated coastal access points. To address coastal resource policy concerns, this option would create either district-wide or partial district exclusion areas.

Under **Option 2**, HCD may have concerns with the extent of geographic area excluded from ADU and JADU eligibility, given portions of both neighborhood districts are not projected to be at risk from coastal hazard conditions attributed to sea level rise and do not clearly meet other criteria provided by Gov. Code 66582.2(a)(1)(A) to exclude the area from development. While CCC may find that this option provides protection of coastal resources, the agency may not find that the extent of exclusion is necessary for compliance with the Coastal Act.

Alternatively, other exclusion areas could be defined including only a sub-portion of the Beach Neighborhood District (e.g., all or a portion of zones defined in the Interim Sea Level Rise Guidance document, Attachment F) or exclusion of longer-term coastal hazard risks, such as hazards in proximity to the Concha Loma Neighborhood or along western Carpinteria Avenue. It should be noted, however, that mapped long-term vulnerabilities may be considered as a basis to exclude all or a portion of these areas; long-term sea level rise and coastal hazards projections are less certain given the dynamic nature of sea level rise projections and our understanding of its effects.

Option 3. Apply Discretionary Review in lieu of Exclusion Areas, in Certain Areas Based on Coastal Act and Sensitive Resource Policies and Supporting Technical Studies.

The distinction with **Option 3** as compared to **Option 2**, is that an ADU and/or JADU applicant would have an opportunity to apply for a permit, understanding discretionary review would be required, but would not be prohibited outright from requesting ADU and/or JADU permit approval. **Option 3** would provide a discretionary permit review alternative, rather than a geographic-based exclusion option

where coastal resource policy concerns exist, similar to the process identified in the Interim Sea Level Rise Guidance document. A purpose of the Interim Sea Level Rise Guidance document is to notify applicants of information requests (e.g., wave action studies, site specific coastal vulnerability study, recorded disclaimers) and the potential special conditions the City may impose on new development affected by sea level rise. For those areas identified with coastal risks, the City could apply these guidelines, which would allow for discretionary level review and a recorded disclaimer.

Additionally, or alternatively, under **Option 3**, the program ordinance could provide a discretionary review option for ADU/and/or JADU applications that proposed to develop on a site, but cannot meet the requirements of the objective development standards, including consistency with coastal resource policies. Areas in the Beach Neighborhood District and portions of Concha Loma Neighborhood District, that presently experience high demand for coastal access, as earlier described, could be designed to require on-site parking for ADU and JADU units, as well as on-site parking replacement for existing onsite uses, which would be displaced with ADU and/or JADU development, with the goal to maintain consistency with coastal land use and access policies. Other design options that an applicant may propose, which do not comply with objective development standards, may be submitted as part of discretionary review.

Under **Option 3**, the program ordinance would include a provision that allows for discretionary Director-level review and/or review by the Architectural Review Board, and application of project conditions to ensure that proposed ADU development is consistent with the Coastal Act (Attachment E, Interim Sea Level Rise Guidance) and/or to provide a permit path for projects that cannot comply with the proposed objective development standards. HCD may view this **Option 3** as more flexible than **Option 2** given the opportunity for more applicants to apply for ADUs and/or JADUs; however, HCD may have concerns with inclusion of an ADU/JADU discretionary review process. Since the State's housing laws provide for exclusion of areas, the City may justify discretionary review in specific circumstances, which would provide more permitting flexibility and options than **Option 2**. While not as definitive as **Option 2's** exclusion areas, the CCC may find that discretionary review to address coastal resource policy concerns may be a feasible method to ensure project consistency with applicable Coastal Act policies.

Option 4. Exclusion of ADUs within Sensitive Coastal Resource or Other Sensitive Resource Areas.

Option 4 would preclude ADUs on lots that contain protected resources (e.g., ESHA). For example, the City of Solana Beach prohibits ADUs and JADUs on lots that contain ESHA; bluff tops; or are in their Hillside Overlay Zone, Very High Fire Hazard Area, or Wildland Urban Interface; or that would require more than 50 cubic yards of grading. HCD completed review of the City of Solana Beach's ADU ordinance and provided no comments (J. Lim, July 2021).

Similar to **Option 3**, **Option 4** may be viewed by HCD as more flexible than **Option 2**, as it would exclude less geographic area from ADU and/or JADU application eligibility. However, **Option 4** would not provide an opportunity for discretionary review as noted in **Option 3**. As noted above however, the City of Solana Beach was able to retain exclusion areas in the ADU and JADU ordinance for focused sensitive coastal resources, after HCD review. The CCC may find that **Option 3** provides proactive protection of sensitive coastal resources in a balanced method, which would not exclude larger areas of neighborhood districts, and similar to **Option 3**, may view this as a feasible method to ensure project consistency with applicable Coastal Act policies.

Option 5. A Hybrid ADU and JADU Program Option.

Option 5 would not rely entirely upon the program's objective development standards as **Option 1**; it would implement a combination of processing requirements the options. For example, based on findings of facts, the program could exclude ADUs in all or a portion of the Beach Neighborhood District and Concha Loma District that are vulnerable to coastal hazards, similar to **Option 2**.

Option 5 could also provide for discretionary review for other areas in the Beach Neighborhood District and Concha Loma District, as well as other geographic locations in the City's eligible zone districts, where they are less vulnerable to coastal hazard risks, but may be inconsistent with coastal resource protection policies. As described in **Option 3**, discretionary review and special conditions may be applied to an ADU and/or JADU projects that could result in adverse effects on public coastal access sites.

In addition to exclusion areas described in **Option 2**, **Option 5** could also exclude ADUs on lots with sensitive resources, as proposed in **Option 4**. Another hybrid approach may limit exclusion to existing coastal hazards contained in the SLRVAAP as provided in **Option 2**, but allow discretionary review and special conditions (e.g., interim sea level rise zone requirements, on-site parking, etc.) on sites that pose coastal resource policy concerns other than sea level rise risks, as provided in **Option 3**.

Finally, **Option 5** may provide exclusion areas or discretionary review for ADUs, in a combined form of **Options 2, 3, and 4**, but could allow JADUs citywide, similar to **Option 1**. By definition, JADUs must be within the walls of an existing or proposed primary dwelling, or its attached garage. Conversion of an existing legally established room(s) to create a JADU within an existing residence, without removal or replacement of major structural components (e.g., roofs, exterior walls, foundations, etc.) and without change to the size or the intensity of use of the structure, may not qualify as development within the meaning of the Coastal Act, or may qualify as development that is either exempt from coastal permit requirements and/or eligible for streamlined processing (Pub. Res. Code §§30106 and 30610).

JADUs created within existing primary dwelling structures that comply with Gov. Code § 65852.2(e) and 65852.22 typically will fall into the exemption or streamlined processing categories, unless specified otherwise in a previously issued CDP or other coastal authorization for existing development on the lot. For JADUs located in the coastal hazard areas, the Interim Sea Level Rise Guidance may require waivers for certain JADUs in coastal hazard areas; staff will further investigate the appropriateness to waive coastal hazard studies that would otherwise be required for a significant remodel.

Option 5 describes a few possible combinations of ADU program components that serve to promote ADU and JADU production while addressing consistency with Coastal Act policies. The Planning Commission also may recommend alternate ADU and JADU program options. Additionally, review of the administrative draft ADU and JADU program by both HCD and the CCC, may further inform a hybrid option, which addresses compliance of State housing laws and the Coastal Act.

VI. ACTION OPTIONS

1. The Commission may provide recommendations on the proposed ADU-JADU program to the City Council for consideration and direct staff to provide specific criteria in preparation of the administrative draft ordinance, including but not limited to:

- A. Development of an ADU-JADU program that does not provide exclusion of ADU-JADUs in certain geographic or resource areas based on identified sensitive resources, hazards to public health and safety, and/or limited public services. Rely upon the permit review process, which is proposed to include either a Coastal Development Permit (non-appealable or appealable) or an exemption, to evaluate ADU-JADU applications. Provide objective development standards that include a coastal resource policy consistency requirement;
 - B. Draft exclusions to the ADU-JADU program in certain neighborhood districts or geographic areas based on identified sensitive resources, hazards to public health and safety, and/or limited public services, supported by findings, which may include but are not limited to technical coastal hazard investigations contained in the Final Sea Level Rise Vulnerability Assessment and Adaptation Project Report (March 2019) and Coastal Act resource policies;
 - C. Application of discretionary review in lieu of ADU-JADU program exclusion areas, in certain neighborhood districts or geographic areas, supported by findings, which may include but are not limited to technical coastal hazard investigations contained in the Final Sea Level Rise Vulnerability Assessment and Adaptation Project Report (March 2019) and Coastal Act resource policies;
 - D. Provision of other exclusions and/or heightened application review for certain areas, such as parcels containing a designated Environmentally Sensitive Habitat Area (ESHA), or parcels in close proximity to coastal access points, with supported findings of fact; or
 - E. Provision of a hybrid of components, contained within, or similar to Recommendations 1A through 1D.
2. The Commission may choose not to provide specific recommendations to the City Council at this time. The City Council would receive a staff report and may then provide staff with direction on this program, prior to submittal of an administrative draft ordinance to the Department of Housing and Community Development and the Coastal Commission.

VII. ATTACHMENTS

Attachment A: California Department of Housing and Development, *Accessory Dwelling Unit Handbook*, Dec 2020)

Attachment B: City of Carpinteria Land Use Map

Attachment C: City of Carpinteria Zoning Map

Attachment D: Coastal Commission ADU Memo April 2020

Attachment E: Sea Level Rise Vulnerability Assessment and Adaptation Plan (Cited: Figure 1-1 Land Use Parcels and Structures, Figure 1-2 Roads and Parking, Figure 1-5 Coastal Trails and Access, Figure 1-11 Environmentally Sensitive Habitat Area

Attachment F: Interim Sea Level Rise Guidance

Attachment A
California Department of Housing and Development
Accessory Dwelling Unit Handbook
December 2020

Proposed Accessory Dwelling Unit (ADU) and
Junior Accessory Dwelling Unit (JADU) Program

October 4, 2021

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California Department of Housing and
Community Development

Accessory Dwelling Unit Handbook



Where foundations begin

Updated December 2020

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Understanding Accessory Dwelling Units (ADUs) and Their Importance



California's housing production is not keeping pace with demand. In the last decade, less than half of the homes needed to keep up with the population growth were built. Additionally, new homes are often constructed away from job-rich areas. This lack of housing that meets people's needs is impacting affordability and causing average housing costs, particularly for renters in California, to rise significantly. As affordable housing becomes less accessible, people drive longer distances between housing they can afford and their workplace or pack themselves into smaller shared spaces, both of which reduce quality of life and produce negative environmental impacts.

Beyond traditional construction, widening the range of housing types can increase the housing supply and help more low-income Californians thrive. Examples of some of these housing types are Accessory Dwelling Units (ADUs - also referred to as second units, in-law units, casitas, or granny flats) and Junior Accessory Dwelling Units (JADUs).

What is an ADU?

An ADU is an accessory dwelling unit with complete independent living facilities for one or more persons and has a few variations:

- **Detached:** The unit is separated from the primary structure.
- **Attached:** The unit is attached to the primary structure.
- **Converted Existing Space:** Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.
- **Junior Accessory Dwelling Unit (JADU):** A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence.

ADUs tend to be significantly less expensive to build and offer benefits that address common development barriers such as affordability and environmental quality. Because ADUs must be built on lots with existing or proposed housing, they do not require paying for new land, dedicated parking or other costly infrastructure required to build a new single-family home. Because they are contained inside existing single-family homes, JADUs require relatively

modest renovations and are much more affordable to complete. ADUs are often built with cost-effective one or two-story wood frames, which are also cheaper than other new homes. Additionally, prefabricated ADUs can be directly purchased and save much of the time and money that comes with new construction. ADUs can provide as much living space as apartments and condominiums and work well for couples, small families, friends, young people, and seniors.

Much of California's housing crisis comes from job-rich, high-opportunity areas where the total housing stock is insufficient to meet demand and exclusionary practices have limited housing choice and inclusion. Professionals and students often prefer living closer to jobs and amenities rather than spending hours commuting. Parents often want better access to schools and do not necessarily require single-family homes to meet their needs. There is a shortage of affordable units, and the units that are available can be out of reach for many people. To address our state's needs, homeowners can construct an ADU on their lot or convert an underutilized part of their home into a JADU. This flexibility benefits both renters and homeowners who can receive extra monthly rent income.

ADUs also give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care, thus helping extended families stay together while maintaining privacy. The space can be used for a variety of reasons, including adult children who can pay off debt and save up for living on their own.

New policies are making ADUs even more affordable to build, in part by limiting the development impact fees and relaxing zoning requirements. A 2019 study from the Turner Center on Housing Innovation noted that one unit of affordable housing in the Bay Area costs about \$450,000. ADUs and JADUs can often be built at a fraction of that price and homeowners may use their existing lot to create additional housing, without being required to provide additional infrastructure. Often the rent generated from the ADU can pay for the entire project in a matter of years.

ADUs and JADUs are a flexible form of housing that can help Californians more easily access job-rich, high-opportunity areas. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education, and services for many Californians.

Summary of Recent Changes to Accessory Dwelling Unit Laws



In Government Code Section 65852.150, the California Legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in zones that allow single-family and multifamily uses provides additional rental housing, and is an essential component in addressing California's housing needs. Over the years, ADU law has been revised to improve its effectiveness at creating more housing units. Changes to ADU laws effective January 1, 2021, further reduce barriers, better streamline approval processes, and expand capacity to accommodate the development of ADUs and junior accessory dwelling units (JADUs).

ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing

options for family members, friends, students, the elderly, in-home health care providers, people with disabilities, and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

Within this context, the California Department of Housing and Community Development (HCD) has prepared this guidance to assist local governments, homeowners, architects, and the general public in encouraging the development of ADUs. The following is a summary of recent legislation that amended ADU law: AB 3182 (2020) and SB 13, AB 68, AB 881, AB 587, AB 670, and AB 671 (2019). Please see Attachment 1 for the complete statutory changes for AB 3182 (2020) and SB 13, AB 68, AB 881, AB 587, AB 670, and AB 671 (2019).

AB 3182 (Ting)

Chapter 198, Statutes of 2020 (Assembly Bill 3182) builds upon recent changes to ADU law (Gov. Code, § 65852.2 and Civil Code Sections 4740 and 4741) to further address barriers to the development and use of ADUs and JADUs.

This recent legislation, among other changes, addresses the following:

- States that an application for the creation of an ADU or JADU shall be *deemed approved* (not just subject to ministerial approval) if the local agency has not acted on the completed application within 60 days.
- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU *and* one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met.
- Provides for the rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, *and* without regard to the date of the governing documents.

- Provides for not less than 25 percent of the separate interest units within a common interest development be allowed as rental or leasable units.

AB 68 (Ting), AB 881 (Bloom), and SB 13 (Wieckowski)

Chapter 653, Statutes of 2019 (Senate Bill 13, Section 3), Chapter 655, Statutes of 2019 (Assembly Bill 68, Section 2) and Chapter 659 (Assembly Bill 881, Section 1.5 and 2.5) build upon recent changes to ADU and JADU law (Gov. Code § 65852.2, 65852.22) and further address barriers to the development of ADUs and JADUs.

This legislation, among other changes, addresses the following:

- Prohibits local agencies from including in development standards for ADUs requirements on minimum lot size (Gov. Code, § 65852.2, subd. (a)(1)(B)(i)).
- Clarifies areas designated by local agencies for ADUs may be based on the adequacy of water and sewer services as well as impacts on traffic flow and public safety (Gov. Code, § 65852.2, subd. (a)(1)(A)).
- Eliminates all owner-occupancy requirements by local agencies for ADUs approved between January 1, 2020, and January 1, 2025 (Gov. Code, § 65852.2, subd. (a)(6)).
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet (Gov. Code, § 65852.2, subds. (c)(2)(B) & (C)).
- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement of offstreet parking spaces cannot be required by the local agency (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi)).
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, § 65852.2, subd. (a)(3) and (b)).
- Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes and are available to the public (Gov. Code, § 65852.2, subd. (j)(10)).
- Establishes impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees (Gov. Code § 65852.2, subd. (f)(3)); ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit (Gov. Code, § 65852.2, subd. (f)(3)).
- Defines an “accessory structure” to mean a structure that is accessory or incidental to a dwelling on the same lot as the ADU (Gov. Code, § 65852.2, subd. (j)(2)).
- Authorizes HCD to notify the local agency if HCD finds that their ADU ordinance is not in compliance with state law (Gov. Code, § 65852.2, subd. (h)(2)).
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy Regional Housing Needs Allocation (RHNA) housing needs (Gov. Code, §§ 65583.1, subd. (a), and 65852.2, subd. (m)).
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 65852.2, subds. (a)(3), (b), and (e)).

- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom or an interior entry into the single-family residence (Gov. Code § 65852.22, subd. (a)(4); former Gov. Code § 65852.22, subd. (a)(5)).
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five (5) years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 65852.2, subd. (n); Health & Safety Code, § 17980.12).

AB 587 (Friedman), AB 670 (Friedman), and AB 671 (Friedman)

In addition to the legislation listed above, AB 587 (Chapter 657, Statutes of 2019), AB 670 (Chapter 178, Statutes of 2019), and AB 671 (Chapter 658, Statutes of 2019) also have an impact on state ADU law, particularly through Health and Safety Code Section 17980.12. These pieces of legislation, among other changes, address the following:

- AB 587 creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separately from the primary dwelling by allowing deed-restricted sales to occur if the local agency adopts an ordinance. To qualify, the primary dwelling and the ADU are to be built by a qualified nonprofit corporation whose mission is to provide units to low-income households (Gov. Code, § 65852.26).
- AB 670 provides that covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable (Civ. Code, § 4751).
- AB 671 requires local agencies' housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs (Gov. Code, § 65583; Health & Safety Code, § 50504.5).

Frequently Asked Questions: Accessory Dwelling Units¹

1. Legislative Intent

a. Should a local ordinance encourage the development of accessory dwelling units?

Yes. Pursuant to Government Code Section 65852.150, the California Legislature found and declared that, among other things, California is facing a severe housing crisis and ADUs are a valuable form of housing that meets the needs of family members, students, the elderly, in-home health care providers, people with disabilities and others. Therefore, ADUs are an essential component of California's housing supply.

ADU law and recent changes intend to address barriers, streamline approval,

Government Code 65852.150:

(a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California's housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

¹ Note: Unless otherwise noted, the Government Code section referenced is 65852.2.

and expand potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment, and implementation of local ADU ordinances must be carried out consistent with Government Code, Section 65852.150 and must not unduly constrain the creation of ADUs. Local governments adopting ADU ordinances should carefully weigh the adoption of zoning, development standards, and other provisions for impacts on the development of ADUs.

In addition, ADU law is the statutory minimum requirement. Local governments may elect to go beyond this statutory minimum and further the creation of ADUs. Many local governments have embraced the importance of ADUs as an important part of their overall housing policies and have pursued innovative strategies. (Gov. Code, § 65852.2, subd. (g)).

2. Zoning, Development and Other Standards

A) Zoning and Development Standards

- **Are ADUs allowed jurisdiction wide?**

No. ADUs proposed pursuant to subdivision (e) must be considered in any residential or mixed-use zone. For other ADUs, local governments may, by ordinance, designate areas in zones where residential uses are permitted that will also permit ADUs. However, any limits on where ADUs are permitted may only be based on the adequacy of water and sewer service, and the impacts on traffic flow and public safety. Further, local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors.

Examples of public safety include severe fire hazard areas and inadequate water and sewer service and includes cease and desist orders. Impacts on traffic flow should consider factors like lesser car ownership rates for ADUs and the potential for ADUs to be proposed pursuant to Government Code section 65852.2, subdivision (e). Finally, local governments may develop alternative procedures, standards, or special conditions with mitigations for allowing ADUs in areas with potential health and safety concerns. (Gov. Code, § 65852.2, subd. (e))

Residential or mixed-use zone should be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use.

- **Can a local government apply design and development standards?**

Yes. A local government may apply development and design standards that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. However, these standards shall be sufficiently objective to allow ministerial review of an ADU. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i))

ADUs created under subdivision (e) of Government Code 65852.2 shall not be subject to design and development standards except for those that are noted in the subdivision.

What does objective mean?

"objective zoning standards" and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. Gov Code § 65913.4, subd. (a)(5)

ADUs that do not meet objective and ministerial development and design standards may still be permitted through an ancillary discretionary process if the applicant chooses to do so. Some jurisdictions with compliant ADU ordinances apply additional processes to further the creation of ADUs that do not otherwise comply with the minimum standards necessary for ministerial review. Importantly, these processes are intended to provide additional opportunities to create ADUs that would not otherwise be permitted, and a discretionary process may not be used to review ADUs that are fully compliant with ADU law. Examples of these processes include areas where additional health and safety concerns must be considered, such as fire risk.

- **Can ADUs exceed general plan and zoning densities?**

Yes. An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning that does not count toward the allowable density. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Further, local governments could elect to allow more than one ADU on a lot, and ADUs are automatically a residential use deemed consistent with the general plan and zoning. (Gov. Code, § 65852.2, subd. (a)(1)(C).)

- **Are ADUs permitted ministerially?**

Yes. ADUs must be considered, approved, and permitted ministerially, without discretionary action. Development and other decision-making standards must be sufficiently objective to allow for ministerial review. Examples include numeric and fixed standards such as heights or setbacks, or design standards such as colors or materials. Subjective standards require judgement and can be interpreted in multiple ways such as privacy, compatibility with neighboring properties or promoting harmony and balance in the community; subjective standards shall not be imposed for ADU development. Further, ADUs must not be subject to a hearing or any ordinance regulating the issuance of variances or special use permits and must be considered ministerially. (Gov. Code, § 65852.2, subd. (a)(3).)

- **Can I create an ADU if I have multiple detached dwellings on a lot?**

Yes. A lot where there are currently multiple detached single-family dwellings is eligible for creation of one ADU per lot by converting space within the proposed or existing space of a single-family dwelling or existing structure or a new construction detached ADU subject to certain development standards.

- **Can I build an ADU in a historic district, or if the primary residence is subject to historic preservation?**

Yes. ADUs are allowed within a historic district, and on lots where the primary residence is subject to historic preservation. State ADU law allows for a local agency to impose standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. However, these standards do not apply to ADUs proposed pursuant to Government Code section 65852.2, subdivision (e).

As with non-historic resources, a jurisdiction may impose objective and ministerial standards that are sufficiently objective to be reviewed ministerially and do not unduly burden the creation of ADUs. Jurisdictions are encouraged to incorporate these standards into their ordinance and submit these standards along with their ordinance to HCD. (Gov. Code, § 65852.2, subds. (a)(1)(B)(i) & (a)(5).)

B) Size Requirements

- **Is there a minimum lot size requirement?**

No. While local governments may impose standards on ADUs, these standards shall not include minimum lot size requirements. Further, lot coverage requirements cannot preclude the creation of a statewide exemption ADU (800 square feet ADU with a height limitation of 16 feet and 4 feet side and rear yard setbacks). If lot coverage requirements do not allow such an ADU, an automatic exception or waiver should be given to appropriate development standards such as lot coverage, floor area or open space requirements. Local governments may continue to enforce building and health and safety standards and may consider design, landscape, and other standards to facilitate compatibility.

What is a statewide exemption ADU?

A statewide exemption ADU is an ADU of up to 800 square feet, 16 feet in height, as potentially limited by a local agency, and with 4 feet side and rear yard setbacks. ADU law requires that no lot coverage, floor area ratio, open space, or minimum lot size will preclude the construction of a statewide exemption ADU. Further, ADU law allows the construction of a detached new construction statewide exemption ADU to be combined on the same lot with a JADU in a single-family residential zone. In addition, ADUs are allowed in any residential or mixed uses regardless of zoning and development standards imposed in an ordinance. See more discussion below.

- **Can minimum and maximum unit sizes be established for ADUs?**

Yes. A local government may, by ordinance, establish minimum and maximum unit size requirements for both attached and detached ADUs. However, maximum unit size requirements must be at least 850 square feet and 1,000 square feet for ADUs with more than one bedroom. For local agencies without an ordinance, maximum unit sizes are 1,200 square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet). Finally, the local agency must not establish by ordinance a minimum square footage requirement that prohibits an efficiency unit, as defined in Health and Safety Code section 17958.1.

The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements. For example, an existing 3,000 square foot barn converted to an ADU would not be subject to the size requirements, regardless if a local government has an adopted ordinance. Should an applicant want to expand an accessory structure to create an ADU beyond 150 square feet, this ADU would be subject to the size maximums outlined in state ADU law, or the local agency's adopted ordinance.

- **Can a percentage of the primary dwelling be used for a maximum unit size?**

Yes. Local agencies may utilize a percentage (e.g., 50 percent) of the primary dwelling as a maximum unit size for attached or detached ADUs but only if it does not restrict an ADU's size to less than the standard of at least 850 square feet (or at least 1000 square feet for ADUs with more than one bedroom). Local agencies must not, by ordinance, establish any other minimum or maximum unit sizes, including based on

a percentage of the primary dwelling, that precludes a statewide exemption ADU. Local agencies utilizing percentages of the primary dwelling as maximum unit sizes could consider multi-pronged standards to help navigate these requirements (e.g., shall not exceed 50 percent of the dwelling or 1,000 square feet, whichever is greater).

- **Can maximum unit sizes exceed 1,200 square feet for ADUs?**

Yes. Maximum unit sizes, by ordinance, can exceed 1,200 square feet for ADUs. ADU law does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs (Gov. Code, § 65852.2, subd. (g)).

Larger unit sizes can be appropriate in a rural context or jurisdictions with larger lot sizes and is an important approach to creating a full spectrum of ADU housing choices.

C) Parking Requirements

- **Can parking requirements exceed one space per unit or bedroom?**

No. Parking requirements for ADUs shall not exceed one parking space per unit or bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway. Guest parking spaces shall not be required for ADUs under any circumstances.

What is Tandem Parking?

Tandem parking means two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another. (Gov. Code, § 65852.2, subs. (a)(1)(D)(x)(I) and (j)(11).)

Local agencies may choose to eliminate or reduce parking requirements for ADUs such as requiring zero or half a parking space per each ADU.

- **Is flexibility for siting parking required?**

Yes. Local agencies should consider flexibility when siting parking for ADUs. Offstreet parking spaces for the ADU shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made. Specific findings must be based on specific site or regional topographical or fire and life safety conditions.

When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency shall not require that those offstreet parking spaces for the primary unit be replaced. (Gov. Code, § 65852.2, subd. (a)(D)(xi).)

- **Can ADUs be exempt from parking?**

Yes. A local agency shall not impose ADU parking standards for any of the following, pursuant to Government Code section 65852.2, subdivisions (d)(1-5) and (j)(10).

(1) Accessory dwelling unit is located within one-half mile walking distance of public transit.

- (2) Accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) Accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

Note: For the purposes of state ADU law, a jurisdiction may use the designated areas where a car share vehicle may be accessed. Public transit is any location where an individual may access buses, trains, subways and other forms of transportation that charge set fares, run on fixed routes and are available to the general public. Walking distance is defined as the pedestrian shed to reach public transit. Additional parking requirements to avoid impacts to public access may be required in the coastal zone.

D) Setbacks

• Can setbacks be required for ADUs?

Yes. A local agency may impose development standards, such as setbacks, for the creation of ADUs. Setbacks may include front, corner, street, and alley setbacks. Additional setback requirements may be required in the coastal zone if required by a local coastal program. Setbacks may also account for utility easements or recorded setbacks. However, setbacks must not unduly constrain the creation of ADUs and cannot be required for ADUs proposed pursuant to subdivision (e). Further, a setback of no more than four feet from the side and rear lot lines shall be required for an attached or detached ADU. (Gov. Code, § 65852.2, subd. (a)(1)(D)(vii).)

A local agency may also allow the expansion of a detached structure being converted into an ADU when the existing structure does not have four-foot rear and side setbacks. A local agency may also allow the expansion area of a detached structure being converted into an ADU to have no setbacks, or setbacks of less than four feet, if the existing structure has no setbacks, or has setbacks of less than four feet. A local agency shall not require setbacks of more than four feet for the expanded area of a detached structure being converted into an ADU.

A local agency may still apply front yard setbacks for ADUs, but front yard setbacks cannot preclude a statewide exemption ADU and must not unduly constrain the creation of all types of ADUs. (Gov. Code, § 65852.2, subd. (c).)

E) Height Requirements

• Is there a limit on the height of an ADU or number of stories?

Not in state ADU law, but local agencies may impose height limits provided that the limit is no less than 16 feet. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i).)

F) Bedrooms

• Is there a limit on the number of bedrooms?

State ADU law does not allow for the limitation on the number of bedrooms of an ADU. A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, and would be considered a constraint on the development of ADUs.

G) Impact Fees

- **Can impact fees be charged for an ADU less than 750 square feet?**

No. An ADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if less than 750 square feet. Should an ADU be 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit.

What is "Proportionately"?

"Proportionately" is some amount that corresponds to a total amount, in this case, an impact fee for a single-family dwelling. For example, a 2,000 square foot primary dwelling with a proposed 1,000 square foot ADU could result in 50 percent of the impact fee that would be charged for a new primary dwelling on the same site. In all cases, the impact fee for the ADU must be less than the primary dwelling. Otherwise, the fee is not calculated proportionately. When utilizing proportions, careful consideration should be given to the impacts on costs, feasibility, and ultimately, the creation of ADUs. In the case of the example above, anything greater than 50 percent of the primary dwelling could be considered a constraint on the development of ADUs.

For purposes of calculating the fees for an ADU on a lot with a multifamily dwelling, the proportionality shall be based on the average square footage of the units within that multifamily dwelling structure. For ADUs converting existing space with a 150 square foot expansion, a total ADU square footage over 750 square feet could trigger the proportionate fee requirement. (Gov. Code, § 65852.2, subd. (f)(3)(A).)

- **Can local agencies, special districts or water corporations waive impact fees?**

Yes. Agencies can waive impact and any other fees for ADUs. Also, local agencies may also use fee deferrals for applicants.

- **Can school districts charge impact fees?**

Yes. School districts are authorized but do not have to levy impact fees for ADUs greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet are not subject to school impact fees. Local agencies are encouraged to coordinate with school districts to carefully weigh the importance of promoting ADUs, ensuring appropriate nexus studies and appropriate fees to facilitate construction or reconstruction of adequate school facilities.

- **What types of fees are considered impact fees?**

Impact fees charged for the construction of ADUs must be determined in accordance with the Mitigation Fee Act and generally include any monetary exaction that is charged by a local agency in connection with the approval of an ADU, including impact fees, for the purpose of defraying all or a portion of the cost of public facilities relating to the ADU. A local agency, special district or water corporation shall not consider ADUs as a new residential use for the purposes of calculating connection fees or capacity charges for

utilities, including water and sewer services. However, these provisions do not apply to ADUs that are constructed concurrently with a new single-family home. (Gov. Code, §§ 65852.2, subd. (f), and 66000)

- **Can I still be charged water and sewer connection fees?**

ADUs converted from existing space and JADUs shall not be considered by a local agency, special district or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless constructed with a new single-family dwelling. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling. State ADU law does not cover monthly charge fees. (Gov. Code, § 65852.2, subd. (f)(2)(A).)

H) Conversion of Existing Space in Single Family, Accessory and Multifamily Structures and Other Statewide Permissible ADUs (Subdivision (e))

- **Are local agencies required to comply with subdivision (e)?**

Yes. All local agencies must comply with subdivision (e). This subdivision requires the ministerial approval of ADUs within a residential or mixed-use zone. The subdivision creates four categories of ADUs that should not be subject to other specified areas of ADU law, most notably zoning and development standards. For example, ADUs under this subdivision should not have to comply with lot coverage, setbacks, heights, and unit sizes. However, ADUs under this subdivision must meet the building code and health and safety requirements. The four categories of ADUs under subdivision (e) are:

- b. One ADU and one JADU are permitted per lot within the existing or proposed space of a single-family dwelling, or a JADU within the walls of the single family residence, or an ADU within an existing accessory structure, that meets specified requirements such as exterior access and setbacks for fire and safety.**
- c. One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and may be required to meet a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.**
- d. Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.**
- e. Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and 4-foot rear and side yard setbacks.**

The above four categories are not required to be combined. For example, local governments are not required to allow (a) and (b) together or (c) and (d) together. However, local agencies may elect to allow these ADU types together.

Local agencies shall allow at least one ADU to be created within the non-livable space within multifamily dwelling structures, or up to 25 percent of the existing multifamily dwelling units within a structure and may also allow not more than two ADUs on the lot detached from the multifamily dwelling structure. New detached units are subject to height limits of 16 feet and shall not be required to have side and rear setbacks of more than four feet.

The most common ADU that can be created under subdivision (e) is a conversion of proposed or existing space of a single-family dwelling or accessory structure into an ADU, without any prescribed size limitations, height, setback, lot coverage, architectural review, landscape, or other development standards. This would enable the conversion of an accessory structure, such as a 2,000 square foot garage, to an ADU without any additional requirements other than compliance with building standards for dwellings. These types of ADUs are also eligible for a 150 square foot expansion (see discussion below).

ADUs created under subdivision (e) shall not be required to provide replacement or additional parking. Moreover, these units shall not, as a condition for ministerial approval, be required to correct any existing or created nonconformity. Subdivision (e) ADUs shall be required to be rented for terms longer than 30 days, and only require fire sprinklers if fire sprinklers are required for the primary residence. These ADUs shall not be counted as units when calculating density for the general plan and are not subject to owner-occupancy.

- **Can I convert my accessory structure into an ADU?**

Yes. The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is permitted and promoted through the state ADU law. These conversions of accessory structures are not subject to any additional development standard, such as unit size, height, and lot coverage requirements, and shall be from existing space that can be made safe under building and safety codes. A local agency should not set limits on when the structure was created, and the structure must meet standards for health and safety. Finally, local governments may also consider the conversion of illegal existing space and could consider alternative building standards to facilitate the conversion of existing illegal space to minimum life and safety standards.

- **Can an ADU converting existing space be expanded?**

Yes. An ADU created within the existing or proposed space of a single-family dwelling or accessory structure can be expanded beyond the physical dimensions of the structure. In addition, an ADU created within an existing accessory structure may be expanded up to 150 square feet without application of local development standards, but this expansion shall be limited to accommodating ingress and egress. An example of where this expansion could be applicable is for the creation of a staircase to reach a second story ADU. These types of ADUs shall conform to setbacks sufficient for fire and safety.

A local agency may allow for an expansion beyond 150 square feet, though the ADU would have to comply with the size maximums as per state ADU law, or a local agency's adopted ordinance.

As a JADU is limited to being created within the walls of a primary residence, this expansion of up to 150 square feet does not pertain to JADUs.

I) Nonconforming Zoning Standards

- **Does the creation of an ADU require the applicant to carry out public improvements?**

No physical improvements shall be required for the creation or conversion of an ADU. Any requirement to carry out public improvements is beyond what is required for the creation of an ADU, as per state law. For example, an applicant shall not be required to improve sidewalks, carry out street improvements, or access improvements to create an ADU. Additionally, as a condition for ministerial approval of an ADU, an applicant shall not be required to correct nonconforming zoning conditions. (Gov. Code, § 65852.2, subd. (e)(2).)

J) Renter and Owner-occupancy

- **Are rental terms required?**

Yes. Local agencies may require that the property be used for rentals of terms longer than 30 days. ADUs permitted ministerially, under subdivision (e), shall be rented for terms longer than 30 days. (Gov. Code, § 65852.2, subds. (a)(6) & (e)(4).)

- **Are there any owner-occupancy requirements for ADUs?**

No. Prior to recent legislation, ADU laws allowed local agencies to elect whether the primary dwelling or ADU was required to be occupied by an owner. The updates to state ADU law removed the owner-occupancy allowance for newly created ADUs effective January 1, 2020. The new owner-occupancy exclusion is set to expire on December 31, 2024. Local agencies may not retroactively require owner occupancy for ADUs permitted between January 1, 2020, and December 31, 2024.

However, should a property have both an ADU and JADU, JADU law requires owner-occupancy of either the newly created JADU, or the single-family residence. Under this specific circumstance, a lot with an ADU would be subject to owner-occupancy requirements. (Gov. Code, § 65852.2, subd. (a)(2).)

K) Fire Sprinkler Requirements

- **Are fire sprinklers required for ADUs?**

No. Installation of fire sprinklers may not be required in an ADU if sprinklers are not required for the primary residence. For example, a residence built decades ago would not have been required to have fire sprinklers installed under the applicable building code at the time. Therefore, an ADU created on this lot cannot be required to install fire sprinklers. However, if the same primary dwelling recently undergoes significant remodeling and is now required to have fire sprinklers, any ADU created after that remodel must likewise install fire sprinklers. (Gov. Code, § 65852.2, subds. (a)(1)(D)(xii) and (e)(3).)

Please note, for ADUs created on lots with multifamily residential structures, the entire residential structure shall serve as the “primary residence” for the purposes of this analysis. Therefore, if the multifamily structure is served by fire sprinklers, the ADU can be required to install fire sprinklers.

L) Solar Panel Requirements

- **Are solar panels required for new construction ADUs?**

Yes, newly constructed ADUs are subject to the Energy Code requirement to provide solar panels if the unit(s) is a newly constructed, non-manufactured, detached ADU. Per the California Energy Commission (CEC), the panels can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar panels.

Please refer to the CEC on this matter. For more information, see the CEC's website www.energy.ca.gov. You may email your questions to: title24@energy.ca.gov, or contact the Energy Standards Hotline at 800-772-3300. CEC memos can also be found on HCD's website at <https://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml>.

3. Junior Accessory Dwelling Units (JADUs) – Government Code Section 65852.22

- **Are two JADUs allowed on a lot?**

No. A JADU may be created on a lot zoned for single-family residences with one primary dwelling. The JADU may be created within the walls of the proposed or existing single-family residence, including attached garages, as attached garages are considered within the walls of the existing single-family residence. Please note that JADUs created in the attached garage are not subject to the same parking protections as ADUs and could be required by the local agency to provide replacement parking.

JADUs are limited to one per residential lot with a single-family residence. Lots with multiple detached single-family dwellings are not eligible to have JADUs. (Gov. Code, § 65852.22, subd. (a)(1).)

- **Are JADUs allowed in detached accessory structures?**

No, JADUs are not allowed in accessory structures. The creation of a JADU must be within the single-family residence. As noted above, attached garages are eligible for JADU creation. The maximum size for a JADU is 500 square feet. (Gov. Code, § 65852.22, subds. (a)(1), (a)(4), and (h)(1).)

- **Are JADUs allowed to be increased up to 150 square feet when created within an existing structure?**

No. Only ADUs are allowed to add up to 150 square feet "beyond the physical dimensions of the existing accessory structure" to provide for ingress. (Gov. Code, § 65852.2, subd. (e)(1)(A)(i).)

This provision extends only to ADUs and excludes JADUs. A JADU is required to be created within the single-family residence.

- **Are there any owner-occupancy requirements for JADUs?**

Yes. There are owner-occupancy requirements for JADUs. The owner must reside in either the remaining portion of the primary residence, or in the newly created JADU. (Gov. Code, § 65852.22, subd. (a)(2).)

4. Manufactured Homes and ADUs

- **Are manufactured homes considered to be an ADU?**

Yes. An ADU is any residential dwelling unit with independent facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes a manufactured home (Health & Saf. Code, § 18007).

Health and Safety Code section 18007, subdivision (a): **“Manufactured home,”** for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

5. ADUs and the Housing Element

- **Do ADUs and JADUs count toward a local agency’s Regional Housing Needs Allocation?**

Yes. Pursuant to Government Code section 65852.2 subdivision (m), and section 65583.1, ADUs and JADUs may be utilized towards the Regional Housing Need Allocation (RHNA) and Annual Progress Report (APR) pursuant to Government Code section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, an ADU, and a JADU with shared sanitation facilities, and any other unit that meets the census definition, and is reported to DOF as part of the DOF annual City and County Housing Unit Change Survey, can be credited toward the RHNA based on the appropriate income level. The housing element or APR must include a reasonable methodology to demonstrate the level of affordability. Local governments can track actual or anticipated affordability to assure ADUs and JADUs are counted towards the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit or other applications.

- **Is analysis required to count ADUs toward the RHNA in the housing element?**

Yes. To calculate ADUs in the housing element, local agencies must generally use a three-part approach: (1) development trends, (2) anticipated affordability and (3) resources and incentives. Development trends must consider ADUs permitted in the prior planning period and may also consider more recent trends. Anticipated affordability can use a variety of methods to estimate the affordability by income group. Common approaches include rent surveys of ADUs, using rent surveys and square footage assumptions and data available through the APR pursuant to Government Code section 65400. Resources and incentives include policies and programs to encourage ADUs, such as prototype plans, fee waivers, expedited procedures and affordability monitoring programs.

- **Are ADUs required to be addressed in the housing element?**

Yes. The housing element must include a description of zoning available to permit ADUs, including development standards and analysis of potential constraints on the development of ADUs. The element must include programs as appropriate to address identified constraints. In addition, housing elements must

include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs. (Gov. Code, § 65583 and Health & Saf. Code, § 50504.5.)

6. Homeowners Association

- **Can my local Homeowners Association (HOA) prohibit the construction of an ADU or JADU?**

No. Assembly Bill 670 (2019) and AB 3182 (2020) amended Section 4751, 4740, and 4741 of the Civil Code to preclude common interest developments from prohibiting or unreasonably restricting the construction or use, including the renting or leasing of, an ADU on a lot zoned for single-family residential use. Covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on such lots are void and unenforceable or may be liable for actual damages and payment of a civil penalty. Applicants who encounter issues with creating ADUs or JADUs within CC&Rs are encouraged to reach out to HCD for additional guidance.

7. Enforcement

- **Does HCD have enforcement authority over ADU ordinances?**

Yes. After adoption of the ordinance, HCD may review and submit written findings to the local agency as to whether the ordinance complies with state ADU law. If the local agency's ordinance does not comply, HCD must provide a reasonable time, no longer than 30 days, for the local agency to respond, and the local agency shall consider HCD's findings to amend the ordinance to become compliant. If a local agency does not make changes and implements an ordinance that is not compliant with state law, HCD may refer the matter to the Attorney General.

In addition, HCD may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify ADU law.

8. Other

- **Are ADU ordinances existing prior to new 2020 laws null and void?**

No. Ordinances existing prior to the new 2020 laws are only null and void to the extent that existing ADU ordinances conflict with state law. Subdivision (a)(4) of Government Code Section 65852.2 states an ordinance that fails to meet the requirements of subdivision (a) shall be null and void and shall apply the state standards (see Attachment 3) until a compliant ordinance is adopted. However, ordinances that substantially comply with ADU law may continue to enforce the existing ordinance to the extent it complies with state law. For example, local governments may continue the compliant provisions of an ordinance and apply the state standards where pertinent until the ordinance is amended or replaced to fully comply with ADU law. At the same time, ordinances that are fundamentally incapable of being enforced because key provisions are invalid -- meaning there is not a reasonable way to sever conflicting provisions and apply the remainder of an ordinance in a way that is consistent with state law -- would be fully null and void and must follow all state standards until a compliant ordinance is adopted.

- **Do local agencies have to adopt an ADU ordinance?**

No. Local governments may choose not to adopt an ADU ordinance. Should a local government choose to not adopt an ADU ordinance, any proposed ADU development would be only subject to standards set in state ADU law. If a local agency adopts an ADU ordinance, it may impose zoning, development, design, and other standards in compliance with state ADU law. (See Attachment 4 for a state standards checklist.)

- **Is a local government required to send an ADU ordinance to the California Department of Housing and Community Development (HCD)?**

Yes. A local government, upon adoption of an ADU ordinance, must submit a copy of the adopted ordinance to HCD within 60 days after adoption. After the adoption of an ordinance, the Department may review and submit written findings to the local agency as to whether the ordinance complies with this section. (Gov. Code, § 65852.2, subd. (h)(1).)

Local governments may also submit a draft ADU ordinance for preliminary review by HCD. This provides local agencies the opportunity to receive feedback on their ordinance and helps to ensure compliance with the new state ADU law.

- **Are charter cities and counties subject to the new ADU laws?**

Yes. ADU law applies to a local agency which is defined as a city, county, or city and county, whether general law or chartered. (Gov. Code, § 65852.2, subd. (j)(5)).

Further, pursuant to Chapter 659, Statutes of 2019 (AB 881), the Legislature found and declared ADU law as “...a matter of statewide concern rather than a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution” and concluded that ADU law applies to all cities, including charter cities.

- **Do the new ADU laws apply to jurisdictions located in the Coastal Zone?**

Yes. ADU laws apply to jurisdictions in the Coastal Zone, but do not necessarily alter or lessen the effect or application of Coastal Act resource protection policies. (Gov. Code, § 65852.22, subd. (l)).

Coastal localities should seek to harmonize the goals of protecting coastal resources and addressing housing needs of Californians. For example, where appropriate, localities should amend Local Coastal Programs for California Coastal Commission review to comply with the California Coastal Act and new ADU laws. For more information, see the [California Coastal Commission 2020 Memo](#) and reach out to the locality’s local Coastal Commission district office.

- **What is considered a multifamily dwelling?**

For the purposes of state ADU law, a structure with two or more attached dwellings on a single lot is considered a multifamily dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings for the purposes of state ADU law.

Resources



Attachment 1: Statutory Changes (Strikeout/Italics and Underline)

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2

Combined changes from (AB 3182 Accessory Dwelling Units)

and (AB 881, AB 68 and SB 13 Accessory Dwelling Units)

(Changes noted in strikeout, underline/italics)

Effective January 1, 2021, Section 65852.2 of the Government Code is amended to read:

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit ~~or~~ and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

- (2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
 - (3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
 - (4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
 - (5) "Local agency" means a city, county, or city and county, whether general law or chartered.
 - (6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
 - (7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
 - (8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
 - (9) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
 - (10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
 - (k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.
 - (l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.
 - (m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.
 - (n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:
 - (1) The accessory dwelling unit was built before January 1, 2020.
 - (2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.
 - (o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.
- (Becomes operative on January 1, 2025)**

Section 65852.2 of the Government Code is amended to read (changes from January 1, 2021 statute noted in underline/italic):

65852.2.

- (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:
 - (A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.
 - (B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.
 - (ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.
 - (C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

- (i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.
- (ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.
- (iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
- (iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.
- (v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.
- (vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
- (vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
- (viii) Local building code requirements that apply to detached dwellings, as appropriate.
- (ix) Approval by the local health officer where a private sewage disposal system is being used, if required.
- (x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway. (II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions. (III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).
- (xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.
- (xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed

accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or ~~imposed, including any owner-occupant requirement, except that~~ imposed except that, subject to subparagraph (B), a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit ~~or~~ and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not

more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).

~~(4)~~ (5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

~~(5)~~ (6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

~~(6)~~ (7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family ~~home~~ dwelling.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the

Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(9) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit

applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall ~~remain in effect only until January 1, 2025, and as of that date is repealed.~~ *become operative on January 1, 2025.*

Effective January 1, 2021, Section 4740 of the Civil Code is amended to read (changes noted in strikeout, underline/italics) (AB 3182 (Ting)):

4740.

(a) An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in that common interest development to a renter, lessee, or tenant unless that governing document, or amendment thereto, was effective prior to the date the owner acquired title to ~~his or~~ *her* ~~their~~ separate interest.

~~(b) Notwithstanding the provisions of this section, an owner of a separate interest in a common interest development may expressly consent to be subject to a governing document or an amendment to a governing document that prohibits the rental or leasing of any of the separate interests in the common interest development to a renter, lessee, or tenant.~~

~~(c)~~ *(b)* For purposes of this section, the right to rent or lease the separate interest of an owner shall not be deemed to have terminated if the transfer by the owner of all or part of the separate interest meets at least one of the following conditions:

(1) Pursuant to Section 62 or 480.3 of the Revenue and Taxation Code, the transfer is exempt, for purposes of reassessment by the county tax assessor.

(2) Pursuant to subdivision (b) of, solely with respect to probate transfers, or subdivision (e), (f), or (g) of, Section 1102.2, the transfer is exempt from the requirements to prepare and deliver a Real Estate Transfer Disclosure Statement, as set forth in Section 1102.6.

~~(d)~~ *(c)* Prior to renting or leasing ~~his or her~~ *their* separate interest as provided by this section, an owner shall provide the association verification of the date the owner acquired title to the separate interest and the name and contact information of the prospective tenant or lessee or the prospective tenant's or lessee's representative.

~~(e)~~ *(d)* Nothing in this section shall be deemed to revise, alter, or otherwise affect the voting process by which a common interest development adopts or amends its governing documents.

~~(f) This section shall apply only to a provision in a governing document or a provision in an amendment to a governing document that becomes effective on or after January 1, 2012.~~

Effective January 1, 2021 of the *Section 4741 is added to the Civil Code, to read (AB 3182 (Ting)):*

4741.

(a) An owner of a separate interest in a common interest development shall not be subject to a provision in a governing document or an amendment to a governing document that prohibits, has the effect of prohibiting, or unreasonably restricts the rental or leasing of any of the separate interests, accessory dwelling units, or junior accessory dwelling units in that common interest development to a renter, lessee, or tenant.

(b) A common interest development shall not adopt or enforce a provision in a governing document or amendment to a governing document that restricts the rental or lease of separate interests within a common interest to less than 25 percent of the separate interests. Nothing in this subdivision prohibits a common interest development from adopting or enforcing a provision authorizing a higher percentage of separate interests to be rented or leased.

(c) This section does not prohibit a common interest development from adopting and enforcing a provision in a

governing document that prohibits transient or short-term rental of a separate property interest for a period of 30 days or less.

(d) For purposes of this section, an accessory dwelling unit or junior accessory dwelling unit shall not be construed as a separate interest.

(e) For purposes of this section, a separate interest shall not be counted as occupied by a renter if the separate interest, or the accessory dwelling unit or junior accessory dwelling unit of the separate interest, is occupied by the owner.

(f) A common interest development shall comply with the prohibition on rental restrictions specified in this section on and after January 1, 2021, regardless of whether the common interest development has revised their governing documents to comply with this section. However, a common interest development shall amend their governing documents to conform to the requirements of this section no later than December 31, 2021.

(g) A common interest development that willfully violates this section shall be liable to the applicant or other party for actual damages, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars (\$1,000).

(h) In accordance with Section 4740, this section does not change the right of an owner of a separate interest who acquired title to their separate interest before the effective date of this section to rent or lease their property.

Effective January 1, 2020, Section 65852.22 of the Government Code is was amended to read (AB 68 (Ting)):
65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the walls of proposed or existing single-family residence.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the proposed or existing single-family residence.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A cooking facility with appliances.

(B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

(h) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Effective January 1, 2020 Section 17980.12 is was added to the Health and Safety Code, immediately following Section 17980.11, to read (SB 13 (Wieckowski)):

17980.12.

(a) (1) An enforcement agency, until January 1, 2030, that issues to an owner of an accessory dwelling unit described in subparagraph (A) or (B) below, a notice to correct a violation of any provision of any building standard pursuant to this part shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to this subdivision:

(A) The accessory dwelling unit was built before January 1, 2020.

(B) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(2) The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in paragraph (1) may, in the form and manner prescribed by the enforcement agency, submit an application to the enforcement agency requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety.

(3) The enforcement agency shall grant an application described in paragraph (2) if the enforcement determines that correcting the violation is not necessary to protect health and safety. In making this determination, the enforcement agency shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Section 13146.

(4) The enforcement agency shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the enforcement agency before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to paragraph (3).

(b) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in Section 65852.2.

(c) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2
AB 587 Accessory Dwelling Units

Effective January 1, 2020 Section 65852.26 is was added to the Government Code, immediately following Section 65852.25, to read (AB 587 (Friedman)):

65852.26.

(a) Notwithstanding clause (i) of subparagraph (D) of paragraph (1) of subdivision (a) of Section 65852.2, a local agency may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

- (1) The property was built or developed by a qualified nonprofit corporation.
- (2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
- (3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
 - (A) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.
 - (B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.
 - (C) A requirement that the qualified buyer occupy the property as the buyer's principal residence.
 - (D) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
- (4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
- (5) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(b) For purposes of this section, the following definitions apply:

- (1) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.
- (2) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

CIVIL CODE: DIVISION 4, PART 5, CHAPTER 5, ARTICLE 1
AB 670 Accessory Dwelling Units

Effective January 1, 2020, Section 4751 is was added to the Civil Code, to read (AB 670 (Friedman)):
4751.

- (a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.
- (b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, "reasonable restrictions" means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability

to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code.

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 3, ARTICLE 10.6

AB 671 Accessory Dwelling Units

Effective January 1, 2020, Section 65583(c)(7) of the Government Code is was added to read (sections of housing element law omitted for conciseness) (AB 671 (Friedman)):

65583(c)(7).

Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2.

Effective January 1, 2020, Section 50504.5 is was added to the Health and Safety Code, to read (AB 671 (Friedman)):

50504.5.

(a) The department shall develop by December 31, 2020, a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of an accessory dwelling unit with affordable rent, as defined in Section 50053, for very low, low-, and moderate-income households.

(b) The list shall be posted on the department's internet website by December 31, 2020.

(c) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in paragraph (4) of subdivision (i) of Section 65852.2 of the Government Code.

Attachment 2: State Standards Checklist

YES/NO	STATE STANDARD*	GOVERNMENT CODE SECTION
	Unit is not intended for sale separate from the primary residence and may be rented.	65852.2(a)(1)(D)(i)
	Lot is zoned for single-family or multifamily use and contains a proposed, or existing, dwelling.	65852.2(a)(1)(D)(ii)
	The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or detached from the proposed or existing dwelling and located on the same lot as the proposed or existing primary dwelling.	65852.2(a)(1)(D)(iii)
	Increased floor area of an attached accessory dwelling unit does not exceed 50 percent of the existing primary dwelling but shall be allowed to be at least 800/850/1000 square feet.	65852.2(a)(1)(D)(iv), (c)(2)(B) & C)
	Total area of floor area for a detached accessory dwelling unit does not exceed 1,200 square feet.	65852.2(a)(1)(D)(v)
	Passageways are not required in conjunction with the construction of an accessory dwelling unit.	65852.2(a)(1)(D)(vi)
	Setbacks are not required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.	65852.2(a)(1)(D)(vii)
	Local building code requirements that apply to detached dwellings are met, as appropriate.	65852.2(a)(1)(D)(viii)
	Local health officer approval where a private sewage disposal system is being used, if required.	65852.2(a)(1)(D)(ix)
	Parking requirements do not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on an existing driveway.	65852.2(a)(1)(D)(x)(l)

Attachment 3: Bibliography

[ACCESSORY DWELLING UNITS: CASE STUDY](#) (26 pp.)

By the United States Department of Housing and Urban Development, Office of Policy Development and Research. (2008)

Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

[THE MACRO VIEW ON MICRO UNITS](#) (46 pp.)

By Bill Whitlow, et al. – Urban Land Institute (2014)
Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

[SECONDARY UNITS AND URBAN INFILL: A Literature Review](#) (12 pp.)

By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.

[RETHINKING PRIVATE ACCESSORY DWELLINGS](#) (5 pp.)

By William P. Macht. Urbanland online. (March 6, 2015)
Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

One of the large impacts of single-use, single-family detached zoning has been to severely shrink the supply of accessory dwellings, which often were created in or near primary houses. Detached single-family dwelling zones—the largest housing zoning category—typically preclude more than one dwelling per lot except under stringent regulation, and then only in some jurisdictions. Bureaucratically termed “accessory dwelling units” that are allowed by some jurisdictions may encompass market-derived names such as granny flats, granny cottages, mother-in-law suites, secondary suites, backyard cottages, casitas, carriage flats, sidekick houses, basement apartments, attic apartments, laneway houses, multigenerational homes, or home-within-a-home.

[Regulating ADUs in California: Local Approaches & Outcomes](#) (44 pp.)

By Deidra Pfeiffer

Terner Center for Housing and Innovation, UC Berkeley

Accessory dwelling units (ADU) are often mentioned as a key strategy in solving the nation's housing problems, including housing affordability and challenges associated with aging in place. However, we know little about whether formal ADU practices—such as adopting an ordinance, establishing regulations, and permitting—contribute to these goals. This research helps to fill this gap by using data from the Terner California Residential Land Use Survey and the U.S. Census Bureau to understand the types of communities engaging in different kinds of formal ADU practices in California, and whether localities with adopted ordinances and less restrictive regulations have more frequent applications to build ADUs and increasing housing affordability and aging in place. Findings suggest that three distinct approaches to ADUs are occurring in California: 1) a more restrictive approach in disadvantaged communities of color, 2) a moderately restrictive approach in highly advantaged, predominately White and Asian communities, and 3) a less restrictive approach in diverse and moderately advantaged communities. Communities with adopted ordinances and less restrictive regulations receive more frequent applications to build ADUs but have not yet experienced greater improvements in housing affordability and aging in place. Overall, these findings imply that 1) context-specific technical support and advocacy may be needed to help align formal ADU practices with statewide goals, and 2) ADUs should be treated as one tool among many to manage local housing problems.

[ADU Update: Early Lessons and Impacts of California's State and Local Policy Changes](#) (8 p.)

By David Garcia (2017)

Terner Center for Housing and Innovation, UC Berkeley

As California's housing crisis deepens, innovative strategies for creating new housing units for all income levels are needed. One such strategy is building Accessory Dwelling Units (ADUs) by private homeowners. While large scale construction of new market rate and affordable homes is needed to alleviate demand-driven rent increases and displacement pressures, ADUs present a unique opportunity for individual homeowners to create more housing as well. In particular, ADUs can increase the supply of housing in areas where there are fewer opportunities for larger-scale developments, such as neighborhoods that are predominantly zoned for and occupied by single-family homes.

In two of California's major metropolitan areas -- Los Angeles and San Francisco -- well over three quarters of the total land area is comprised of neighborhoods where single-family homes make up at least 60 percent of the community's housing stock. Across the state, single-family detached units make up 56.4 percent of the overall housing stock. Given their prevalence in the state's residential land use patterns, increasing the number of single-family homes that have an ADU could contribute meaningfully to California's housing shortage.

[Jumpstarting the Market for Accessory Dwelling Units: Lessons Learned from Portland, Seattle and Vancouver](#) (29 pp.)

By Karen Chapple et al (2017)

Terner Center for Housing and Innovation, UC Berkeley

Despite government attempts to reduce barriers, a widespread surge of ADU construction has not materialized. The ADU market remains stalled. To find out why, this study looks at three cities in the Pacific Northwest of the United States and Canada that have seen a spike in construction in recent years: Portland, Seattle, and Vancouver. Each city has adopted a set of zoning reforms, sometimes in combination with financial incentives and outreach programs, to spur ADU construction. Due to these changes, as well as the acceleration of the housing crisis in each city, ADUs have begun blossoming.

[Accessory Dwelling Units as Low-Income Housing: California's Faustian Bargain](#) (37 pp.)

By Darrel Ramsey-Musolf (2018)

University of Massachusetts Amherst, ScholarWorks@UMass Amherst

In 2003, California allowed cities to count accessory dwelling units (ADU) towards low-income housing needs. Unless a city's zoning code regulates the ADU's maximum rent, occupancy income, and/or effective period, then the city may be unable to enforce low-income occupancy. After examining a stratified random sample of 57 low-, moderate-, and high-income cities, the high-income cities must proportionately accommodate more low-income needs than low-income cities. By contrast, low-income cities must quantitatively accommodate three times the low-income needs of high-income cities. The sample counted 750 potential ADUs as low-income housing. Even though 759 were constructed, no units were identified as available low-income housing. In addition, none of the cities' zoning codes enforced low-income occupancy. Inferential tests determined that cities with colleges and high incomes were more probable to count ADUs towards overall and low-income housing needs. Furthermore, a city's count of potential ADUs and cities with high proportions of renters maintained positive associations with ADU production, whereas a city's density and prior compliance with state housing laws maintained negative associations. In summary, ADUs did increase local housing inventory and potential ADUs were positively associated with ADU production, but ADUs as low-income housing remained a paper calculation.

Attachment B
City of Carpinteria Land Use Map

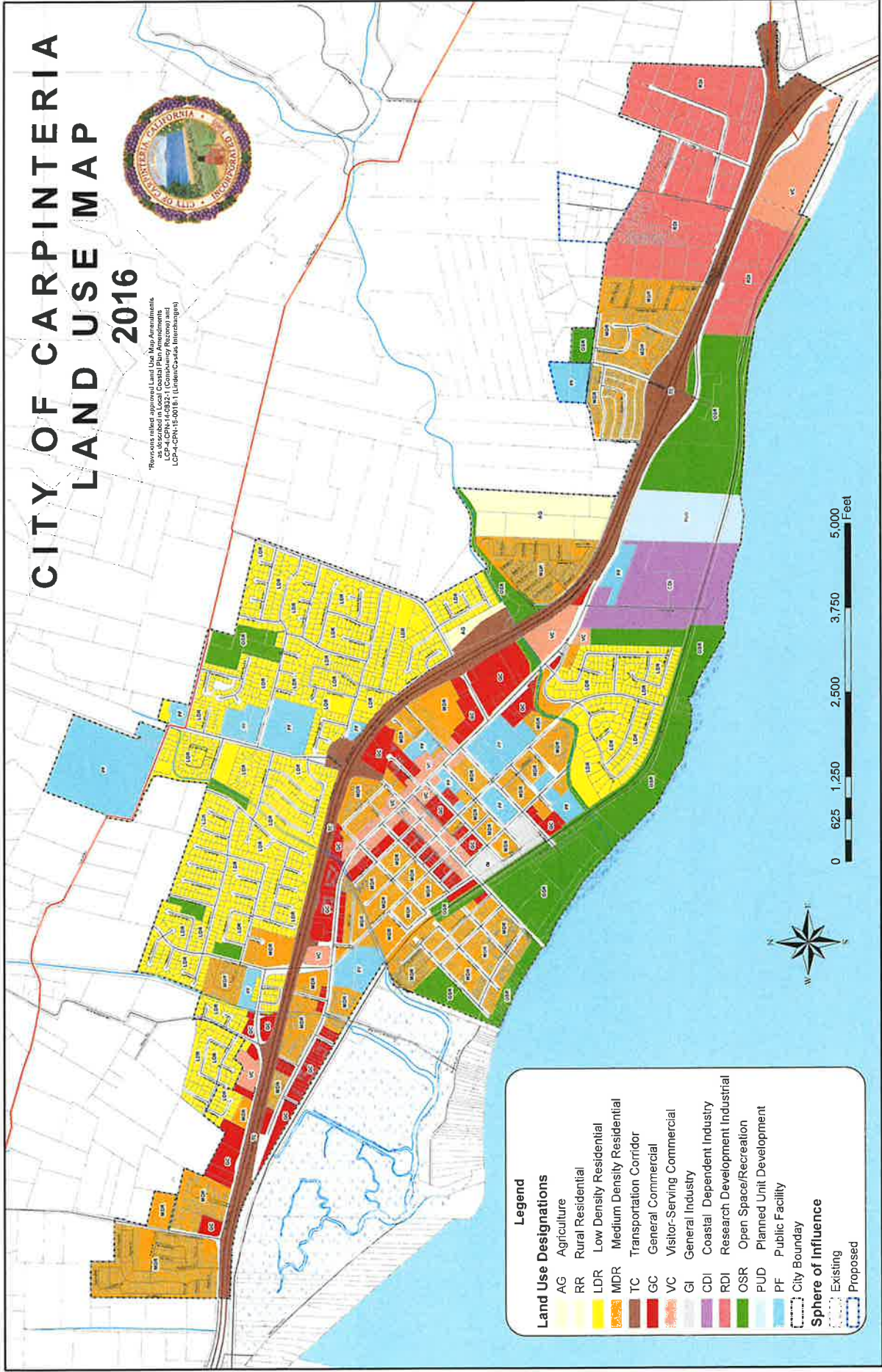
**Proposed Accessory Dwelling Unit (ADU) and
Junior Accessory Dwelling Unit (JADU) Program
October 4, 2021**

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CITY OF CARPINTERIA LAND USE MAP 2016



*Revisions called approved Land Use Map Amendments
LCP-1-CPA-15-0018 (1) (Linden-Casade Interchange)
LCP-2-CPA-15-0018 (2) (Linden-Casade Interchange)
LCP-3-CPA-15-0018 (3) (Linden-Casade Interchange)
LCP-4-CPA-15-0018 (4) (Linden-Casade Interchange)



Legend

Land Use Designations

- AG Agriculture
- RR Rural Residential
- LDR Low Density Residential
- MDR Medium Density Residential
- TC Transportation Corridor
- GC General Commercial
- VC Visitor-Serving Commercial
- GI General Industry
- CDI Coastal Dependent Industry
- RDI Research Development Industrial
- OSR Open Space/Recreation
- PUD Planned Unit Development
- PF Public Facility
- City Boundary
- Sphere of Influence
- Existing
- Proposed

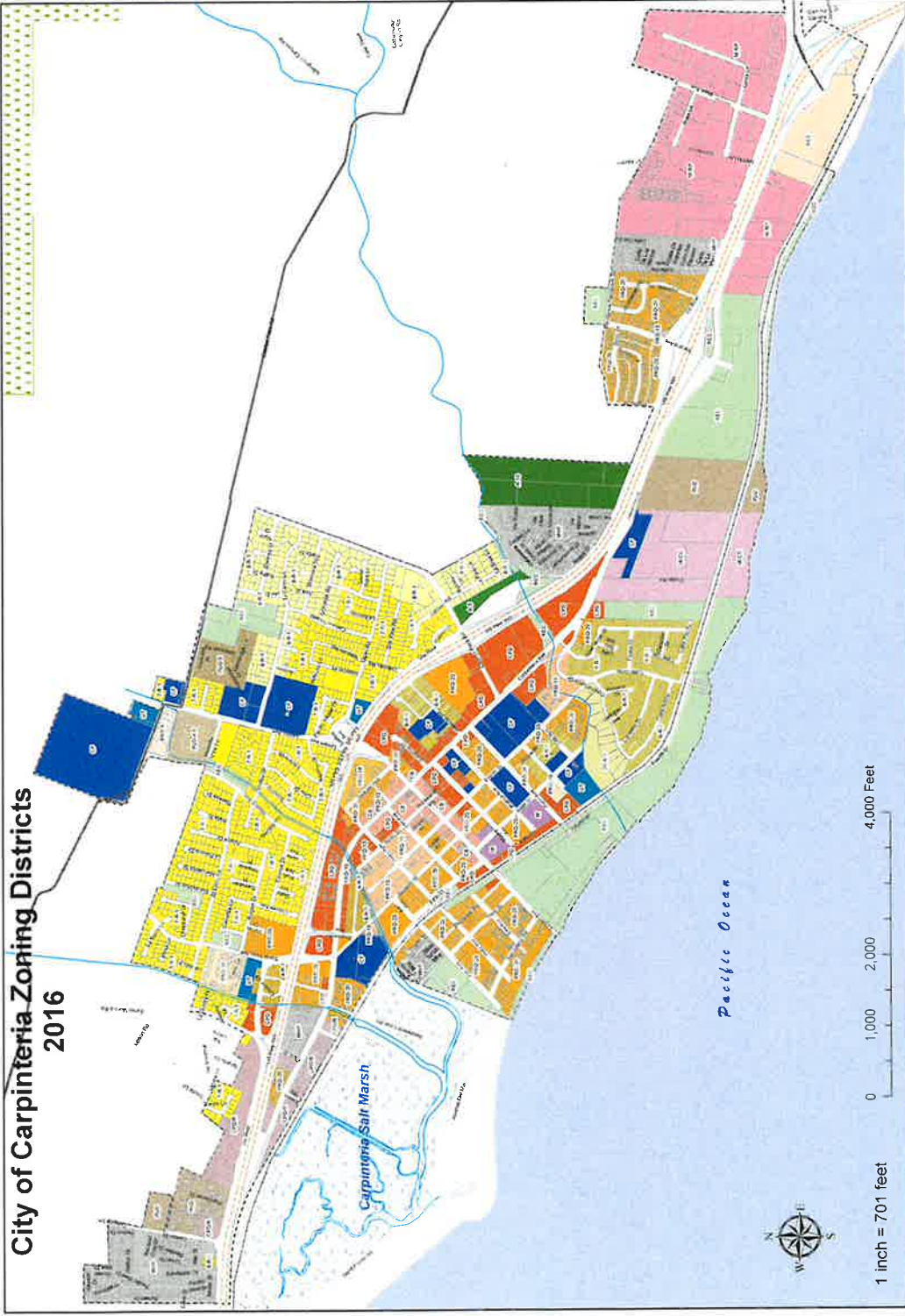
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Attachment C
City of Carpinteria Zoning Map

**Proposed Accessory Dwelling Unit (ADU) and
Junior Accessory Dwelling Unit (JADU) Program**
October 4, 2021

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City of Carpinteria Zoning Districts 2016



ZONING DISTRICTS

Industrial

- M General Industrial District
- M-CD Coastal Industrial District
- M-RP Industrial Research Park District

Commercial

- CPO Commercial Planned Development District
- CB Central Business District
- CPDR Commercial Planned Development District/ Residential Overlay
- RES Resort District

Other

- UT Public Utility District
- A-10 Agricultural - Minimum 10-Acre Parcel
- REC Recreation District
- A-5 Agricultural - Minimum 5-Acre Parcel
- CF Community Facility District

Residential

- PRD-13 Planned Residential Development District - Maximum Density 13 Units/Acre
- 8-R-1 Single Family Residential District - Minimum Lot Size 8,000 square feet
- PRD-10 Planned Residential Development District - Maximum Density 10 Units/Acre
- PUD Planned Unit Development District
- 7-R-1 Single Family Residential District - Minimum Lot Size 7,000 square feet
- PRD-20 Planned Residential Development District - Maximum Density 20 Units/Acre
- 6-R-1 Single Family Residential District - Minimum Lot Size 6,000 square feet
- 4-R-1 Single Family Residential District - Minimum Lot Size 4,000 square feet
- 20-R-1 Single Family Residential District - Minimum Lot Size 20,000 square feet
- PRD-4 Planned Residential Development District - Maximum Density 4 Units/Acre
- PRD-18 Planned Residential Development District - Maximum Density 18 Units/Acre
- PUD-4.6 Planned Unit Development District - Maximum Density 4.6 Units/Acre
- PUD-5 Planned Unit Development District - Maximum Density 5 Units/Acre
- PRD-15 Planned Residential Development District - Maximum Density 15 Units/Acre
- MHP Mobile Home Park Planned Development District

Schools

- Elementary School
- High School
- Middle School



Revised 8/2016 (10/20/16)
 Replaces LCP-4-CPN-14-0332-1 (Consistency Review) and
 LCP-4-CPN-15-0018-1 (Update/Changes)



1 inch = 701 feet 0 1,000 2,000 4,000 Feet

Pacific Ocean

Carpinteria Salt Marsh

Post-LCP Certification Permit and Appeal Jurisdiction

NOTE

This map has been prepared to show areas of Permit and Appeal Jurisdiction for the City of Carpinteria, California. The map is based on the California Coastal Commission's (CCC) jurisdictional map for the City of Carpinteria, California, dated 10/1/83. The map is subject to change without notice. The map is not to be used for any other purpose. The map is not to be used for any other purpose. The map is not to be used for any other purpose.

Permit Jurisdiction

This area includes only lands below the mean high tide line and lands where the public trust may exist.



Appeal Jurisdiction

This area includes lands between the sea and the designated area of the CCC's jurisdiction. The area is subject to change without notice. The area is not to be used for any other purpose. The area is not to be used for any other purpose.



Appeal Jurisdiction (P.R.C. § 30613)

This area includes lands where the Commission has designated a project as a major energy facility. The area is subject to change without notice. The area is not to be used for any other purpose. The area is not to be used for any other purpose.



First Public Road



100' from stream

First Public Rd.

First Public Rd.

NOTE

In addition to these geographic areas of appeal jurisdiction, the Commission also has jurisdiction over the coastal zone pursuant to PRC Section 30602 (a)(4) and (b)(6):

1. Any development approved by a county that is not designated as a major energy facility and is not approved pursuant to the applicable Local Coastal Program;
2. Any development that constitutes a major public works project or a major energy facility.

In areas where a project is designated as a major energy facility, the area defined as appealable is subject to the Commission's appeal jurisdiction.

I hereby certify that this map approves the boundaries for the City of Carpinteria, California, adopted by the California Coastal Commission on 10/1/83.

Richard L. Brown
Director



City of
CARPINTERIA
CALIFORNIA



Attachment D
Coastal Commission ADU Memo
April 2020

**Proposed Accessory Dwelling Unit (ADU) and
Junior Accessory Dwelling Unit (JADU) Program**
October 4, 2021

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CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400



To: Planning Directors of Coastal Cities and Counties
From: John Ainsworth, Executive Director
Re: Implementation of New ADU Laws
Date: April 21, 2020

The Coastal Commission has previously circulated two memos to help local governments understand how to carry out their Coastal Act obligations while also implementing state requirements regarding the regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"). As of January 1, 2020, AB 68, AB 587, AB 670, AB 881, and SB 13 each changed requirements on how local governments can and cannot regulate ADUs and JADUs, with the goal of increasing statewide availability of smaller, more affordable housing units. This memo is meant to describe the changes that went into effect on January 1, 2020, and to provide guidance on how to harmonize these new requirements with Local Coastal Program ("LCP") and Coastal Act policies.

Coastal Commission Authority Over Housing in the Coastal Zone

The Coastal Act does not exempt local governments from complying with state and federal law "with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any other law hereafter enacted." (Pub. Res. Code § 30007.) The Coastal Act requires the Coastal Commission to encourage housing opportunities for low- and moderate-income households. (Pub. Res. Code § 30604(f).) New residential development must be "located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it" or in other areas where development will not have significant adverse effects on coastal resources. (Pub. Res. Code § 30250.) The creation of new ADUs in existing residential areas is a promising strategy for increasing the supply of lower-cost housing in the coastal zone in a way that may be able to avoid significant adverse impacts on coastal resources.

This memorandum is intended to provide general guidance for local governments with fully certified LCPs. The Coastal Commission is generally responsible for Coastal Act review of ADUs in areas that are not subject to fully certified LCPs. Local governments that have questions about specific circumstances not addressed in this memorandum should contact the appropriate district office of the Commission.

Overview of New Legislation¹

The new legislation effective January 1, 2020 updates existing Government Code Sections 65852.2 and 65852.22 concerning local government procedures for review and approval of ADUs and JADUs. As before, local governments have the discretion to adopt an ADU ordinance that is consistent with state requirements. (Gov. Code § 65852.2(a).) AB 881 (Bloom) made numerous significant changes to Government Code section 65852.2. In their ADU ordinances, local governments may still include specific requirements addressing issues such as design guidelines and protection of historic structures. However, per the recent state law changes, a local ordinance may not require a minimum lot size, owner occupancy of an ADU, fire sprinklers if such sprinklers are not required in the primary dwelling, or replacement offstreet parking for carports or garages demolished to construct ADUs. In addition, a local government may not establish a maximum size for an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom. (Gov. Code § 65852.2(c)(2)(B).) Section 65852.2(a) lists additional mandates for local governments that choose to adopt an ADU ordinance, all of which set the “maximum standards that local agencies shall use to evaluate a proposed [ADU] on a lot that includes a proposed or existing single-family dwelling.” (Gov. Code § 65852.2(a)(6).)

Some local governments have already adopted ADU ordinances. Existing or new ADU ordinances that do *not* meet the requirements of the new legislation are null and void, and will be substituted with the provisions of Section 65852.2(a) until the local government comes into compliance with a new ordinance. (Gov. Code § 65852.2(a)(4).) However, as described below, existing ADU provisions contained in certified LCPs are not superseded by Government Code section 65852.2 and continue to apply to CDP applications for ADUs until an LCP amendment is adopted. One major change to Section 65852.2 is that the California Department of Housing and Community Development (“HCD”) now has an oversight and approval role to ensure that local ADU ordinances are consistent with state law, similar to the Commission’s review of LCPs. If a local government adopts an ordinance that HCD deems to be non-compliant with state law, HCD can notify the Office of the Attorney General. (Gov. Code § 65852.2(h).)

If a local government does *not* adopt an ADU ordinance, state requirements will apply directly. (Gov. Code § 65852.2(b)–(e).) Section 65852.2 subdivisions (b) and (c) require that local agencies shall ministerially approve or disapprove applications for permits to create ADUs. Subdivision (e) requires ministerial approval, whether or not a local government has adopted an ADU ordinance, of applications for building permits of the following types of ADUs and JADUs in residential or mixed use zones:

- One ADU or JADU per lot *within* a proposed or existing single-family dwelling or existing space of a single-family dwelling or accessory structure, including an expansion of up to 150 square feet beyond the existing dimensions of an existing accessory structure; with exterior access from the proposed or existing single-family

¹ This Guidance Memo only provides a partial overview of new legislation related to ADUs. The Coastal Commission does not interpret or implement these new laws.

dwelling; side and rear setbacks sufficient for fire and safety; and, if a JADU, applicant must comply with requirements of Section 65852.22; (§ 65852.2(e)(1)(A)(i)-(iv))

- One detached, new construction ADU, which may be combined with a JADU, so long as the ADU does not exceed four-foot side and rear yard setbacks for the single family residential lot; (§ 65852.2(e)(1)(B))
- Multiple ADUs within the portions of existing multifamily dwelling structures that are not currently used as dwelling spaces; (§ 65852.2(e)(1)(C))
- No more than two detached ADUs on a lot that has an existing multifamily dwelling, subject to a 16-foot height limitation and four-foot rear yard and side setbacks. (§ 65852.2(e)(1)(D))

ADUs and JADUs created pursuant to Subdivision (e) must be rented for terms greater than 30 days. (Gov. Code § 65852.2(e)(4).)

What Should Local Governments in the Coastal Zone Do?

1) Update Local Coastal Programs (LCPs)

Local governments are required to comply with both these new requirements for ADUs/JADUs and the Coastal Act. Currently certified provisions of LCPs are not, however, superseded by Government Code section 65852.2, and continue to apply to CDP applications for ADUs until an LCP amendment is adopted. Where LCP policies directly conflict with the new provisions or require refinement to be consistent with the new laws, those LCPs should be updated to be consistent with the new ADU provisions to the greatest extent feasible, while still complying with Coastal Act requirements.

As noted above, Section 65852.2 expressly allows local governments to adopt local ordinances that include criteria and standards to address a wide variety of concerns, including potential impacts to coastal resources. For example, a local government may address reductions in parking requirements that would have a direct impact on public access. As a result, we encourage local governments to identify the coastal resource context applicable in a local jurisdiction and ensure that any proposed ADU-related LCP amendment appropriately addresses protection of coastal resources consistent with the Coastal Act at the same time that it facilitates ADUs/JADUs consistent with the new ADU provisions. For example, LCPs should ensure that new ADUs are not constructed in locations where they would require the construction of shoreline protective devices, in environmentally sensitive habitat areas, wetlands, or in areas where the ADU's structural stability may be compromised by bluff erosion, flooding, or wave uprush over their lifetime. Our staff is available to assist in the efforts to amend LCPs.

Please note that LCP amendments that involve purely procedural changes, that do not propose changes in land use, and/or that would have no impacts on coastal resources may be eligible for streamlined review as minor or de minimis amendments. (Pub. Res. Code § 30514(d); Cal. Code Regs., tit. 14, § 13554.) The Commission will process ADU-specific LCP amendments as minor or de minimis amendments whenever possible.

2) Follow This Basic Guide When Reviewing ADU or JADU Applications

a. Check Prior CDP History for the Site.

Determine whether a CDP was previously issued for development of the lot and whether that CDP limits, or requires a CDP or CDP amendment for, changes to the approved development or for future development or uses of the site. The applicant should contact the appropriate Coastal Commission district office if a Commission-issued CDP limits the applicant's ability to apply for an ADU or JADU.

b. Determine Whether the Proposed ADU or JADU Qualifies as Development.

Any person "wishing to perform or undertake any development in the coastal zone" shall obtain a CDP. (Pub. Res. Code § 30600.) Development as defined in the Coastal Act includes not only "the placement or erection of any solid material or structure" on land, but also "change in the density or intensity of use of land[.]" (Pub. Res. Code § 30106.) Government Code section 65852.2 states that an ADU that conforms to subdivision (a) "shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot." (Gov. Code § 65852.2(a)(8).)

Conversion of an existing legally established room(s) to create a JADU or ADU within an existing residence, without removal or replacement of major structural components (i.e. roofs, exterior walls, foundations, etc.) and that do not change the size or the intensity of use of the structure may not qualify as development within the meaning of the Coastal Act, or may qualify as development that is either exempt from coastal permit requirements and/or eligible for streamlined processing (Pub. Res. Code §§30106 and 30610), see also below. JADUs created within existing primary dwelling structures that comply with Government Code Sections 65852.2(e) and 65852.22 typically will fall into one of these categories, unless specified otherwise in a previously issued CDP or other coastal authorization for existing development on the lot. However, the conversion of detached structures associated with a primary residence to an ADU or JADU may involve a change in the size or intensity of use that would qualify as development under the Coastal Act and require a coastal development permit, unless determined to be exempt or appropriate for waiver.

c. If the Proposed ADU Qualifies as Development, Determine Whether It Is Exempt.

Improvements such as additions to existing single-family dwellings are generally exempt from Coastal Act permitting requirements except when they involve a risk of adverse environmental effects as specified in the Commission's regulations. (Pub. Res. Code § 30610(a); Cal. Code Regs., tit. 14, § 13250.) Improvements that qualify as exempt development under the Coastal Act and its implementing regulations do not require a CDP from the Commission or a local government unless required pursuant to a previously issued CDP. (Cal. Code Regs., tit. 14, § 13250(b)(6).)

Typically, the construction or conversion of an ADU/JADU contained within or directly attached to an existing single-family residence would qualify as an exempt improvement to a single-family residence. (Cal. Code Regs., tit. 14, § 13250(a)(1).) Guest houses and “self-contained residential units,” i.e. detached residential units, do not qualify as part of a single-family residential structure, and construction of or improvements to them are therefore not exempt development. (Cal. Code Regs., tit. 14, § 13250(a)(2).)

d. If the Proposed ADU is Not Exempt from CDP Requirements, Determine Whether a CDP Waiver Is Appropriate.

If the LCP includes a waiver provision, and the proposed ADU or JADU meets the criteria for a CDP waiver the local government may waive the permit requirement for the proposed ADU or JADU. The Commission generally has allowed a waiver for proposed *detached* ADUs if the executive director determines that the proposed ADU is de minimis development, involving no potential for any adverse effects on coastal resources and is consistent with Chapter 3 policies. (See Pub. Res. Code § 30624.7.)

Some LCPs do not allow for waivers, but may allow similar expedited approval procedures. Those other expedited approval procedures may apply. If an LCP does not include provisions regarding CDP waivers or other similar expedited approvals, the local government may submit an LCP amendment to authorize those procedures.

e. If a Waiver Would Not Be Appropriate, Review CDP Application for Consistency with Certified LCP Requirements.

If a proposed ADU constitutes development, is not exempt, and is not subject to a waiver or similar expedited Coastal Act approval authorized in the certified LCP, it requires a CDP. The CDP must be consistent with the requirements of the certified LCP and, where applicable, the public access and recreation policies of the Coastal Act. The local government then must provide the required public notice for any CDP applications for ADUs and process the application pursuant to LCP requirements, but should process it within the time limits contained in the ADU law if feasible. Once the local government has issued a decision, it must send the required final local action notice to the appropriate district office of the Commission. If the ADU qualifies as appealable development, a local government action to approve a CDP for the ADU may be appealed to the Coastal Commission. (Pub. Res. Code § 30603.)

Information on AB 68, AB 587, AB 670, and SB 13

JADUs – AB 68 (Ting)

JADUs are units of 500 square feet or less, contained entirely within a single-family residence or existing accessory structure. (Gov. Code §§ 65852.2(e)(1)(A)(i) and 65852.22(h)(1).) AB 68 (Ting) made several changes to Government Code section 65852.22, most notably regarding the creation of JADUs pursuant to a local government ordinance. Where a local

government has adopted a JADU ordinance, “[t]he ordinance may require a permit to be obtained for the creation of a [JADU].” (Gov. Code § 65852.22(a).) If a local government adopts a JADU ordinance, a maximum of one JADU shall be allowed on a lot zoned for single-family residences, whether they be proposed or existing single-family residences. (Gov. Code § 65852.22(a)(1).) (This formerly only applied to *existing* single-family residences. Now, proposals for a new single-family residence can include a JADU.) Efficiency kitchens are no longer required to have sinks, but still must include a cooking facility with a food preparation counter and storage cabinets of reasonable size relative to the space. (Gov. Code § 65852.22(a)(6).) Applications for permits pursuant to Section 65852.22 shall be considered ministerially, within 60 days, if there is an existing single-family residence on the lot. (Gov. Code § 65852.22(c).) (Formerly, complete applications were to be acted upon within 120 days.)

If a local government has *not* adopted a JADU ordinance pursuant to Section 65852.22, the local government is required to ministerially approve building permit applications for JADUs within a residential or mixed-use zone pursuant to Section 65852.2(e)(1)(A). (Gov. Code § 65852.22(g).) That section is detailed in bullet points on pages two-three of this memorandum and refers to specific ADU and JADU approval scenarios.

Sale or Conveyance of ADUs Separately from Primary Residence – AB 587 (Friedman)

AB 587 (Friedman) added Section 65852.26 to the Government Code to allow a local government to, by ordinance, allow the conveyance or sale of an ADU separately from a primary residence if several specific conditions all apply. (Gov. Code § 65852.26.) This section only applies to a property built or developed by a qualified nonprofit corporation, which holds enforceable deed restrictions related to affordability and resale to qualified low-income buyers, and holds the property pursuant to a recorded tenancy in common agreement. Please review Government Code Section 65852.26 if such conditions apply.

Covenants and Deed Restrictions Null and Void – AB 670 (Friedman)

AB 670 added Section 4751 to the California Civil Code, making void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an ADU or JADU on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code.

Delayed Enforcement of Notice to Correct a Violation – SB 13 (Wieckowski)

SB 13 (Wieckowski) Section 3 added Section 17980.12 to the Health and Safety Code. The owner of an ADU who receives a notice to correct a violation can request a delay in enforcement, if the ADU was built before January 1, 2020, or if the ADU was built after January 1, 2020, but the jurisdiction did not have a compliant ordinance at the time the request to fix the violation was made. (Health & Saf. Code § 17980.12.) The owner can request a delay of five (5) years on the basis that correcting the violation is not necessary to protect health and safety. (Health & Saf. Code § 17980.12(a)(2).)

Attachment E-1

Sea Level Rise Vulnerability Assessment and Adaptation Plan

Figure 1-1 Land Use Parcels and Structures

Proposed Accessory Dwelling Unit (ADU) and
Junior Accessory Dwelling Unit (JADU) Program

October 4, 2021

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1. Sector Profiles

In order to address sea level rise and associated coastal hazards, the City of Carpinteria (City) and its consultant team prepared the 2019 Sea Level Rise Vulnerability Assessment and Adaptation Project (Report). The purpose of this Report is to provide technical analysis using climatic modeling and geospatial analyses to support the City's efforts to incorporate policy responses to a range of coastal and climate change hazards into the City's planning and regulatory processes in the Coastal Zone. This information will assist the City in making decisions regarding land use policies and development standards from a long-range planning level to the individual project level. These sector profiles summarize the findings of the vulnerability analyses to support decision-making. Each of the following sectors contain a vulnerability map and summary of findings:

- Land Use Parcels and Structures
- Roads and Parking
- Public Transportation
- Camping and Visitor Accommodations
- Coastal Trails and Access
- Hazardous Materials Sites, and Oil and Gas Wells
- Stormwater Infrastructure
- Wastewater Infrastructure
- Water Supply Infrastructure
- Community Facilities and Critical Services
- Environmentally Sensitive Habitat Area

Within each sector profile, an overview provides a summary of the key findings for each sector. Existing and future vulnerabilities highlight potential risks from tidal inundation, coastal erosion, and coastal flooding. For each projected sea level rise elevations, results are summarized based on what becomes vulnerable. If nothing is reported with additional sea level rise over that timeframe, no additional vulnerabilities are identified.

The approximately 5 feet of sea level rise by 2100 scenario identifies both what becomes vulnerable between approximately 2 and approximately 5 feet of sea level rise, as well as the cumulative totals for all planning horizons. Please note that under the worst-case H+++, approximately 5 feet of sea level rise could occur as early as 2070.

A range of potential adaptation strategies to address potential vulnerabilities are identified within the sector.

Potential next steps include examples of policy direction, monitoring needs, and potential adaptation projects. Section 7, *Adaptation Overview*, and Section 8, *Specific Adaptation and Resiliency Strategies* further identify and recommend potential adaptation strategies based on vulnerable assets, community priorities, and stakeholder input, within the framework of the California Coastal Act, California Coastal Commission (CCC) 2018 *Sea Level Rise Policy Guidance – Final Science Update*.

LAND USE PARCELS AND STRUCTURES

Overview

Land uses are categorized by: (1) residential, (2) commercial and mixed use, (3) industrial, and (4) open space and recreation. To identify land uses vulnerable to SLR and coastal hazards, this study evaluated the following:

Number of Parcels/Acreages/Number of Structures at Risk with 5' of SLR

Residential	Commercial & Mixed Use	Industrial	Open Space & Recreational
769/44.8 acres/579	20/5.85 acres/16	10/5.02 acres/11	59/105.82 acres/11

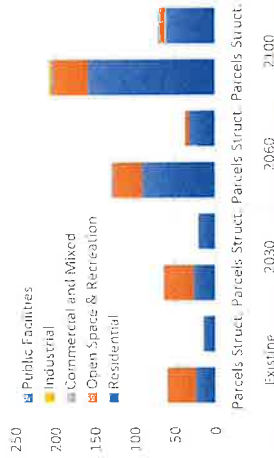
- Property damage from coastal flooding and erosion
 - Property values exposed to tidal flooding
- Currently, residential parcels comprise approximately 90% of all parcels vulnerable to coastal hazards. Most of these vulnerable parcels are in the Beach Neighborhood. With 1' of SLR, coastal flooding extends further inland into the Beach Neighborhood. With 2' of SLR, beach/dune erosion could damage parcels/homes in the Beach Neighborhood south of Sandland Road due to flooding and minor periodic tidal inundation. With 5' of SLR, the Concha Loma Neighborhood and Carpinteria Bluffs would see substantial erosion; much of the Beach Neighborhood could be damaged/inundated by high monthly tides. Although not the focus of this study, fluvial (creek) flooding creates substantial existing and future vulnerabilities to many land uses (see Appendix C).

Coastal Erosion

Currently, beach/dune erosion could damage 15 residential structures and State and City lifeguard towers are at risk. With 5' of SLR, 132 residential parcels may be eroded, with homes damaged/destroyed and restaurants on Ash Ave. and State Beach become vulnerable. No commercial or industrial structures are at risk.

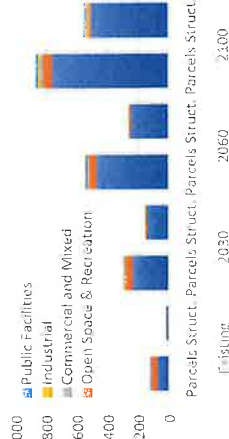
Cliff erosion currently exposes 18 open space parcels (39.2 acres) along the Carpinteria Bluffs to damage. With 5' of SLR, erosion accelerates and 44 open space parcels may be at risk, including Bluff 0, and 28 residential parcels and the UPRR and 21 structures with in the Concha Loma Neighborhood and up to 3 structures in bluffs industrial area.

ECONOMICS: Without adaptation, coastal erosion damage to all land uses escalate from an existing \$3.7 million to \$35.9 million with 1' of SLR, \$114.8 million with 2' of SLR, and \$285.5 million with 5' of SLR; damage primarily impacts Beach Neighborhood residential multi-unit properties in the, Concha Loma homes, Bluff industrial buildings Carpinteria Bluffs open space and UPRR.



Coastal Flooding

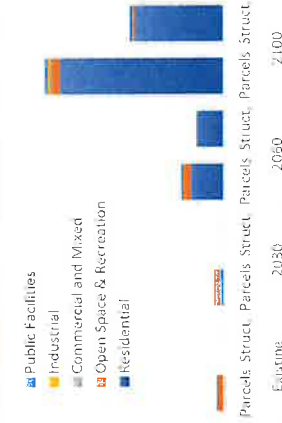
Currently, 20 structures (19 residential and 1 industrial) are vulnerable. This increases to 156 structures with 1' of SLR, mainly in the Beach Neighborhood. With 2' of SLR, 265 total structures become vulnerable extending north of the railroad and inland of the Salt Marsh. With 5' of SLR, 553 total structures could be exposed to flooding; homes north of the State Park and the Salt Marsh may be at risk. 11 additional commercial buildings and 9 industrial structures become vulnerable in a large wave event with 5' of SLR, particularly along Carpinteria Avenue.



ECONOMICS: Currently \$8.5 million of property is vulnerable to coastal flooding from a 1% wave event, rising to \$28.0 million with 1' of SLR, \$53.8 million with 2' of SLR, and \$128.8 million with 5' of SLR, the majority of which is multi-unit residences in the Beach Neighborhood, with flooding extending inland to and beyond the UPRR.

Tidal Inundation

Currently, monthly tidal inundation does not impact structures. By 2' of SLR, risk increases to 105 residential structures. With 5' of SLR, monthly tidal inundation is projected to affect 510 residential, 13 commercial, and 11 industrial structures; monthly high tides inundate Beach Neighborhood to UPRR.



ECONOMICS: Estimates for tidal inundation impacts are for property value at risk. Actual damages will likely be smaller (e.g., frequent clean up and repair). Currently, \$800,000 (mainly open space) is exposed, though exposure rises quickly to \$42.1 million in 2030, \$111.5 million with 2' of SLR, and \$496.7 million with 5' of SLR.

Adaptation Strategies

Range of Strategies:

Protect – Develop a regular beach nourishment program with both sand and cobbles. Transition the winter storm berm program to a permanent “living shoreline” dune system to protect against coastal erosion. Examine potential of offshore structures and sand retention structures to dissipate wave energy and/or widen the natural beaches.

Accommodate – Amend City building code and zoning ordinance to improve foundation requirements or to enable elevation and/or relocation to occur over time. Update setback requirements to account for acceleration of erosion.

Manage – Develop a repetitive loss program to allow for public acquisition of properties. Establish a coastal adaptation overlay zone that would encourage the siting of new development or redevelopment away from coastal hazards.

Trade-offs: Managed retreat strategies may result in loss of development and subsequent impacts to City's tax base/revenues. Hard armoring may protect some structures, but could also threaten the beach, coastal recreation and access, natural processes and habitats over time. Green protection strategies (e.g., sediment nourishment, dunes) may benefit beach recreation and protect homes but require routine maintenance, regular secure funding, and may be less effective with 5' of SLR without other actions.

Potential Next Steps

Policy:

- Allow increases to base floor elevation or movable foundation standards for new development.
- Develop real estate disclosure requirements to inform homebuyers of the risk of living adjacent to the coast.
- Potentially require abandonment or relocation of derelict or threatened structures.
- Establish an assessment district or seek regular state/federal funding for shoreline management (e.g., beach nourishment).

Projects:

- Support regional beach nourishment and develop a long-term dune and shoreline management plan.

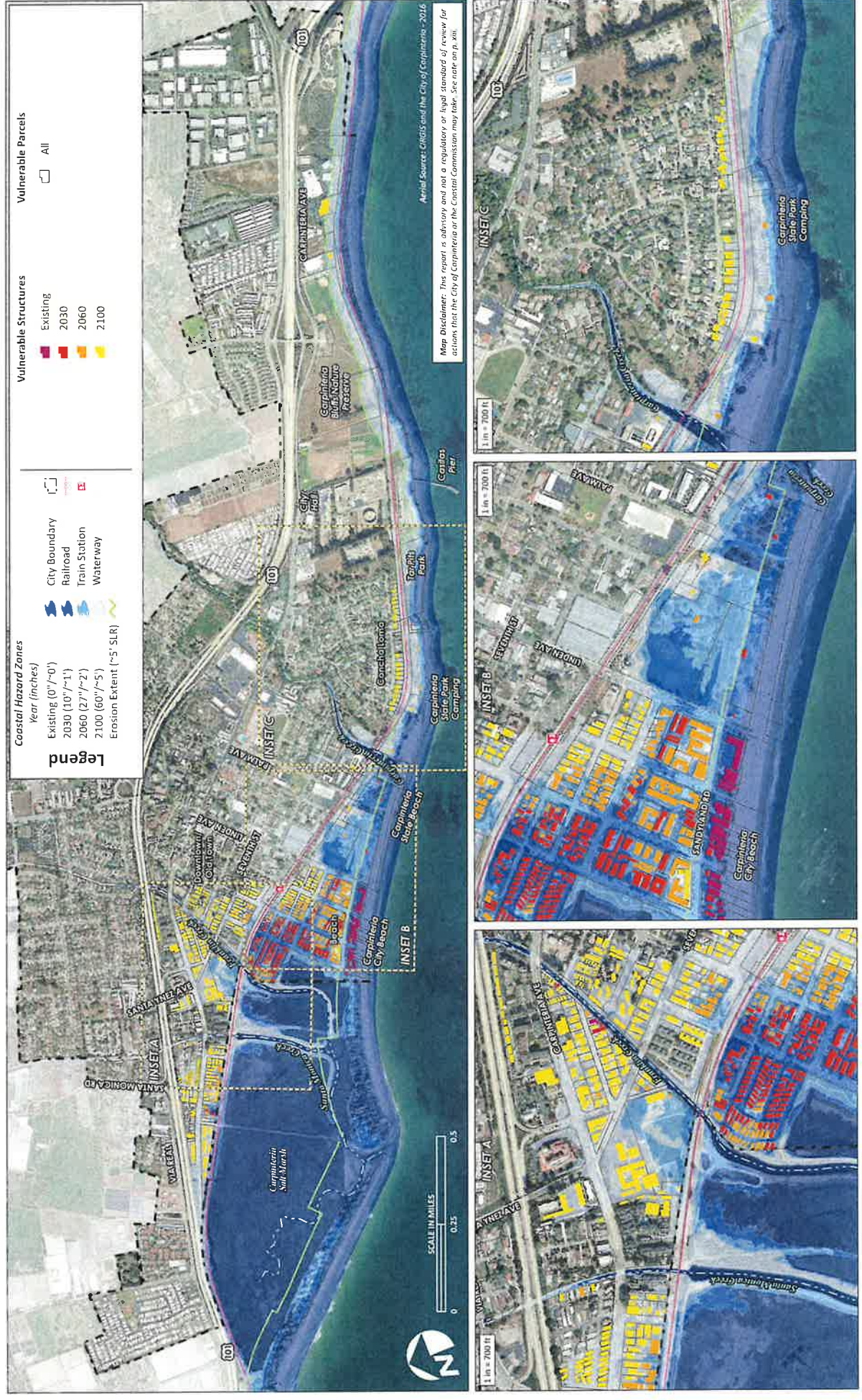
Monitoring:

- Monitor frequency, duration, and depth of flood impacts.

Tipping Point:

- With 2' of SLR, substantial damages are projected.

Figure 1-1. Land Use Parcels and Structures



Attachment E-2

Sea Level Rise Vulnerability Assessment and Adaptation Plan

Figure 1-2 Roads and Parking

**Proposed Accessory Dwelling Unit (ADU) and
Junior Accessory Dwelling Unit (JADU) Program**

October 4, 2021

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ROADS AND PARKING

Overview

To identify roads and parking facilities potentially vulnerable to climate change and SLR hazards, this study evaluated:

- 50.3 Miles of Roads • 16 Parking Areas

Currently, coastal erosion and tidal inundation do not substantially impact roads or parking. Street end parking in the Beach Neighborhood and State Park lots are currently exposed to coastal flooding. With 1' of SLR, additional roads and street end parking in the Beach Neighborhood and Carpinteria State Beach becomes at risk from coastal flooding, which may include damage or loss of roadways. With 2' of SLR, coastal flooding impacts escalate and affect an additional 2.0 miles of roads and coastal erosion may impact 7 parking lots. With 5' of SLR, road impacts from all coastal hazards increase substantially. Coastal flooding could pose a risk to a total 4.8 miles of roads and 11 parking lots in the Beach Neighborhood, Carpinteria State Beach and Downtown north (inland) of the railroad, including the train station parking lot (City Parking Lot #3). A total of 8 parking areas could become routinely inundated during monthly high tides, and 9 lots could be exposed to erosion in the Beach Neighborhood and Carpinteria State Beach.

Tipping Point: With 2' of SLR, tidal inundation impacts to roads and erosion impacts to parking lots escalate.

Existing Vulnerabilities

Tidal Inundation • Roads – <0.1-mile • Parking Lots – 0	Coastal Flooding • Roads – 0.1-mile • Parking Lots – 7
Roads: Roadways in the immediate vicinity of the City Beach and State Beach are the most vulnerable to coastal hazards. Parking: Public coastal access parking lots at the ends of Ash, Holly, Elm, and Linden Avenues in the Beach Neighborhood, and Carpinteria State Beach parking lots are currently at risk from coastal flooding during a 1% annual chance storm. ECONOMICS: Damage to parking facilities may affect beach visitation and consumer spending.	

Future Vulnerabilities

10.2 inches (~1 foot) by ~2030

Tidal Inundation (total) • Roads – <0.1-mile • Parking Lots – 0	Coastal Flooding (total) • Roads – 0.1-mile • Parking Lots – 1
Roads: 1.1 miles of roads become vulnerable to hazards along lower Linden and Elm Avenues. Parking: 1 additional parking lot at the end of Linden Avenue in the Beach Neighborhood becomes at risk to coastal erosion, and 1 additional parking lot at Carpinteria State Beach becomes vulnerable to coastal flooding. ECONOMICS: Damage to parking facilities may affect beach visitation, consumer spending and require recurring expensive clean up and repair.	

27.2 inches (~2 feet) by ~2060

Tidal Inundation (total) • Roads – 0.8-mile • Parking Lots – 1	Coastal Flooding (total) • Roads – 0.1-mile • Parking Lots – 7
Roads: Coastal hazards expand to impact Ash, Holly, Elm, and Linden Avenues further into the Beach Neighborhood. Parking: Additional parking facilities that were previously exposed to only coastal flooding become exposed to coastal erosion and tidal inundation. ECONOMICS: Potential road damage from coastal erosion (325 feet) is estimated at \$90,000; recurring impacts to roads and parking areas would require expensive clean up and repair costs that could impact City and State Park budgets.	

60.2 inches (~5 feet) by ~2100

Tidal Inundation (total) • Roads – 3.0 miles • Parking Lots – 8	Coastal Erosion (total) • Roads – 0.7-mile • Parking Lots – 9	Coastal Flooding (total) • Roads – 4.8 miles • Parking Lots – 11
Roads: Impacts from all coastal hazards increase substantially, affecting additional roadways including all of the Beach Neighborhood, Carpinteria State Beach, north of the railroad, U.S. Highway 101, and inland of the Salt Marsh along portions of Carpinteria Ave and 7th Street near Franklin Creek. Parking: Coastal hazard impacts could extend to onstreet parking in the Beach Neighborhood, facilities in Carpinteria State Beach, the train station parking lot (City Parking Lot #3), and curbside parking along Holly Avenue. ECONOMICS: Potential road replacement costs are estimated at \$1,050,000 (3,733 feet) from coastal erosion. Disruption to U.S. Highway 101 could have significant economic consequences. Damage to parking may affect beach visitation and spending; recurring impacts to roads and parking areas expensive clean up and repair could impact City and State Park budgets.		

Adaptation Strategies

Range of Strategies:

Protect – Implement regular beach nourishment program with both cobbles and sand. Expand the winter storm berm program to create a “living shoreline” dune system to protect against coastal erosion. Consider a combination of dune system with sand retention where needed to maintain a sandy beach buffer that protects essential roads or parking.

Accommodate – Elevate roads and parking lots above future projected coastal flood levels through construction of raised causeways, or by incrementally elevating road and parking area surfaces by 2-3 inches during routine repaving. Install storm drain pumps to dewater the most vulnerable road segments and parking areas.

Manage – Relocate or remove roads and parking lots from the hazardous areas along the shoreline.

Trade-offs:

Management strategies may impact traffic and coastal access, depending on the location of realigned roads. Increasing road and parking elevation may flood adjacent properties or exacerbate storm water flooding. Green protection measures such as beach or dune nourishment require recurring maintenance expenses, with more frequent maintenance requirements for higher levels of SLR. Gray techniques using revetments would provide protection, but could impact beach and dune habitats, natural processes and coastal access.

Potential Next Steps

Policy:

- Coordinate with Caltrans to ensure that regional connections such as U.S. Highway 101 remain intact.
- Coordinate with State Parks on shoreline management, beach nourishment, and coastal access parking.
- Coordinate with the County, coastal cities, BEACON, and local state legislators to create a sustainable funding mechanism for beach nourishment.

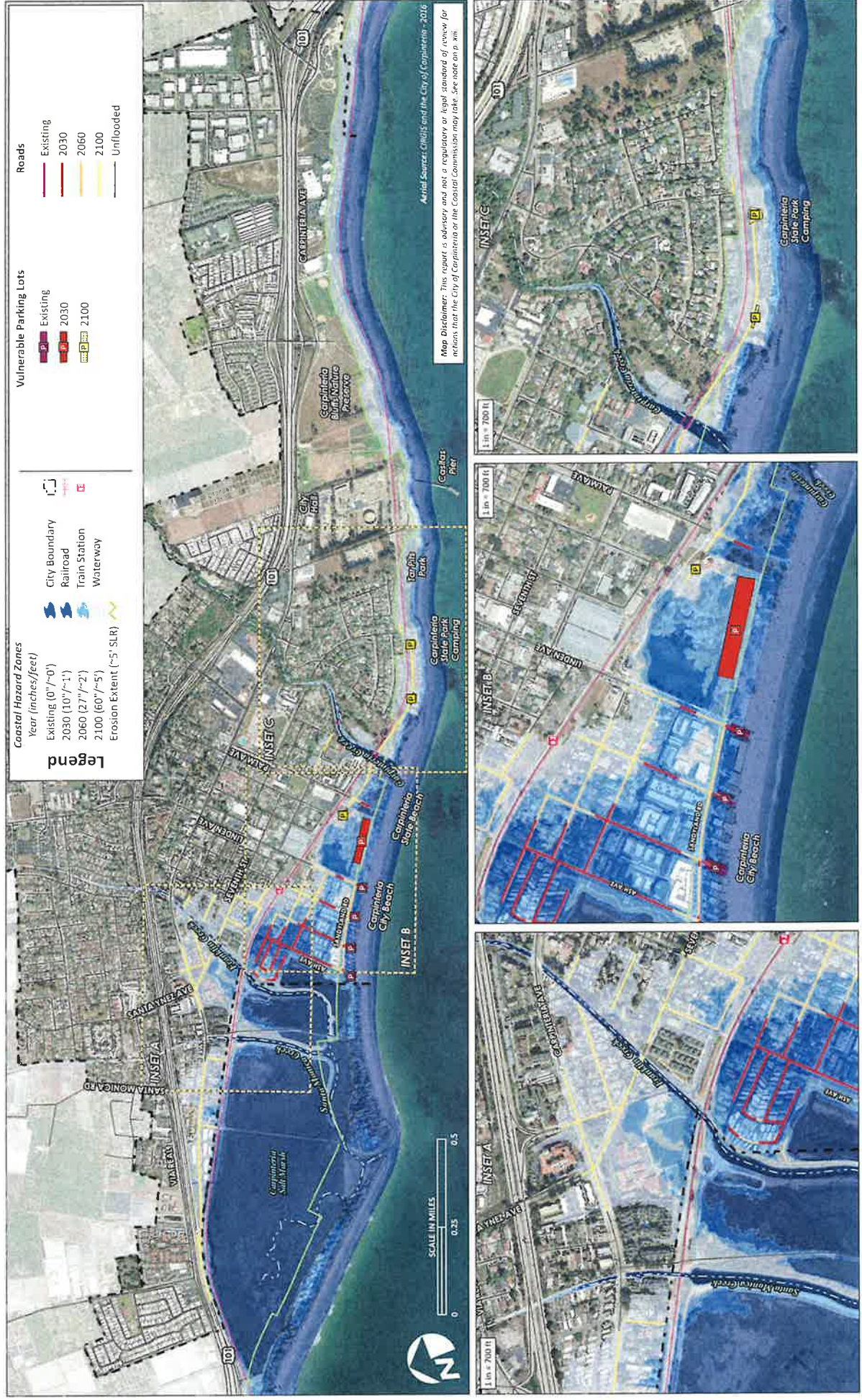
Projects:

- Redesign, realign, or relocate critical roads and parking.
- Amend the City's Capital Improvement Plan to require roadway elevation during street resurfacing.
- Perform regular beach nourishment and dune restoration.

Monitoring:

- Update the Local Hazard Mitigation Plan (LHMP) to identify preferred adaptation strategies to reduce impacts to roads and parking facilities.
- Monitor depth, extent, and frequency of road and parking facility flooding along areas with identified vulnerability.

Figure 1-2. Roads and Parking



Attachment E-3

Sea Level Rise Vulnerability Assessment and Adaptation Plan

Figure 1-5 Coastal Trails and Access

**Proposed Accessory Dwelling Unit (ADU) and
Junior Accessory Dwelling Unit (JADU) Program**

October 4, 2021

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COASTAL ACCESS AND TRAILS

Overview

To identify coastal access ways and trails potentially vulnerable to climate change and SLR hazards, this study evaluated the following:

- 13 Vertical Coastal Access Points
- 2.5 Miles of Lateral Coastal Access
- 5.2 Miles of Trails (Salt Marsh & Bluffs)



Vertical Coastal Access and bluff top trail near seal haulout (Photo: California Coastal Records)



Alt. Avenue Vertical Coastal Access and Carpinteria Salt Marsh Trail (Photo: California Coastal Records Project)

Currently, all the vertical coastal access points and all lateral coastal trails are vulnerable to coastal erosion and coastal flooding, and more than half of them are vulnerable to tidal inundation. With 5' of SLR, all vertical access trails, lateral coastal access along beach and all bluff top coastal trails and those within Carpinteria Salt Marsh Park are vulnerable to coastal erosion, coastal flooding, and tidal inundation.

Tipping Point: With 2' of SLR, coastal erosion and flooding regularly impacts beaches, and dunes and cliff erosion impact lateral and vertical access trails.

Existing Vulnerabilities

Tidal Inundation

- Vertical Coastal Access Points – >6
- Lateral Coastal Access – 2.5 miles
- Trails – <0.1-mile

Vertical Coastal Access: At least half of the vertical access points west of Carpinteria Creek are susceptible to tidal inundation during monthly extreme tides or large coastal storm waves, and all access points are currently at risk from coastal erosion and coastal flooding; vertical access points east of Carpinteria Creek (e.g., Tar Pits Park, Carpinteria Bluffs) are vulnerable to cliff erosion.

Lateral Coastal Access: All 2.5 miles (100%) of lateral access along City beaches are vulnerable to coastal flooding and erosion from a 100-year wave event, but generally recover post-storm.

Trails: 0.4-mile (100%) of the Carpinteria Salt Marsh Trail is susceptible to coastal flooding.

ECONOMICS: Carpinteria's beaches generate 1.5 million beach-day visits per year, with 600,000 going to the City Beach and 910,000 attending the State Beach. Beach visitors spend \$48 million per year, generating \$445,000 in sales tax revenue for the City and \$2.3 million in ToT revenue from hotels and short term rentals. This study did not estimate costs associated with loss in recreational value or replacement of trails.

Future Vulnerabilities

10.2 inches (~1 foot) by 2030

Tidal Inundation (total)

- Vertical Coastal Access Points – 13
- Lateral Coastal Access – 2.5 miles
- Trails – <0.1-mile

Vertical Coastal Access: All vertical access points are susceptible to tidal inundation and continue to be vulnerable to coastal erosion and coastal flooding.

Lateral Coastal Access: Lateral beach access along all 2.5 miles of City beaches becomes more vulnerable to tidal inundation, coastal erosion, and coastal flooding.

Trails: Coastal erosion may impact an additional 0.7-mile (15%) of the bluff top trail through the Carpinteria Bluffs.

27.2 inches (~2 feet) by 2060

Tidal Inundation (total)

- Vertical Coastal Access Points – 13
- Lateral Coastal Access – 2.5 miles
- Trails – 0.1-mile

Coastal Erosion (total)

- Vertical Coastal Access Points – 13
- Lateral Coastal Access – 2.5 miles
- Trails – 2.7 miles

Coastal Flooding (total)

- Vertical Coastal Access Points – 13 additional
- Lateral Coastal Access – 2.5 miles
- Trails – 3.4 miles

Vertical Coastal Access: All vertical access points continue to be vulnerable to coastal/cliff erosion and/or coastal flooding. At the State Beach, coastal hazards could extend further inland from the vertical access points.

Lateral Coastal Access: All lateral access is susceptible to tidal inundation, coastal erosion, and coastal flooding.

Trails: Coastal cliff erosion may impact an additional 0.8-mile (17%) of the bluff top trail that transverses the Carpinteria Bluffs, Carpinteria State Beach, Tar Pits Park, and Carpinteria Salt Marsh Park.

60.2 inches (~5 feet) by 2100

Tidal Inundation (total)

- Vertical Coastal Access Points – 13
- Lateral Coastal Access – 2.5 miles
- Trails – 1.4 miles

Coastal Erosion (total)

- Vertical Coastal Access Points – 13
- Lateral Coastal Access – 2.5 miles
- Trails – 4.6 miles

Coastal Flooding (total)

- Vertical Coastal Access Points – 13
- Lateral Coastal Access – 2.5 miles
- Trails – 5.4 miles

Vertical Coastal Access: All vertical access points continue to be vulnerable to coastal erosion and coastal flooding. At the State Beach, coastal hazards could extend further inland from the vertical access points.

Lateral Coastal Access: Depending on degree of shoreline retreat, beach may transition to intertidal and subtidal, severely limiting lateral beach access.

Trails: Coastal erosion may impact an additional 1.9 miles or 40% a total of 4.6 miles of the bluff top trail and interweaving trails of the various parks along the City's almost 3.0-mile long shoreline extent.

Adaptation Strategies

Range of Strategies:

Protect – Consider green protection measures such as augmentation of sand dunes and cobble beach nourishment. Consider gray protection devices such as sand retention structures or offshore breakwaters.

Accommodate – Elevate the grade of trails to accommodate future coastal flood levels.

Manage – Remove or relocate trails and coastal access ways away from areas vulnerable to coastal hazards.

Trade-offs: Green protection measures may benefit lateral access by maintaining sandy and intertidal beaches for recreational uses, but require regular maintenance, particularly with higher levels of SLR. Gray protection measures would effectively protect coastal access and trails but could lead to loss of beaches and public access over time. Measures such as sand retention or offshore breakwaters may better maintain access and beaches over time as compared to revetments.

Potential Next Steps

Policy:

- Coordinate with State Parks and regional partners on shoreline management to maintain beach access.

Monitoring:

- Monitor depth, extent, and frequency of flooding within the State Beach.

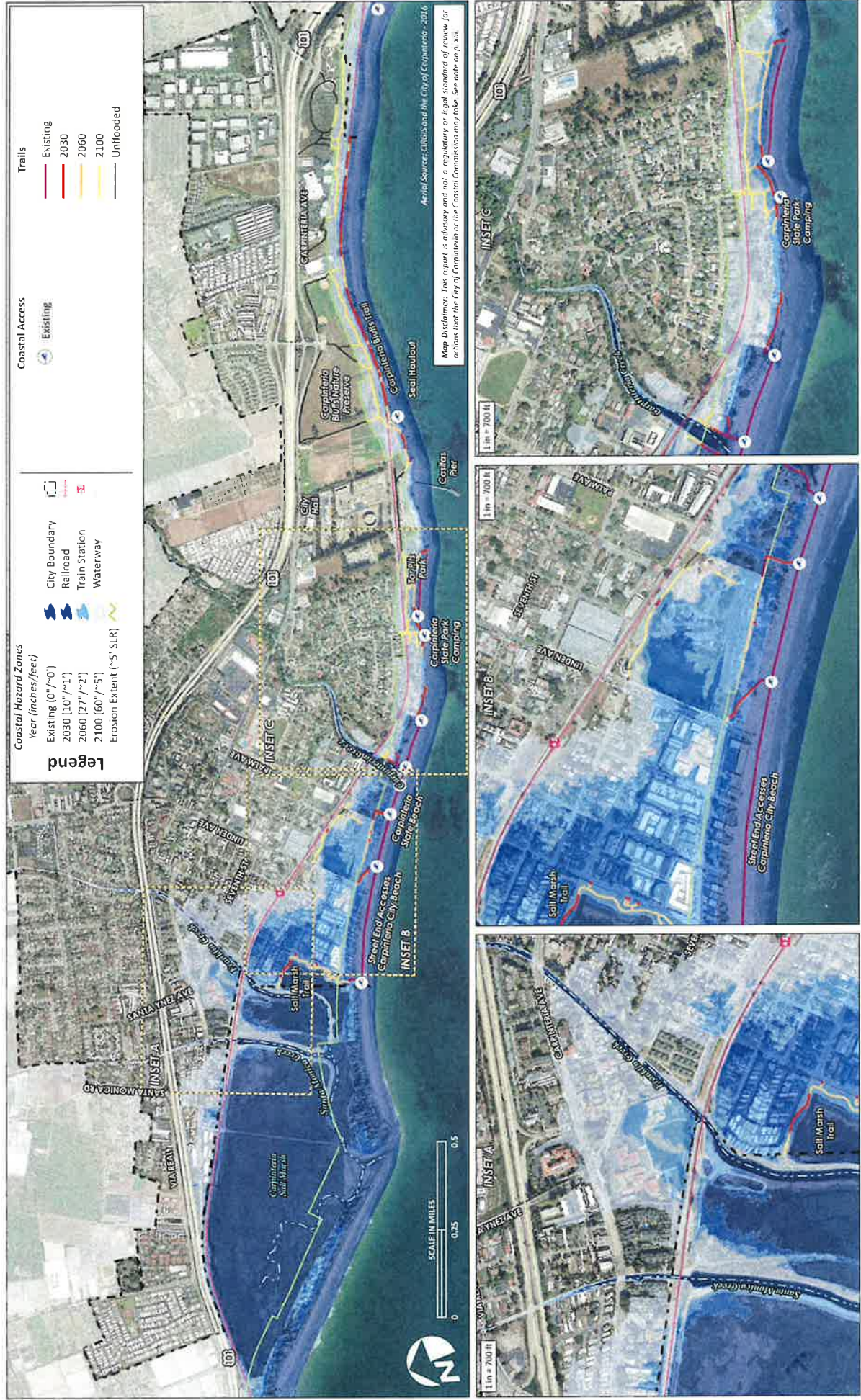
Data Needs:

- Coordinate with the County, other coastal cities (e.g., BEACON), and local legislators to create sustainable funding mechanism for beach nourishment and other measures.
- Designated alignment of the California Coastal Trail.
- Complete trail network in the City.

Projects:

- Develop a long-range plan for the California Coastal Trail.
- Relocate portions of trails exposed to erosion.
- Perform regular beach nourishment/ dune restoration.

Figure 1-5. Coastal Trails and Access



Attachment E-4

Sea Level Rise Vulnerability Assessment and Adaptation Plan

Figure 1-11 Environmentally Sensitive Habitat Area

Proposed Accessory Dwelling Unit (ADU) and
Junior Accessory Dwelling Unit (JADU) Program

October 4, 2021

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Environmentally Sensitive Habitat Area (ESHA)

Overview

Within the City, ESHA includes native habitats on the Carpinteria Bluffs (e.g., coastal bluff scrub), wetlands of the Carpinteria Salt marsh and Carpinteria Creek, beaches, dunes, reefs, a harbor seal rookery and monarch butterfly roosts. Coastal hazards and SLR could directly impact substantial acreage of existing ESHA in the City. Coastal flooding and cliff erosion could impact the greatest acreage of ESHA; SLR may cause transitions in wetland habitats. Impacts of climate change extend beyond sea level rise and would affect temperature, precipitation, droughts, and wildfire risk; for more information see Section 6.8, *Environmentally Sensitive Habitat Area*.

ESHA Directly Influenced by Coastal Hazards and Sea Level Rise

Hazard	Dune Erosion	Cliff Erosion Combined Acreage of ESHA Habitats	Tidal Inundation	Coastal Flooding
Existing Vulnerabilities	19.3	15.6	10.1	46.5
2030	1.9	3.8	1.6	7.3
2060	2.3	9.1	3.1	12.9
2100	3.0	27.1	14.6	30.2
Cumulative Total	26.5	55.6	29.4	96.9

Note: The variability in the onshore acreages relates to where the different coastal hazard zones (arbitrarily drawn offshore) and the ESHA mapping overlap; boundaries of offshore ESHA (e.g., kelp beds, subtidal reefs) are not well defined.

Reporting acreages of vulnerable ESHA may misrepresent habitat vulnerability. Quantitatively predicting future habitats is challenging as there is a complex interplay of variables. As coastal hazards and SLR progress, habitats may disappear from current location (e.g., dune erosion) if strategies are implemented to protect landward resources or migrate landward if there is adaptation (e.g., managed retreat). Likely impacts to the seven types of ESHA in the City due to SLR and coastal hazards are qualitatively analyzed and summarized below.

Carpinteria Bluffs

The Carpinteria Bluffs and adjacent shoreline host many sensitive animal species, including the white-tailed kite and the harbor seal. ESHA may include the Central Coast riparian scrub, coastal sage scrub, and coastal bluff scrub. Nearshore ESHA below the Carpinteria Bluffs, consisting of rocky intertidal habitat interspersed with sandy beach, may be more frequently submerged by SLR, with accelerated bluff erosion and increased depth and duration of coastal flooding. Coastal bluff scrub habitats and bluff face wetland seeps would be directly impacted by accelerated bluff erosion associated with SLR, although such habitats may re-establish after bluff failures and retreat with eroding bluffs, depending on available space to do so. Bluff top habitats including coastal sage scrub, nonnative grassland, eucalyptus groves, Central Coast riparian scrub in Carpinteria Bluffs II, and ephermal wetlands and associated endangered vernal pool fairy shrimp in Carpinteria Bluffs III would all be threatened, with up to 360-460 feet of bluff erosion with 5' of SLR by 2100, potentially eliminating large areas of these habitats.

Wetlands within Carpinteria Salt Marsh

High salt marsh and transitional ESHA are most vulnerable to SLR. With 1' of SLR, vegetated high marsh habitat would begin to be more frequently inundated, converting to mudflat habitat with 5' of SLR by 2100. This could lead to conversion of most low, mid, and high marsh vegetated habitats to subtidal habitats. Because the marsh is confined by the railroad, U.S. Highway 101, and urban development, potential for landward retreat of these habitats is limited. Sediment input from Franklin and Santa Monica Creeks at the east end of the marsh and from beaches at the marsh mouth could increase marsh surface elevations and permit some habitat adaptation in these areas. A transition of this vegetated high marsh ESHA to mudflat or subtidal habitat could affect 14 of the 16 plant species of special concern found in the salt marsh as well as species such as the endangered Belding's savannah sparrow and others which are dependent upon vegetated marsh ESHA.

Beaches, Dunes, Tidelands, and Subtidal Reefs

Carpinteria beaches, some of which may be considered ESHA, are projected to narrow as SLR increases, even in places where sand dunes (e.g., at the State Beach) back the beach. With between 1' and 2' of SLR, dune erosion would accelerate and about 60% of the dry sand beaches could erode or become more frequently submerged, transitioning to intertidal or subtidal beach. With 5' of SLR by 2100, beaches and dunes would be severely eroded and frequently inundated impacting ESHA, unless the shoreline retreats substantially landward; such retreat would require relocation of State Park campgrounds and parking lots. Loss of beach upper intertidal zone would reduce the connectivity required by species to migrate inland to survive high waves and storm conditions. Depending on shoreline landward retreat, rocky intertidal habitats may become increasingly subtidal, potentially transition to subtidal reefs.

Harbor Seal Rookery and Haulouts

The harbor seal rookery and haulout area could be more frequently inundated by tides and wave action. If coastal bluff erosion is allowed to continue unabated, the seal haulout may migrate landward with the beach; however, if the rate of SLR exceeds the rate of bluff erosion, then the beach and the haulout will be inundated for more of the tide cycle, potentially reducing or eliminating beach used for haul out.

Creek and Riparian Habitats

Carpinteria Creek is the most significant creek ESHA in the City as it is a perennial stream, supports a major riparian woodland serves as designated Critical Habitat for southern steelhead trout, and its lagoon is a sensitive wetland that harbors an endangered fish species, the tidewater goby. Assuming adequate sediment supply from upcoast Santa Barbara Harbor continues, and maintains a beach in front, then the seasonal lagoon opening and closing should be maintained, if the beach is allowed to migrate landward. The Creeks' riparian habitats including tall canopy, midstory, and understory -- that serve a wide variety of wildlife including birds may transition to estuarine habitats with increased seawater intrusion under SLR. With 5' of SLR, riparian habitats south of 8th Street would be impacted by regular tidal inundation up Carpinteria Creek, which would reduce riparian vegetation. The extent of riparian habitat transition to estuarine and associated adjacent upland scrub habitat would likely correspond with extents of tidal inundation, which increases with SLR.

Native Plant Communities

Native plant communities that may be considered ESHA include: coastal sage scrub, oaks, chaparral, native oak woodland, riparian vegetation, and rare plant species. Coastal hazards and SLR would impact these communities in different ways, depending on their location. For example, plant communities such as coastal sage scrub and chaparral that exist on the Carpinteria Bluffs would be increasingly vulnerable to cliff erosion as SLR increases. The vulnerability of riparian vegetation would increase as coastal flooding and tidal inundation extends further into the reaches of creeks, altering suitability of riparian habitat as SLR increases, which could result in additional estuarine or marsh habitat in these areas.

Monarch Butterfly Habitat

The Monarch butterfly roosts within the riparian corridor of Carpinteria Creek are the most susceptible to coastal flooding hazards, and a large flood event could uproot trees and disturb habitat. The Monarch butterfly roosts in the Venoco buffer parcels along the Carpinteria Bluffs may eventually become vulnerable to coastal cliff erosion as SLR increases.

Adaptation Strategies

Range of Strategies:

Protect – Expand flood plains, augment sand dunes, and perform regular beach nourishment with sand and/or cobbles to sustain beach and dune systems, maintain seal haul out area, and reduce erosion and loss of terrestrial habitats. Consider fixing the landward ocean boundary through the use of shoreline protective devices and/or increased floodwalls.

Accommodate – Use excess sediment to elevate vulnerable portions of Carpinteria Salt Marsh and protect Carpinteria Lagoon.

Manage – Coordinate with State Parks to allow beach, dune, and bluff ecosystems to migrate landward where possible or when unavoidable. As the Carpinteria Salt Marsh is largely surrounded by the UPRR, flood control levees, and concrete lined channels, consider allowing salt marsh habitat to migrate landward toward the City's Salt Marsh Park and Aliso School. Additionally, floodplain setbacks along creek corridors could be expanded. Incorporate phased upgrading of existing walkways to raised boardwalks in order to support ESHA while maintaining use and public access.

Trade-offs: Green protection measures through floodplain setbacks, beach and dune nourishment may require frequent maintenance with higher levels of SLR, but may benefit habitats by maintaining floodplains and beach width. Gray protection using shoreline protection or floodwalls could reduce terrestrial blufftop and wetland habitat vulnerabilities but could negatively impact riparian, beach, and dune habitats and natural processes by resulting in a loss of beaches over time.

Potential Next Steps

Policy:

- For ESHA policy development affecting Carpinteria Creek, maintain hydrologic connectivity upstream and coordinate with the County, other agencies and landowners to encourage replacement/expansion of riparian woodlands in areas not impacted by SLR.
- Coordinate with the County, coastal cities, BEACON and local legislators to create sustainable funding mechanism for potential beach nourishment programs.

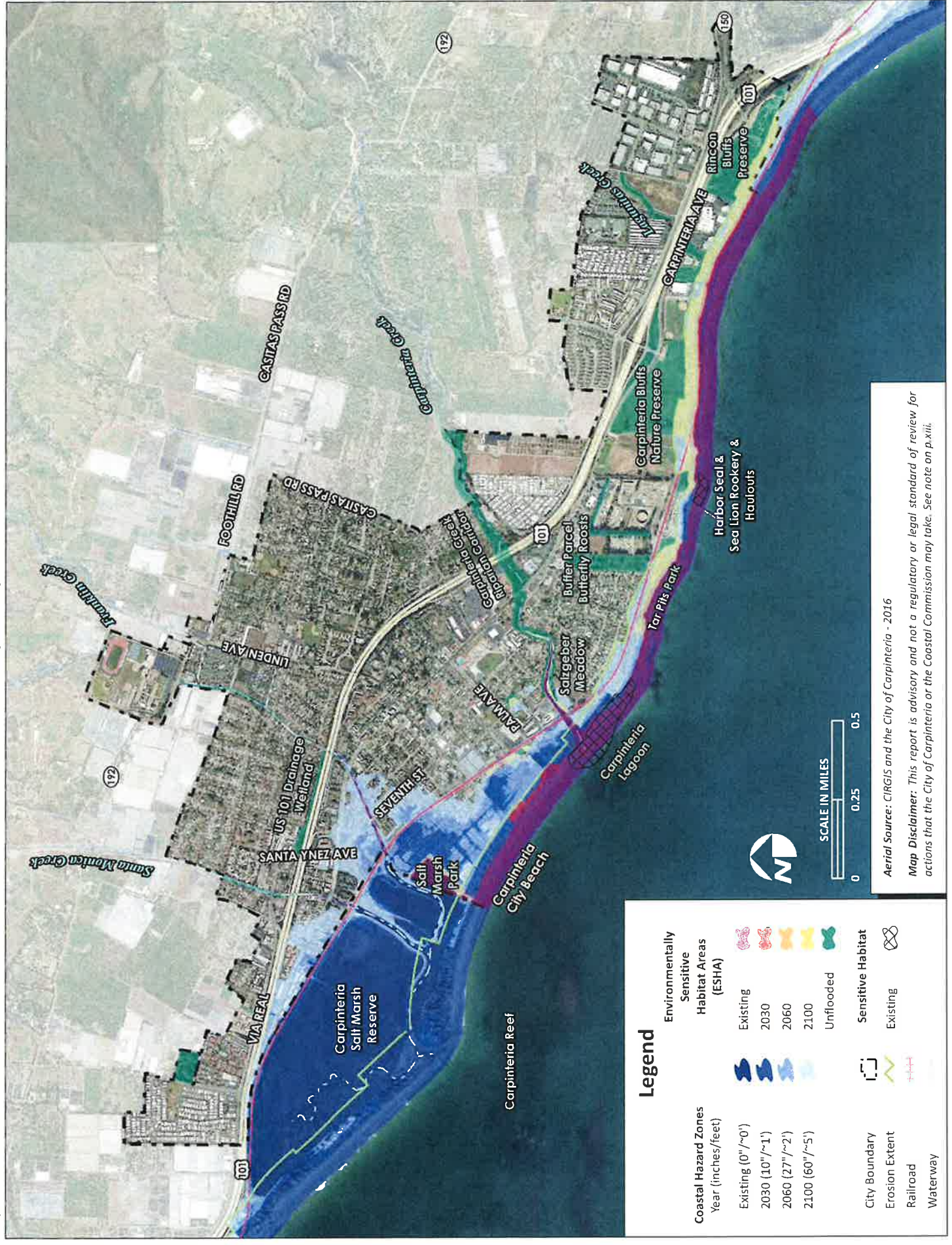
Protects:

- Improve habitat mapping in the City and vicinity.
- Restore and maintain terrestrial habits impacted by SLR (e.g., coastal bluff scrub).
- Allow more sediment from local watersheds to enter the Carpinteria Salt Marsh and littoral cell in order to provide additional material for evolutions of ecosystems.
- Support development and implementation of regional programs for beach nourishment and dune creation/ restoration.

Monitoring

- Monitor indicators reflective of SLR (e.g., long-term trends in water levels, marsh accretion rates).
- Evaluate and identify meaningful tipping points to ensure appropriate timing and implementation of adaptation strategies.

Figure 1-11. Environmentally Sensitive Habitat Areas (ESHA)



Attachment F
Interim Sea Level Rise Guidance

**Proposed Accessory Dwelling Unit (ADU) and
Junior Accessory Dwelling Unit (JADU) Program**

October 4, 2021

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**CITY OF CARPINTERIA
INTERIM SEA LEVEL RISE GUIDANCE
APPLICANT CHECKLIST FOR NEW DEVELOPMENT
IN AREAS POTENTIALLY AFFECTED BY SEA LEVEL RISE**



INTRODUCTION

In reviewing an applicant's proposed project, the City of Carpinteria's (City) must consider a proposed project's consistency with the City's certified Coastal Land Use Plan/General Plan (CLUP/GP). The City's current CLUP/GP references the broader policies of the California Coastal Act (Coastal Act) by incorporation which allows the City to consider sea level rise impacts in the interim while the City's CLUP/GP is formally amended to include specific policies and development standards. The purpose of this Interim Guidance document is to notify applicants of the information requests and the potential special conditions the City anticipates imposing on Coastal Development Permit applications for new development and redevelopment that may be affected by sea level rise within the City's jurisdiction.

DECISION PROCESS

The City will review applications to analyze (1) whether the proposed project site will be impacted by sea level rise within the life of the project, relying on the best available science, and (2) the estimated extent of the impact caused by sea level rise. The City will use these analyses to determine whether any special conditions will be placed on the Coastal Development Permit (CDP), if approved. The remaining sections of this guidance provide applicants with an overview of the potential information requests, and possible special conditions, the City may require in order to inform its review and approval of a CDP. The information requests and special conditions the applicant should be aware of are determined by answering the following questions:

- a. Is my project considered "redevelopment"?**
- b. Where is my project located?**

IS MY PROJECT CONSIDERED REDEVELOPMENT?

The following information requests and special conditions are only applicable to proposed projects that fall within the definition of "development" or "redevelopment" as specified in City City's General Plan, Zoning Code, and Public Resources Code section 30610. For the purposes of this Interim Guidance, the City interprets the terms "redevelopment" and to "redevelop" as:

All new construction or reconstruction, additions and remodels that have a valuation exceeding fifty percent (50%) of the valuation of the existing structure; or replacement of fifty percent (50%) or more of an existing structure.

Applicants are expected to provide staff with sufficient information to make a determination as to whether a project qualifies as redevelopment. Information that may be required to make a redevelopment determination include, but are not limited to, a real estate appraisal demonstrating current market value of improvements; detailed contractor's estimate for proposed scope of work; preliminary structural plans demonstrating the extent of anticipated structural alternations (e.g., foundation, load bearing walls, roof/flooring and frame work, etc.).

WHERE IS MY PROJECT LOCATED?

Conditions and information requests to be considered are determined by the geographic location of the applicant's proposed project site and potential exposure to sea level rise, as defined by the following Zones:

Zone 1	Properties located on the ocean side of Sandyland Road between Linden Avenue and Ash Avenue
Zone 2	Properties located in the Beach Neighborhood excluding the northeast corner of the neighborhood, defined as those properties east of Holly Avenue <i>and</i> north of Third Street



Once the applicant has determined in which Zone the proposed project is located, the applicant should be prepared to expect the following information requests during the permit review process and/or special conditions of approval to be placed on the permit approval:

Zone 1	• <u>Information Request</u> ○ Wave action study ○ Site specific coastal hazards study • <u>Conditions</u> ○ Recorded disclaimers regarding (1) assumption of the risk, and/or (2) waiver of future claims against the City
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Zone 2	• <u>Information Request</u> ○ Site specific coastal hazards study • <u>Conditions</u> ○ Recorded disclaimers regarding (1) assumption of the risk, and/or (2) waiver of future claims against the City
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DESCRIPTIONS

I. Information Requests

- Wave Action Study. The City's current Safety Objective 4 (S-4) calls for minimizing "the potential risks and reduc[ing] the loss of life, property and the economic and social dislocations resulting from flooding." Implementation Policy 14 associated with this objective calls for wave run-up studies under certain circumstances. The City recognizes that every project is unique and may not present the same vulnerability to flooding hazards. The City will consider the 100-year storm event, like the 100-year flood event, as a design standard for development. Accordingly, the City will require these studies when the project is located within Zone 1.
- Coastal Hazards Study. Coastal Hazards Studies determine at what level and by what year the project site may be susceptible to sea level rise. The City and California Coastal Commission staff would likely rely on the USGS Coastal Storm Modeling System (CoSMoS) and guidance from the Commission's Sea Level Rise policy document, the 2018 Ocean Protection Council (OPC)'s Sea-Level Rise document, and appropriate tide gauges to analyze the project site's vulnerability to coastal hazards. Applicants should be aware that projects within areas susceptible to early sea level rise may be required by the Coastal Commission to address the life of their projects under the **Medium-High Risk Aversion** scenario or the **Extreme Risk Aversion (H++)** based on a set of sea level rise predictions during an appeal process. In anticipation of this requirement, applicants should prepare a Coastal Hazards Study to avoid a potential appeal to the Coastal Commission. For direction on the preparation of a Coastal Hazards Study, the City recommends reviewing the County of Santa Barbara's *Technical Guidelines for Preparation of a Coastal Hazard Report* that are pending certification by the Coastal Commission. A copy of which is attached to this guidance.

If possible, adaptation options should be identified and analyzed as a part of the applicant's project, leading to one or more alternatives for the project site that will minimize risks from sea level rise hazards and avoid or minimize impacts to coastal resources. This is because the City may require future or incremental removal of structures if property owners are faced with certain hazard triggers, for example when the shoreline comes within a certain distance of the foundation of the project, or the OPC

predictions indicate sea level rise may encroach on a project sooner than initially anticipated. Triggers identified would be based on estimated lead times needed to catalyst planning for future adaptation measures. These potential hazard triggers are typically incorporated into an adopted LCP, however, at least one court has approved removal conditions in the absence of an LCP policy requiring such removal, as long as the triggers are not overly broad. (See *Lindstrom v. California Coastal Commission* (2019) 40 Cal.App.5th 73.) This would also be consistent with the Coastal Act's purpose of minimizing coastal hazard risks and resource impacts when making redevelopment decisions. The potential condition would encourage and/or require, as applicable, at-risk structures to be brought into conformance with current standards as necessary.

II. Disclosures & Waivers

- Assumption of the Risk. For projects that qualify as "redevelopment" located in Zones 1 and 2, The City shall require applicants to assume the risk of damage caused by future sea level rise, and to waive any claims for damages for such hazards. Examples of waivers include:
 - *"By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to coastal flooding, which may worsen with future sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to waive unconditionally any claim of damage or liability against the City, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the City, its officers, agents, and employees with respect to the City's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; (v) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable; and (vi) that the structure and/or site require future adaptation or may need to be removed or relocated and the site restored if it becomes unsafe."*
- Disclosures & Waiver of Future Development. For projects that qualify as "redevelopment" located in Zones 1 and 2, the City shall require sellers of real estate to disclose permit conditions related to coastal hazards, or property defects or vulnerabilities, including information about known current and potential future vulnerabilities to sea level rise, to prospective buyers prior to closing escrow. As a corollary, the Coastal Commission, on appeal, may require additional disclosures that inform

future property owners that under certain circumstances they are unable to seek future CDPs for bluff or shoreline protective device(s), or other development, in the event their structure is damaged by sea level rise or storm events. An example of such disclosures, which would be tailored for individual projects based on potential hazards, includes:

- *"By acceptance of this Permit, the applicants agree, on behalf of themselves and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. [X] including, but not limited to, the residence and foundation in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235."*

APPLICABLE AUTHORITY

All CDPs issued by the City must be consistent with its certified CLUP/GP as well as with the policies of the California Coastal Act. There are several policies within the City's current CLUP/GP which guide the City's evaluation and issuance of CDPs. These include, but are not limited to, the following:

- **Objective LU-1:** Establish the basis for orderly, well planned urban development while protecting coastal resources and providing for greater access and recreational opportunities for the public.
- **Policy LU-1a:** The policies of the Coastal Act are incorporated by reference as the guiding policies of the land use plan (Public Resources Code Sections 30210 through 30263). As applicable, the City may rely on:
 - *Section 30250 Location; existing developed area*
 - *Section 30253 Minimization of adverse impacts*
- **Objective S-4:** Minimize the potential risks and reduce the loss of life, property and the economic and social dislocations resulting from flooding.
 - *S-4-Implementation Policy 13:* The City shall support and facilitate the current Army Corps of Engineers (ACOE) feasibility study and otherwise pursue long-term solutions for beach nourishment and establishment of a vegetated dune system at City Beach. As an interim measure, and with permission from the Coastal Commission and US Army Corps of Engineers, the City may construct a sand berm on the City Beach parallel to the homes fronting on the beach.

- *S-4-Implementation Policy 14:* All new construction or reconstruction, additions and remodels that have a valuation exceeding 50 percent of the valuation of the existing structure, shall be constructed so as to be protected from wave action. A wave action study shall be prepared and submitted to the city as a part of the project application that determines the necessary construction design and technique to protect the structure and prevent impacts to adjacent property. Shoreline protective devices, such as seawalls and revetments, shall be prohibited. Coastal development permits for new construction, including reconstruction where more than 50 percent of the exterior walls are removed, shall be conditioned to not allow a future seawall to protect the development.

The Coastal Commission has taken the policy position that local governments are able to rely on the broader flood hazards policies of the Coastal Act as authority to analyze sea level rise impacts on new development without needing amendments to local coastal programs. (Pub. Res. Code, § 30253.) More specifically, while the Commission's jurisdiction on appeal is "limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in [the Coastal Act]." (Pub. Res. Code, § 30603(b)(1)), the Commission's jurisdiction on appeal does include imposing reasonable terms and conditions on the permit "to ensure that such development or action will be in accordance with the provisions of this division." (Pub. Res. Code, § 30607.) Accordingly, applicants should be aware that the Coastal Commission has utilized the broader policies of the Coastal Act to impose special conditions for appealed projects, even if not within the authority allowed in the local government's certified LCP.

Appendix 1

County of Santa Barbara's Technical Guidelines for Preparation of a Coastal Hazard Report

APPENDIX I: TECHNICAL GUIDELINES FOR PREPARATION OF A COASTAL HAZARD REPORT

The following standards and guidelines are intended to clarify and assist with the preparation of a Coastal Hazard Report for beachfront and bluff-top development. This appendix also includes the methodology for calculating a site-specific bluff edge setback and preparing a wave run-up study. All of these standards and guidelines may not be applicable or necessary for an individual project on a specific site, based upon the initial analysis performed by a qualified professional. The qualified professional must provide sufficient evidence to show that individual standards or guidelines do not apply to a specific site or proposed development.

1. Sea Level Rise Projection Information.

The Medium Sea Level Rise Coastal Hazard Screening Map (Appendix J to the Coastal Land Use Plan) shows areas of the county coastline that are potentially subject to increased threats from sea level rise and coastal hazards, where further site-specific study is needed to assess potential adverse impacts. The Screening Map shows the “medium” sea level rise scenario possible by the years 2030, 2060, and 2100, based on projections described in the County’s 2017 “Sea Level Rise and Coastal Hazards Vulnerability Assessment.” Table I-1 below shows the medium sea level rise scenario, as well as the low and high scenarios. All three scenarios can be visually examined using the Coastal Resilience Mapping Portal available online through the Planning and Development Department website.

Table I-1. Sea Level Rise Projections for Santa Barbara County (inches)

<u>Time Period</u>	<u>Low Sea Level Rise Scenario</u>	<u>Medium Sea Level Rise Scenario</u>	<u>High Sea Level Rise Scenario</u>
<u>By 2030</u>	<u>0.04</u>	<u>3.5</u>	<u>10.2</u>
<u>By 2060</u>	<u>2.8</u>	<u>11.8</u>	<u>27.2</u>
<u>By 2100</u>	<u>10.6</u>	<u>30.7</u>	<u>60.2</u>

Source: Santa Barbara County Sea Level Rise and Coastal Hazards Vulnerability Assessment, July 2017.

2. Methodology for Calculating a Bluff Edge Setback:

- (a) Identify bluff edge consistent with the Article II definition of “bluff edge.”
- (b) Determine a slope stability setback. Evaluate the stability of the bluff. If the slope exhibits a factor of safety of less than 1.5 for the static condition or 1.1 for the pseudostatic condition, then a “slope stability buffer” shall be established landward of the bluff edge. The slope stability buffer is the line landward of the bluff edge where the minimum factor of safety (1.5 static and 1.1 pseudostatic) can be met. When determining the slope stability buffer, the minimum factor of safety shall be achieved without the use of new or existing slope or shoreline protection devices.
- (c) Determine the bluff erosion setback. A site-specific evaluation of the long-term bluff retreat rate at the site shall be conducted that considers not only historical bluff retreat data, but also acceleration of bluff retreat projected to occur under continued and accelerated sea level rise and any known site-specific conditions. The geologic evaluation must include the total scope of development (e.g., proposed grading, buildings, structures, landscaping, and associated irrigation). Such an evaluation shall be used to determine the distance from the bluff edge (or from the slope stability buffer line if applicable) that the bluff might reasonably be expected to erode over the anticipated life of the structure (refer to Coastal Land Use Plan Policy 3-10), factoring in sea level rise using the current best available science, and without the use of new or existing slope or shoreline protection devices. Analysis of the effect of sea level rise on erosion rate shall use the best available science and include an examination of the “medium” amount of the sea level rise expected over the anticipated life of the development. Historic erosion rates can be determined by examination of historic records, surveys,

aerial photographs, studies, or other evidence showing the location of the bluff edge through time. A minimum of 50 years' worth of historic data is generally used to evaluate historic erosion rates, but a greater time period may be warranted if the shoreline has changed dramatically due to natural forces or development.

- (d) Determine the bluff edge setback by adding the slope stability and bluff erosion setback distances. Development shall be setback from the bluff edge the distance needed to: ensure slope stability (the slope stability setback); ensure the development is not endangered by erosion (the bluff erosion setback); and avoid the need for protective devices during the life of the structure.

3. Standards and Guidelines for Preparation of a Coastal Hazard Report for Bluff-top Properties:

A site-specific Coastal Hazard Report shall be required that is prepared by a qualified California licensed engineer with expertise in coastal processes. At a minimum, the Coastal Hazard shall examine the "medium" scenario of projected sea level rise over the expected life of the structure using the current best available science. The conditions that shall be considered in the hazard evaluation are: a seasonally eroded beach combined with erosion over the life of the structure, excluding the effects of any existing shoreline protective device; high tide conditions, combined with projections for sea level rise for the life of the structure; and storm waves from a 100-year event. The study shall provide maps and profiles that identify these conditions, as well as recommendations and alternatives to avoid, and if avoidance is not feasible, minimize, identified coastal hazards over the expected life of the structure. The study shall identify unavoidable coastal resource impacts and appropriate mitigation measures. Studies shall include an assessment of the availability of and potential risks to services to the site, including risks to public or private roads, stormwater management, water, sewer, electricity, and other utilities over the life of the development, considering sea level rise.

Coastal Hazard Reports shall include analysis of the physical impacts from coastal hazards and sea level rise that might constrain the project site and/or adversely impact the proposed development. Reports should address and demonstrate the site hazards and effects of the proposed development on coastal resources, including discussion, maps, profiles and/or other relevant information that describe the following:

- (a.) Current conditions at the site, including the current:
- tidal range, referenced to an identified vertical datum
 - intertidal zone
 - inland extent of flooding and wave run-up associated with extreme tidal conditions and storm events
 - beach erosion rates, both long-term and seasonal variability
 - bluff erosion rates, both long-term and episodic
- (b) Projected future conditions at the site, accounting for sea level rise over the anticipated life of the development, including the future:
- Shoreline, dune, or bluff edge, accounting for long-term erosion and assuming an increase in erosion from sea level rise
 - intertidal zone
 - inland extent of flooding and wave run-up associated with both storm and non-storm conditions
- (c) Safety of the proposed structure to current and projected future coastal hazards, including:
- Identification of a building envelope on the site that avoids hazards
 - Identification of options to minimize hazards if no building envelope exists that would allow avoidance of hazards

- Analysis of the adequacy of the proposed building/foundation design to ensure stability of the development relative to expected wave run-up, flooding and groundwater inundation for the anticipated life of the development in both storm and non-storm conditions
 - Description of any proposed future sea level rise adaptation measures, such as incremental removal or relocation when threatened by coastal hazards
- (e) Discussion of the study and assumptions used in the analysis including a description of the calculations used to determine long-term erosion impacts and the elevation and inland extent of current and future flooding and wave runup.
- (f) For blufftop development, the report shall include a detailed analysis of erosion risks, including the following:
- To examine risks from erosion, the predicted bluff edge, shoreline position, or dune profile shall be evaluated considering not only historical retreat, but also acceleration of retreat due to continued and accelerated sea level rise and other climatic impacts. Future long-term erosion rates should be based upon the best available information, using resources such as the highest historic retreat rates, sea level rise model flood projections, or shoreline/bluff/dune change models that take rising sea levels into account. Additionally, proposals for blufftop development shall include a quantitative slope stability analysis demonstrating a minimum factor of safety against sliding of 1.5 (static) and 1.1 (pseudostatic, $k=0.15$ or determined through a quantitative slope stability analysis by a geotechnical engineer), whereby safety and stability must be demonstrated for the predicted position of the bluff and bluff edge following bluff recession over the identified project life, without the need for caissons or other protective devices. The analysis should consider adverse impacts both with and without any existing shoreline protective devices.

The “medium” sea level rise scenario shall be examined to understand potential adverse impacts that may occur throughout the anticipated life of the development. At a minimum, flood risk over the anticipated life of the development should be examined. Additionally, the analysis should consider the frequency of future flooding impacts (e.g., daily impacts versus flooding from extreme storms only) and describe the extent to which the proposed development would be able to avoid, minimize, and/or withstand impacts from such occurrences of flooding. Studies should describe adaptation strategies that reduce hazard risks and neither create nor add to adverse impacts on existing coastal resources and that could be incorporated into the development.

4. Standards and Guidelines for Preparation of a Coastal Hazard Report for Beachfront Properties:

A site-specific Coastal Hazard shall be required that is prepared by a qualified California licensed engineer with expertise in coastal processes. At a minimum, the Coastal Hazard shall examine the projected sea level rise under the “medium” scenario, over the expected life of the structure, using the current best available science. The conditions that shall be considered in the hazard evaluation are: a seasonally eroded beach combined with erosion over the life of the structure, excluding the effects of any existing shoreline protective device; high tide conditions, combined with projections for sea level rise for the life of the structure; and storm waves from a 100-year event. The study shall provide maps and profiles that identify these conditions as well as recommendations and alternatives to avoid, and if avoidance is not feasible, minimize, identified coastal hazards over the expected life of the structure. The study shall identify unavoidable coastal resource impacts and appropriate mitigation measures. Studies shall include an assessment of the availability of and potential risks to services to the site, including risks to public or private roads, stormwater management, water, sewer, electricity, and other utilities over the life of the development, considering sea level rise.

Coastal Hazard Reports shall include analysis of the physical impacts from coastal hazards and sea level rise that might constrain the project site and/or adversely impact the proposed development. Studies should address and demonstrate the site hazards and effects of the proposed development on coastal

resources, including discussion, maps, profiles and/or other relevant information that describe the following:

(a) Current conditions at the site, including the current:

- tidal range, referenced to an identified vertical datum
- intertidal zone
- inland extent of flooding and wave run-up associated with extreme tidal conditions and storm events
- beach erosion rates, both long-term and seasonal variability
- bluff erosion rates, both long-term and episodic

(b) Projected future conditions at the site, accounting for sea level rise over the anticipated life of the development, including the future:

- shoreline, dune, or bluff edge, accounting for long-term erosion and assuming an increase in erosion from sea level rise
- intertidal zone
- inland extent of flooding and wave run-up associated with both storm and non-storm conditions

(c) Safety of the proposed structure to current and projected future coastal hazards, including:

- Identification of a building envelope on the site that avoids hazards
- Identification of options to minimize hazards if no building envelope exists that would allow avoidance of hazards
- Analysis of the adequacy of the proposed building/foundation design to ensure stability of the development relative to expected wave run-up, flooding and groundwater inundation for the anticipated life of the development in both storm and non-storm conditions
- Description of any proposed future sea level rise adaptation measures, such as incremental removal or relocation when threatened by coastal hazards

(d) Discussion of the study and assumptions used in the analysis including a description of the calculations used to determine long-term erosion impacts and the elevation and inland extent of current and future flooding and wave runup.

(e) For development on a beach, dune, low bluff, or other shoreline property subject to coastal flooding, inundation or erosion, the report shall include a detailed wave uprush and impact report and analysis, including the following:

- The analysis shall consider current flood hazards as well as flood hazards associated with sea level rise over the anticipated life of the development. To examine risks and adverse impacts from flooding, including daily tidal inundation, wave impacts, runup, and overtopping, the site should be examined under conditions of a beach subject to long-term erosion and seasonally eroded shoreline combined with a large storm event (1% probability of occurrence). Flood risks should take into account daily and annual high tide conditions, backwater flooding, water level rise due to El Niño and other atmospheric forcing, groundwater inundation, storm surge, sea level rise appropriate for the time period, and waves associated with a large storm event (such as the 100 year storm or greater). The analysis should consider impacts both with and without any existing shoreline protective devices.

At a minimum, the "medium" scenario of projected sea level rise shall be examined to understand the potential adverse impacts that may occur throughout the anticipated life of the development. Additionally, the analysis should consider the frequency of future flooding impacts (e.g., daily impacts versus flooding from extreme storms only) and describe the extent to which the proposed development would be able to avoid, minimize, and/or withstand impacts from such occurrences of flooding. Studies should describe adaptation strategies that reduce hazard risks and neither create nor add to impacts on existing coastal resources and that could be incorporated into the development.

ACTION MINUTES

The virtual meeting was called to order on Zoom Meeting at 5:32 p.m. by Brad Stein, Chair.

ROLL CALL

Boardmembers present: Brad Stein, Chair
Jim Reginato
Jason Rodriguez, Vice Chair
Richard Johnson
Amy Blakemore

Boardmembers absent: None

OTHERS PRESENT: 6 members of the public were in attendance.

PUBLIC COMMENT: None

PROJECT REVIEW

- 1) Project: Maple Avenue Residences Concept Review, 21-2113-CON
Address: 502 Maple Avenue
Applicant: Jeff Shelton, Architect for Thom Vernon
Planner: Syndi Souter

Request of Jeff Shelton, architect and agent for Thom Vernon, to consider Project 21-2113-CON for conceptual review of a proposal to construct five new one-bedroom units, ranging from 529 square-feet to 785 square-feet in size. The existing two one-bedroom residences would remain on-site, for a total of seven units. Six covered parking spaces and two uncovered guest parking spaces are proposed to serve the development. The maximum proposed height of the new structures is 26-feet, as measured from finished grade. The existing 3,333 square-foot storage building and 462 square-foot wooden deck would be demolished. The site is a 18,138 square foot parcel zoned Planned Residential Development (PRD-20) and shown as APN 004-105-009, addressed as 502 Maple Avenue.

Staff presented the project to the Board. The presentation included a description of the site location, the existing structures that are proposed to remain and those that will be demolished, detailed descriptions of the two proposed structures, and an overview of the concept landscaping plan. Staff explained that the intention of the proposal was to preserve the existing mature trees on site, including the Torrey pine, Canary palm, and redwood, and maximize open space. Staff requested comments from the Board on the back-out guest parking space design and the proposed duplex location being partially within the front yard setback, both of which would require approval of Modifications to allow. Staff also requested comments on the design of the proposed two-story structures, as they do not follow the preferred “wedding-cake” pattern. Boardmember Blakemore asked if the ADA guest space could be located in the rear setback, and Staff responded that it was a permissible location. Nick Bobroff added that the Board should consider future street improvements along Maple Avenue when considering the front yard setback modification.

Boardmember Johnson asked if Building C (the duplex) was existing or proposed, and Staff responded that the structure was proposed. He also inquired about the existing Building E

(garage/storage/greenhouse) and if it was presently accessible and used for parking now, and if it could be made available for parking if not. Staff deferred to the applicant to respond.

Boardmember Reginato asked about the Jacaranda trees along Maple, and noted that the plans show two, but there appear to be three in the photos. Boardmember Blakemore, Boardmember Rodriguez, and Boardmember Stein chimed into the discussion, and it was determined that there are three Jacaranda trees, and only two are shown on the survey or plans. The Board decided to have the applicant respond to their inquiry.

Boardmember Reginato and Boardmember Rodriguez also asked about the existing parking signs along the private lane that state the parking is for 500 Maple, and how that would impact the parking in the area if the proposed triplex was constructed. Staff deferred to the applicant. Boardmember Rodriguez also inquired about the proposed path that appears to lead to a door to the commercial building next door, and if there was a proposed connection between the properties. Staff deferred to the applicant on that question as well.

Boardmember Stein asked if the commercial building was part of the owner's property, and Staff responded that it was under common ownership but on a separate parcel. He also asked if this site was part of a much larger project with commercial uses and vacation rentals proposed that received conceptual review in the past, and Staff responded that this site was a part of that larger proposal. Boardmember Stein noted that the past proposal included several vacation rentals, and questioned the future uses of the new units. Staff responded that, under the present code, vacation rentals are not allowed in this area and that homestays would not be feasible.

Boardmember Rodriguez had one last question about any proposed improvements along the private lane between the yucca tree at the corner and the proposed garages. Staff responded that the area has known drainage issues and that, in the future, if a formal application was submitted, Public Works would review the project and require street improvements, drainage improvements, and storm drainage improvements as necessary.

Jeff Shelton, architect/agent for the applicants, thanked Staff for the thorough presentation and appreciated the Board's time to review the project. He clarified that this proposal was not a piecemeal part of the prior proposal, and that this proposal is an infill housing project, and the owners want to specifically build rental housing. The focus of this proposal is on the PRD-zoned lot to provide housing and maintain the existing residences, while keeping the lot open. He mentioned that the existing storage building has numerous problems, and should be demolished. He described that the priority of the project was to save the Torrey pine and respect the root zone, and to save the rest of the trees on the property. With the garages fronting the private lane, they are accessed from the property and save space by design. Thus, the open portion of the property can be located in the center with a large community courtyard.

The architect then described the project building by building, indicating that the existing residences would remain. He clarified that Building A (the triplex) did have broken up elevations, just not in the wedding-cake style. He provided relief on the structure by using "in-and-out" patterns and different materials. He added that Building C (the duplex) was small, and that the covered balcony on the second floor served to break up the elevations. He also clarified that the exterior of the duplex would be punctuated with old saw blades, not stones for texture. Using old and recycled materials is a key part of the proposal. The duplex was designed to mimic a barn. He justified the modification request

for the duplex by saying it would be in line with the existing small cottage in the front yard setback, so it would not look out of place and would allow more open space in the center of the property. He also explained that most of the warehouse parking in that area of Maple Ave backs-out onto the street, so the modification to allow one of the guest parking spaces to back-out would be similar to the existing parking system.

He added that the existing 1-car garage is very small, and that the owner wanted to create an outdoor cooking and dining area. He shared that the garage is small, and that it was questionable for the parking of a vehicle. He added that any of the buildings could be designated as the ADU, but that they chose the larger existing cottage for this concept review. He clarified that the project would be rentals, not condos. He reiterated that the landscaping plan would have a common courtyard in the center for all residents, with smaller private outdoor areas as well. He stated that the project would create a smooth transition between the adjacent residential and industrial uses.

Thom Vernon, owner/applicant, thanked the ARB and staff for being present at the meeting and for their work. He described that the project is about saving open spaces, saving the existing residences, and saving the trees. He mentioned his prior project, the Carpinteria Cottages on Seventh Street, and described that he was able to save two of the six older cottages on that property. He wants this project to have a charming and authentic Carpinteria feel.

Public Comment: None

Boardmember Discussion:

Boardmember Rodriguez began the discussion by thanking the architect for his presentation and thanking the owner for presenting another nice project in Carpinteria. He shared that he is okay with both modification requests because backing out of a driveway is normal, and that the duplex would be in line with the existing cottage and farther back than the neighboring commercial building. He cautioned the applicant to be careful about designating a unit as an ADU before the City has an adopted ADU ordinance. He stated that he loved the individual units with the open space in the middle. He expressed concern about the location and design of the trash enclosures and suggested shared trash facilities may be better to serve the seven units. He added that with the removal of the trash enclosures on Building A (the triplex), breezeways could be incorporated for more direct access to the residential units from the garages. He noted that the garage man-doors do not have a consistent swing, and they could be awkward for maneuvering. He mentioned that the guest parking space near Building C (the duplex) could be used in a tandem configuration, but could pose privacy issues for the occupants of the lower-level duplex. He also suggested that the design of the porch on the existing small cottage could be modified to not appear so inviting for the public to enter onto the porch. He commented that the redwood tree appears to be encased in concrete at the base, and questioned the health of the tree once the concrete is removed. His comments on the landscaping plan included adding screening along the commercial building to the north, and suggested converting part of the vegetable garden to a bioswale to help with drainage. He suggested the staircase that is on the center unit of the triplex should be wrapped into the planters instead of sticking straight out into the courtyard. Lastly, he shared that he is not a fan of the rocks or saw blades embedded in the exterior of the duplex because it is not cohesive with the other exteriors.

Boardmember Blakemore liked the project, especially the small pedestrian scale and the desire to save the trees. She could support the two modification requests for the project. She had concerns about the width of the garages for realistic parking capability and suggested that they be widened

instead of creating breezeways. She agreed with Boardmember Rodriguez about having a localized trash location, but stated that a slab under the Torrey Pine would not be acceptable. She suggested that security fencing should be considered in the design of the project. She was happy to see the applicant taking care of the trees and liked the project.

Boardmember Johnson said that the architect was having way too much fun with the design of the project, and that he was in favor of the project as presented. He shared that he was okay with the modification requests, and suggested that the guest parking space near the duplex could be in a carport. He was okay with the garage/storage structure remaining as-is or for community space. He suggested a community trash enclosure to store the trash/recycling cans. He liked the two-story duplex and thought the project was nicely animated. He liked the idea of the saw blades on the exterior of the duplex. He suggested that raised garden beds may be better for the occupants. He liked that the project was saving the trees on site. He asked staff about the maximum number of units the property could have, and staff responded that eight units was the maximum density allowed.

Boardmember Reginato began by applauding the owner for keeping the trees, the courtyard open space, and re-using and re-purposing the old building materials as much as possible. He shared that he generally liked the architecture. He thought that the duplex tenants will be parking tandem in the proposed guest parking space area. He suggested finding a mutual spot on the property for the trash enclosure so the cans do not end up out on Maple. He was okay with the parking space backing out onto Maple and the reduced setback for the duplex. He suggested more animation on the duplex, and requested more detail on the sawblades. He stated that the duplex looks like it has the measles as proposed. He did say that he could not support the roof decks, as he felt they would be an invasion of privacy and a safety issue. He said he would rather see solar panels.

Boardmember Rodriguez added that he liked the rooftop decks, and Boardmembers Johnson and Blakemore agreed.

Boardmember Stein applauded the applicant for creating a design that would keep and create community housing. He said the project is a perfect transition between the residential, industrial, and open space in the area. He liked the open space and the central courtyard design to create a community. He agreed with the other Boardmembers that there should be a central trash enclosure in a location that will not affect people. He was supportive of reusing the materials from the demolished shed. He expressed his support for the two modifications that were needed for the project. He agreed with Boardmember Blakemore that the garages should be larger to accommodate larger vehicles and storage. He liked Building C (the duplex), but agreed with Boardmember Reginato about the sawblades or rocks embedded in the exterior, and that another finish would be better. He added that the exterior finishes can create the relief on the two-story buildings instead of the wedding-cake design in this location, and referenced a prominent narrow two-story building in Santa Barbara. He agreed with Boardmember Johnson about raising the garden beds up, and that it could add to the whimsical look of the project. He shared that the proposal will be a big improvement that will provide housing. He praised the applicant for creating more housing for the community instead of more vacation rentals, which deplete the housing supply. He encouraged the applicant to move forward.

ACTION: Receive public comment and provide conceptual-level feedback to the applicant and staff.

VOTE: N/A

OTHER BUSINESS:

Virtual Meetings: The Boardmembers again expressed their preference to continue with virtual meetings for the time being due to concerns over COVID.

CONSENT CALENDAR: None

MATTERS REFERRED BY THE PLANNING COMMISSION/CITY COUNCIL:

Martinez Appeal: Staff reported to the Board that the Planning Commission's consideration of an appeal filed against the Director's approval of the Martinez Residence Remodel and Addition project would be continued to the September hearing for further deliberations following a series of split 2-2 votes on whether to deny or accept the appeal. Two of the Commissioners were in favor of the project as presented, however the other two Commissioners present agreed with the appellants that the resultant residence was out of scale with surrounding homes.

MATTERS PRESENTED BY BOARDMEMBERS/STAFF:

The "Row" (formerly "Carpinteria Business Park"): The Board was asked to consider revisions to the layout of fabric awnings, metal cable-hung awnings and green screen panels for one of the buildings in the development in order to better accommodate building tenant needs. The revised design resulted in one fewer fabric awning on the building, but otherwise maintained the same architectural elements, albeit in different locations on the building façade. All Boardmembers expressed their consent to the requested changes as presented.

ADJOURNMENT

Chair Stein adjourned the meeting at 7:16 p.m. to the next regularly scheduled meeting to be held at 5:30 pm on Thursday, August 29, 2021.

Chair, Architectural Review Board

ATTEST:

Secretary, Architectural Review Board



OCTOBER 2021



Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
					1	2
3	4 11am Parks Department Mtg. CM 5:30pm Planning Comm. Mtg. CC TV	5 10am Supervisor's meeting CC	6 2pm PW Staff Meeting CM	7 2:30pm All CDD Staff Mtg. CC 3:30pm Inter-Dep. Coordination Mtg. CC	8	9 9am Carp Beautiful Mtg. 10am -2pm ABOP – PW Yard
10	11 11am Parks Department Mtg. CM 5:30pm City Council Mtg. CC TV	12 10am Supervisor's meeting C 2:30pm Planning Staff Mtg. CM 4:30pm School Dist. Closed Sess. SR 5:30pm School Dist. Mtg. CC TV	13 2pm PW Staff Meeting CM 5:30pm Water District. Mtg. CC TV	14 10:30am IDAG Mtg. LR 2:30pm Code Compliance Mtg. LR 3:30pm Inter-Dep. Coordination Mtg. CC 5:30pm Architectural Review CC	15	16
17	18 11am Parks Department Mtg. CM	19 10am Supervisor's meeting CC 2:30 Planning Staff Mtg. CM	20 2pm PW Staff Meeting CM	21 2:30pm Code Comp Mtg. LR 3:30pm Inter-Dep. Coordination Mtg. CC	22	23 10am -2pm ABOP – PW Yard
24	25 11am Parks Department Mtg. CM 5:30pm City Council Mtg. CC TV	26 10am Supervisor's meeting CC 2:30pm Planning Staff Mtg. CM 4:30pm School Dist. Closed Sess. SR 5:30pm School Dist. Mtg. CC TV	27 2pm PW Staff Meeting CM 5:30pm Water District. Mtg. CC TV	28 2:30pm Code Comp Mtg. LR 3:30pm Inter-Dep. Coordination Mtg. CC 5:30pm Architectural Review CC	29	30
31 		LR: Lobby Meeting Room SR: Side Conference Room CC: Council Chamber CC-TV: Council Chamber Televised CM: Council Meeting Room				

City of Carpinteria
Planning Activity Summary

September 2021

- | | | | |
|-----------------------------|--------------------|---------------------------|------------------------|
| 1. In 30-day review process | 5. Schedule for PC | 9. Schedule for final ARB | 13. BP issued |
| 2. Incomplete | 6. PC approved | 10. Final ARB Approval | 14. Under construction |
| 3. Schedule for ARB | 7. Schedule for CC | 11. Schedule for CCC | 15. C of O issued |
| 4. Director's Decision | 8. CC Approved | 12. In plan check | |

Last Edited 09/27/2021

Project #	Owner / Applicant	Address	Street	Project Description	Activity	Planner	Status	Code Violation
21-2112	City of Carpinteria		City wide	Downtown Design Overlay Program	In progress.	Rita	1	
21-2111	City of Carpinteria		City wide	Density Bonus Program	In progress.	Rita	1	
21-2106-DP/CDP/ARB	Siegel Residence Addition	4755	Fourth Street	Second story addition to SFD	Submitted 4/28/2021. Incomplete 5/28/2021. Resubmitted 8/30/2021, under review.	Syndi	1	
21-2083-DP/CDP/ARB	Jerry & Lisa Zins	4905	Eighth Street	New 3-unit condominium building	Submitted 1/13/2021. Incomplete 2/12/2021. Owners have decided to do condos instead of apts. Resubmitted 9/17/2021. Under review.	Syndi	1	
21-2123-CUPR	McCann Mini-storage	1222	Cravens Lane	Interior mezzanine to add 13,000 sf of storage units to existing 13,000 sf building.	Submitted 8/11/2021. Incomplete 9/9/2021.	Syndi	2	
21-2121-FENCE/ARB/CDP	St. Joseph Catholic Church	1532	Linden Avenue	New perimeter fence and landscaping around playing field and school.	Submitted 8/9/2021. Incomplete 9/8/2021.	Syndi	2	
21-2116-ARB	Motel 6	5550	Carpinteria Avenue	Lighting and landscaping	Submitted 7/14/2021. Incomplete 12/12/2021.	Marysol	2	Yes
21-2107-CUP/CDP/ARB	City of Carpinteria/S&S Seeds	6155	Carpinteria Avenue	Coastal Vista Trail Segment	Submitted 4/28/2021. Incomplete 5/27/2021.	Syndi	2	
21-2099-CUP	Family Baptist Church	5026	Foothill Road	New portable classrooms for elementary school	Submitted 3/15/2021. Incomplete 4/13/2021. Resubmitted 5/26/2021. Incomplete 6/24/2021. Prelim ARB 6/17/2021, continued to 7/1/2021 with comments. Project on hold per applicants.	Marysol	2	
20-2073-SIGN	Ramiro Vega	830	Maple Avenue	New illuminated sign (as-built)	Submitted 11/6/2020. Incomplete 12/3/2020. Pending resubmittal.	Marysol	2	yes
20-2067-DP/CUP/CDP	Jens Amlie	845	Concha Loma Drive	460 sf master bedroom addition to (e) SFD	Submitted 10/1/2020. Incomplete 10/30/2020.	Syndi	2	
20-2059-DP/CDP	Barton Myers	6175	Carpinteria Ave	Construct (N) 2-story office building.	Submitted 7/30/20. Incomplete 8/28/20. Resubmitted 11/25/20. Incomplete 12/24/20.	Nick	2	
20-2057-DP/CUP/CDP	Martha Marquez	4684	Seventh Street	Construct a 258 SF addition and new entry porch to Unit A on the existing duplex.	Submitted 7/22/2020. Incomplete 8/21/2020. Resubmittal 3/23/2021. Incomplete 4/21/2021. Awaiting resubmittal.	Syndi	2	
20-2047-DP/CDP	Chevron	5663	Carpinteria Ave	Seal rookery overlook improvements	Submitted 3/26/2020. Under review. Incomplete 4/23/2020. Awaiting resubmittal.	Syndi	2	
20-2045-LM	Rafael Hernandez	4950 & 4954	Fifth Street	Voluntary lot merger	Submitted 3/11/2020. Sent to City Surveyor for review 3/23/2020. 1st corrections received & sent to applicant 4/9/2020.	Syndi	2	
20-2033-SIGN	Yummy Yogurt	1005	Casitas Pass Road	New sign	Submitted 2/7/2020. Incomplete 3/6/2020. Resubmitted 4/10/2020. Under review. Pending resubmittal.	Marysol	2	Yes

20-2030-CUP	Procore	6395 B&C	Cindy Lane	Convert 2 warehouse buildings to a business training center. Total square footage is 60,522 sf, and includes a new kitchen and mezzanine	Submitted 1/8/2020. Incomplete 2/7/2020. Awaiting resubmittal.	Syndi	2	
19-2018-FENCE	Ernesto Verburgt	4516	El Carro Lane	7 foot side yard fence (resulting from grade difference)	Submitted 10/25/2019. Incomplete. Partial resubmittal 12/10/2019. Building Permit in plan check. Awaiting solution for last incompleteness item.	Marysol	2	Yes
19-2008-ORD/LCPA	City of Carpinteria			Amendment(s) to the City's LCPA - (ADUs) to implement State requirements	Scheduled for Planning Commission 10/4/2021.	Rita Bright	2	
18-1954-DPR/CDP	Winfred Van Wingerden	4180	Via Real	New gazebo, paint colors, and landscaping	Submitted 12/27/18. Incomplete 1/25/19. Resubmitted 2/11/19; under review. Revised scope; complete 3/7/19. Revised scope, resubmitted materials 4/19/19. Roy H. advised applicant new gazebo triggers ADA issues.	Syndi	2	Yes
18-1916-CUP/CDP	Crown Castle	1222	Cravens Lane	Wireless Telecommunications Facility	Submitted 4/19/18. Incomplete 5/17/18. Resubmitted 6/25/18. Incomplete 7/23/18.	Nick	2	
18-1915-CUP/CDP	Crown Castle	5315	Foothill Road	Wireless Telecommunications Facility	Submitted 4/19/18. Incomplete 5/17/18. Resubmitted 6/25/18. Incomplete 7/23/18.	Nick	2	
15-1783-SIGN/FENCE	Arbor Trailer Park	4677	Carpinteria Avenue (Ninth Street)	New frontage fences and signage	Submitted 08/05/15. Need survey from PW. Incomplete 08/17/15. See Matt M for PW status.	Marysol	2	
21-2122-CUP/CDP	Caltrans		US 101/Carpinteria Avenue	Santa Claus Ln Bike Path	Submitted 8/12/31. Additional submittals 9/20/21. Complete 9/27/21.	Nick	3	
21-2120-DPR/ARB	Faydra Gage, Dawn Sherry Architects	4835	Carpinteria Ave	Exterior Alterations to existing parking lot/outdoor patio addition and minor interior remodel to existing commercial lease space.	Submitted 7/28/2021. Complete 8/27/2021. Scheduled for ARB 9/30/2021.	Marysol	3	
21-2117-CON	Greg Lee	501	Concha Loma Drive	Concept review for new 543 sf 2-car garage, 97 sf addition, interior remodel, and carport demo.	Submitted 7/19/2021. Tentatively scheduled for ARB on 9/30/2021.	Syndi	3	
21-2108-ARB	William and Theresa Wood	4916-4950	Carpinteria Avenue	Exterior improvements, staircase replacement, new driveway gate,	Submitted 5/5/2021. Incomplete 6/4/2021. Resubmittal under review 8/27/2021. Complete 9-16-2021. Schedule for ARB 10-14-2021	Marysol	3	
21-2103-CON	Saticoy Development, LLC, Tim Finnigan	4213	Carpinteria Avenue	Concept review for 3 new residential units	Submitted 4/14/21. To ARB concept review 9/30/21.	Nick	3	
21-2100-FENCE	Bruce Fincher	4759	Sandyland Rd	Rolling driveway security gate	Submitted 4/5/2021. Incomplete 4/29/2021. Complete 6/2/2021. Prelim ARB 6/17/2021. Under review with Public Works.	Marysol	3	

19-2006-CON	Richard Smith	5510	Callejon Dr	Remodel (E) SFD, construct 2nd story addition, & addition of ADU	Submitted 9/6/19. ARB concept review 11/21/19. Revised ARB concept review 8/27/20.	Nick	3	
19-1986-LCPA	City of Carpinteria		Citywide	Development Design and Housing Regulation Changes	Initiated by the City Council on 5/28/19. Ad-Hoc Committee inaugural meeting 5/9/19. Last Meeting 6/10/2021.	Steve	3	
18-1942-DP/CDP	Carp Unified School Dist.	5201	Eighth Street	Replace portables with Modulares	Submitted 10/15/2018. Incomplete 11/14/18. Resubmitted 3/6/19, Complete 4/4/19. Waiting for requested materials for ARB.	Steve	3	
21-2125-SIGN	David and Carolyn Scheeff	516	Palm Avenue	New sign program	Submitted 8/19/2021. To the Director.	Marysol	4	
21-2086-ARB	Frank & Christine Isaac	5410	Cameo Road	SFD remodel, 70sf add'n., and new deck/trellis	Submitted 2/8/2021. Incomplete 3/5/2021. Resubmitted 6/29/2021. Complete 6/30/2021. To ARB for prelim/final review 7/29/2021.	Syndi	4	
21-2079-ARB	Lynette & Jason Fernandes	1330	Vallecito Place	New entry porch, exterior updates, & interior remodel	Submitted 1/8/2021. Incomplete 2/5/2021. Resubmittal 2/19/2021. Complete 3/18/2021. To ARB for prelim/final 3/25/2021. Approval letters postponed to 11/2021 due to new baby.	Syndi	4	
20-2046-ARB	Sukone Sriprajittichai	901	Linden, Suite B	Add three new windows to exterior wall to create a new storefront.	Submitted 3/16/2020. Complete 04/13/2020. Prelim ARB 06/11/2020, continued. Schedule for prelim ARB 7/30/2020. Director Approval 10/13/2020. Final ARB 10/15/2020. Pending Building Permit submittal.	Marysol	4	
20-2036-SIGN	American Indian Health Services	5412	Carpinteria Ave	New Sign	Submitted 2/13/2020. Incomplete 3/2020. Resubmittal 04/27/2020. Approved, pending Building Permit.	Marysol	4	
18-1935-ARB	Gerardo Celio	1466	Azalea Drive	Demo of structures, new California roof over flat roof garage, addition of 181 sf	Submitted 08/30/2018. Incomplete 9/28/2018. ARB 10/11/2018. Pending resubmittal. Resubmitted 05/14/2019. Complete 06/13/2019. Resubmittal 10/14/2019. Pending another resubmittal for Director-level final review. BP submitted for demo of unpermitted construction only.	Marysol	4	

19-2015-CUP/CDP	City of Carpinteria		Carpinteria Ave	Construct Carpinteria Rincon Trail	Submitted 10/17/19. AB52 Notification 10/29/19. Release of public draft MND 11/1/19. To ERC 11/14/19. PC acceptance & certification of MND 1/6/20. Appeal of PC filed 1/15/20. Appeal set aside. NOP Released for EIR 10/30/20. NOP Scoping Hearing 11/17/20. NOP Scoping Period closed 11/30/20. Draft EIR released for 45-day review period 3/12/21. To ERC 4/13/21. DEIR commented period ended 4/26/21. Staff preparing Proposed Final EIR and considering project revisions.	Nick	5	
16-1822-DP/CDP	Via Real Hotel	4110	Via Real	New 110-room hotel	Submitted 4-19-16. Incomplete 5-18-16. Resubmittal 7/14/16. Incomplete 8/11/16. Resubmittal 9-12-16. Incomplete 10/11/16. Resubmitted 10/31/16. Complete 11/30/16. Prelim ARB 12/15/16, cont'd to future meeting. In-progress ARB review 2/16/17. Prelim ARB approval 3/30/17. Env. review underway. Reviewed updated biological/wetland reports; CCC determined creek regulations apply. Site visit w/ CCC 6/8. Revised project submitted 7/24/19; under review. Revised preliminary ARB review 8/29/19; continued to 11/21/19 ARB meeting. Revised prelim ARB approval 11/21/19. Revised CEQA review underway.	Nick	5	
16-1810-LCPA	City of Carpinteria		Citywide	General Plan/Coastal Land Use Plan Update	kick off meeting April 27, 2016. Ongoing through 2022.	Steve	5	
15-1781-DP/CDP	Bernardo Cruz	4675	Carpinteria Ave	Construct (N) 2-story mixed use building	Submitted 07/09/2015. Incomplete 8/06/15. Concept ARB review 03/29/20. Resubmittal 07/22/20. Incomplete 8/21/20. Resubmitted 2/8/21. Incomplete 3/8/21. Resubmitted 5/17/21. Prelim ARB Approved 9/16/21.	Nick	5	
05-1210-ZTA/LCPA	City of Carpinteria		Citywide	Zoning Code Update	Kick-off meeting 4/20/05. Joint Study Session 5/16/05. All administrative draft chapters delivered 5/12/06. Now connected to the New 3-year Principal Planner position work effort through a CCC grant.	Steve/Rita	5	
21-2090-DP/CDP	CHT, LLC	700	Linden Ave	Rehabilitate & Remodel (E) buildings; new 2nd floor addition	Submitted 2/17/21. Incomplete 3/19/21. Resubmitted 4/15/21. Prelim ARB approval 4/29/21. Resubmittal 5/21/21. Complete 6/11/21. PC approved 7/6/21. To ARB In-Progress Review 9/30/21.	Nick	6	

20-2072-CUP/CDP	Ben Paul	4652	Fourth Street	Exterior and interior remodel of two existing detached dwelling (as-built).	Submitted 10/20/2020. Incomplete 11/19/2020. Resubmittal 01/08/2021. Prelim/Final ARB 01/14/2021. Incomplete 2/4/2021. Resubmittal 3/8/2021. Complete 3/25/2021. Planning Commission 6/7/2021. Approved. Pending Building Permit submittal.	Marysol	6	yes
19-2016-DP/CDP	City of Carpinteria	5775	Carpinteria Avenue	New skate park and amenities	Submitted 10/22/2019. Complete 11/20/2019. Prelim review at ARB on 1/30/2020. Approved at PC on 6/1/2020.	Syndi	6	
18-1926-DP/CDP	Steadfast Grand Vida II	5464	Carpinteria Ave	Phase II Assisted Living Facility expansion	Submitted 7/12/18. Incomplete 8/10/18. Resubmitted 1/28/19; incomplete 3/7/19. Resubmitted 3/21/19; incomplete 4/18/19. Resubmitted 6/11/19; complete 7/11/19. To prelim ARB 10/17/19; continued to ARB 12/12/19. Prelim ARB approval 12/12/19. To PC 1/6/2020-approved. To ARB for in-progress review 1/30/2020. TEX requested 5/26/2020. TEX approved by PC on 8/3/2020.	Syndi	6	
14-1722-TPM/CDP	Godfrey	1056	Eugenia Place	Subdivide (e) mixed use building into three condominiums	Submitted 6/19/14. Incomplete 7/17/14. Resubmitted 10/20/14. Complete 10/29/14. PC approved 11/3/14. FLAN sent 11/18/14.	Nick	6	
19-1982-MCA	City of Carpinteria		Citywide	Seismic Retrofitting of Soft-Story Buildings	Initiated by the City Council on 5/13/19. To City Council for first read on 1/13/2020. Public Workshop held 2/22/2020. Second first read yet to be scheduled this summer when meetings go live due to public interest.	Dan / Steve	7	
20-2070-ARB/CDP	Manuel Martinez	1147	Vallecito Road	Remodel (e) SFD & construct 2nd story addition	Submitted 10/15/2020. Under review. Incomplete 11/13/2020. Resubmittal 11/24/2020. Incomplete 12/10/2020. Resubmittal 12/10/2020. Complete 12/11/2020. Prelim ARB on 2/11/2021, continued. Resubmittal 3/26/2021. Prelim at ARB 4/15/2021. Director approval 6/1/2021. Appeal filed 6/11/2021. Appeal to PC 8/2/2021. Appeal continued. Approved by PC on 9/7/2021. BP#13346 in plan check.	Syndi	9	

17-1883-DP/CDP/TPM	Michael Haber	4716	Seventh St	remodel (E) SFD, construct carport, construct 2 (N) 2-story residential units, subdivide property for condominium purposes.	Submitted 6/22/17. Incomplete 7/20. Resubmitted 10/2/17. Incomplete 11/1/17. Resubmitted 1/11/18, under review. Prelim ARB approval 3/15/18. PC approved 6/4/18. FLAN sent to CCC 06/21/18. Submitted for Final ARB 11/20/20. Awaiting revised drawings. Final Parcel Map submitted for review 2/1/21.	Nick	9	
19-1980-ARB	Stengel	5420	Cameo	Remodel SFD & 1st floor addition	Submitted 4/19/19. Comments back to applicant 5/13/19. Complete 5/22/19. Prelim ARB approval 6/13/19. Director approved 7/30/19. Final ARB approval 9/26/19. Applicant submitted Time Extension Request granted 12/11/20.	Nick	10	
14-1719-CUP/CDP	City of Carpinteria		Carpinteria Ave Bridge	Replace Carpinteria Ave Bridge over Carpinteria Creek	NOP & Scoping Document released 7/3/14. Scoping Hearing 7/22/14. Project overview to PC 9/2/14. Project update to CC 11/10/14. ARB CON 2/12/15. EIR released for public comment 3/25/16. ERC 4-26-16. Public Comment Period closed 5-9-16. Prelim ARB approval 9/15/16. PC approved 11/7/16. Sent to CCC 11/18/16. PW completing 65% drawings 3/17. Utility relocation coordination underway 3/17. Construction easement acquisition underway Spring 2018. Entitlements expired, need CEQA Addendum to address CSD Siphon relocation. Final ARB 11/21/19. PC approval for reauthorization of CUP/CDP and acceptance of CEQA Addendum 6/01/20.	Nick	10	
07-1407-ARB	6380 Via Real, LLC	6380	Via Real	Revised new office complex	Revised Final ARB 10/17/2019.	Syndi	10	
17-1896-LCPA/ORD	City of Carpinteria			citywide commercial cannabis regulations	12/11/17 briefing to CC. 1/22/18 briefing to CC. 4/23/18 CC initiates Ord development. PC 10/1/18 cont'd. 11/5/18 PC recommended approval to CC. CC approved 1st reading 11/26/18. CCC Approved LCPA 2/7/19. Ordinance 2nd reading approved by CC 3/25/19. Consultant contract for licensing program awarded by CC 4/08/19. CCC acceptance of LCPA 5/9/19. Drafting of Licensing program underway.	Nick	11	
21-2101-SIGN	Nhan Nguyen, Lavish Nails	991	Linden Ave	1 non-illuminated wall sign	Submitted 4/9/2021. Incomplete 5/5/2021. Resubmittals, pending corrections. Approved 8/17/2021. BP pending issuance.	Marysol	12	

21-2094-DPR/CDP	Carpinteria Valley Historical Society	956	Maple Avenue	Construct new storage shed	Submitted 3/2/2021. Incomplete 4/1/21. Resubmitted 6/4/21. Complete 7/26/21. Director approved 7/29/21. FLAN sent 8/31/21. BP submitted 9/17/21.	Nick	12	
21-2085-ARB/CDP	Forrest Carter	5251	Sixth Street	6' fence & gates	Submitted 2/4/21. Incomplete 2/25/21. Resubmitted 6/8/21. Complete 6/9/21. Prelim ARB approved 7/15/21. Director approved 8/26/21. BP submitted 9/22/21.	Nick	12	
20-2042-ARB	Scouras Family Trust	1493	Trenora Street	SFD remodel, 89.5 sf addition to 1st floor, 451 sf addition to 2nd floor	Submitted 3/5/2020. Incomplete 3/31/2020. Resubmitted 5/21/2020. Complete 6/18/2020. Prelim ARB on 7/16/2020. Resubmittal 8/27/2020. In-progress ARB on 10/29/2020. Approval letters sent 11/25/2020. Final ARB on 7/1/2021. BP#13339 in plan check.	Syndi	12	
20-2037-ARB/CDP	John Cervini	5586	Retorno Dr	Remodel (E) SFD & construct 2nd story addition	Submitted 2/21/20. Incomplete 3/20/2020. Resubmittal 9/29/2020. Incomplete #2 10/27/2020. Resubmittal 11/12/2020. Complete 12/3/2020. Prelim ARB on 2/11/2021. Director approval 5/5/2021. No appeals filed. Final ARB on 7/29/2021. BP#13393 in plan check.	Syndi	12	
19-2023-LLA	Lockwood/Segall	5139 & 5157	Eighth Street	LLA, demo and rebuild garage.	Submitted 11/15/2019. Incomplete 12/13/19. Resubmitted 3/10/2020. 2nd Incomplete 4/2/2020. Resubmitted 4/13/2020. Complete 4/16/2020. Corrections sent to City Surveyor 4/27/2020. ARB on 5/28/2020. Approved by PC on 7/6/2020. City Surveyor corrections to applicant 7/13/2020. 4th review to City Surveyor 10/8/2020. Corrections to applicant 11/2/2020. LLA docs to City Surveyor for recording 4/5/2021. Applicant making corrections to add'l docs per Recorder's Office. BP#13089 on hold until LLA is recorded.	Syndi	12	
18-1903-DP/CDP	Procore	6303	Carpinteria Ave	Renovation of exterior building facade, landscape and driveway/parking lot	Submitted 1/16/18. Incomplete 02/14/2018. Resubmitted 08/15/2018. Incomplete 9/14/2018. Concept ARB review 10/11/18. Continued Conceptual ARB review 11/15/2018. Complete 01/11/2018. Prelim ARB 02/13/2019. PC 07/01/2019. Final ARB 9/12/2019. In plan check, pending resubmittal.	Marysol	12	
17-1888-CDP	Finnigan	4775	Seventh St	construct (N) 728 sq ft 3-car garage	Submitted 9/6/17. Incomplete 9/20/17. Resubmitted 9/26/17. Complete 10/3/17. Approved by Director 10/9/17. In BP Plan Check.	Nick	12	

15-1788-CDP	Gobbell	5398	Star Pine Road	Convert (E) accessory building into a second dwelling unit	Submitted 8/19/15. Incomplete 9/4/15. Resubmittal 9/11/15. Complete 9/28/15. Prelim/Final ARB 10/15/15. CDD Director approved 10/29/15. 1-year time extension approved 10/11/16. Submitted for Building Permits 10/4/17. In Plan Check.	Nick	12	
15-1767-CDP	Wood	650	Concha Loma Drive	New Single Family Residence	Submitted 4/28/15. Incomplete 5/27/15. Resubmitted 7/13/15. Complete 8/10/15. CEQA Initial Study underway. ARB concept review 10/15/15. Draft MND public review period 7/15- 8/15/16. To ERC 8/4/16. Prelim ARB 8/11/16, continued with revisions. Revised plans submitted; Prelim ARB approved 9/14/17. PC Approved 8/5/19. FLAN sent to CCC 8/23/19. BP application submitted 12/24/19. Final ARB approved 5/28/20. In BP review.	Nick	12	
21-2124-SIGN	Franciscan Real Estate, LLC	1335	Vallecito Place	2 new signs for marketing the affordable unit and the market rate units	Submitted 8/17/2021. Director approved 8/17/2021. BP#13402 issued 8/30/2021.	Syndi	13	
21-2115-TUP	Sanctuary Beach/Klentner	4285	Carpinteria Ave	TUP for construction office trailer	Submitted 6/21/2021. Application complete 6/24/2021. Approved 6/30/2021. BP#13371 issued 7/19/2021.	Syndi	13	
21-2104-SIGN	Juice N Things LLC	4991	Carpinteria Ave	New signs (2) non-illuminated	Submitted 4/20/2021. Incomplete 5/5/2021. Resubmitted, under review. Incomplete 7/6/2021. Matters by Staff 7/15/2021. Resubmittal 7/30/2021. Final pending informationsubmitted 8/25/2021. Director Approve 9/2/2021. Building Permit issued, pending pickup.	Marysol	13	
21-2092-SDU/CDP	J. Bradley Stein	1315	Casitas Pass Road	Validate (E) guest house as SDU & permit remodel of SDU & attached accessory structures	Submitted 2/26/2021. Complete 3/19/21. Prelim ARB approved 3/25/21. Director approved 6/1/21. BP issued 6/23/21.	Nick	13	
21-2087-ARB	Paul & Michelle Sanchez	1481	Sterling Avenue	SFD remodel, 391sf of add'ns, new front porch, & full re-roof	Submitted 2/9/2021. Incomplete 3/5/2021. Resubmitted 3/26/2021. Complete 4/1/2021. Prelim & final at ARB 4/15/2021. Director approval 5/4/2021. BP#13369 issued 9/21/2021.	Syndi	13	
21-2080-CDP	Mike Weil, CA Dept. of Water Resources		Eighth Street Pedestrian Bridge	New stream gage over Carpinteria Creek and equipment box	Submitted 1/6/2021. Incomplete 2/5/2021. Complete 4/16/2021. Approved 6/30/2021. CCC appeal period ends 7/28/2021. PW issued permit for construction.	Syndi	13	

20-2041-ARB/DP/CDP	Kyle & Andrea Zuvela	4756	Fifth Street	Remodel and 431 sf master suite addition	Submitted 3/4/2020. Incomplete 3/31/2020. Resubmittal 6/11/2020. To ARB 8/13/2020. Resubmittal 8/31/2020. To ARB for in-progress review 9/17/2020. To PC on 3/1/2021. Final ARB on 7/1/2021. BP#13276 issued.	Syndi	13	
19-1985-ARB	Brian Pera, HLW for Procore	6303	Carpinteria Ave	Renovation of exterior facade of an existing 1,315 accessory structure	Submitted 5/15/2019. Complete 6/12/2019. Substantial Conformity Determination 8/1/2019. Building Permit Application submitted 9/4/2019. BP issued.	Marysol	13	
18-1919-ARB	Leland Walmsley	1455	Azalea Drive	Garage remodel and one-story addition to SFD	Submitted 5/7/18. Incomplete 6/5/18. To ARB 7/12/18 and 8/16/18 for Prelim review, cont'd to future hearing w/revisions. Resubmitted 6/29/2020. Complete 7/29/2020. To ARB 8/13/2020. Revised project scope to ARB on 10/1/2020. Director approved 1/13/2021. Final ARB on 5/13/2021. BP#13286 issued 9/16/2021.	Syndi	13	
17-1894-DP/CDP	M3 Multifamily, LLC	4819	Carpinteria Avenue	construct new 2-story mixed use building	Submitted 11/30/17. Incomplete 12/19/17. Resubmitted 2/22/18. Complete 2/23/28. PC approved 4/2/18. BP issued 2/19. PC approved 36-mo. Time Extension 5/4/20.	Nick	13	
21-2119-SIGN	Jaime Leaf, Signature Signs	957	Maple #2	Monument sign reface	Submitted 7/19/2021. Approved 8/17/2021.	Marysol	14	
21-2114-FENCE	Hallie & Philip Greene	5217	Vallecito Court	New 8' tall fence	Submitted 6/15/2021. Approved 6/21/2021. BP#13362 issued 7/6/2021.	Syndi	14	
21-2105-SIGN	Jason Lesh, The Good Plow	5205	Carpinteria Ave	Sign reface	Submitted 4/26/2021. Approved 5/10/2021.	Marysol	14	
21-2097-DP/CDP	Kimberly and Gregory Garcia	4921	Sandyland Road	Exterior remodel, new siding, windows, relandscaping, new fence	Submitted 3/9/2021. Incomplete 3/30/2021. Resubmitted 5/17/2021. Complete 6/15/2021. ARB 7/1/2021. Director Approval 8/24/2021. Building Permit Issued 9/24/2021.	Marysol	14	yes
21-2093-SIGN	Ben Mascari	879	Linden Ave	New sign	Submitted 2/26/2021. Approved 3/8/2021.	Marysol	14	
21-2082-SIGN	Procore Technologies	6303	Carpinteria Ave	Reface existing monument sign and new illuminated wall sign	Submitted 01/13/2021. Approved 1/26/2021. BP issued 2/24/2021.	Marysol	14	
21-2081-SIGN	Rincon Mountain Winery	4187	Carpinteria Ave	Wall sign, non-illuminated	Submitted 1/11/2021. Approved 1/26/2021. BP issued 2/3/2021.	Marysol	14	
20-2078-SIGN	Union Bank	5420	Carpinteria Ave	New signs	Submitted 12/7/2020. Incomplete. Resubmitted 03/04/2021. Complete. Approved 3/9/2021. BP issued. Under construction.	Marysol	14	
20-2066-SIGN	Singing Springs	5455	Eighth Street	New monument sign	Submitted 8/17/2020. Director approval 9/15/2020. Building Permit issued 1/2021. Under construction, pending landscaping re-installation.	Marysol	14	

20-2061-ARB/CDP	Brandon and Julia Wheatley	1150	Vallecito Road	Master bedroom addition	Submitted 7/31/2020. Under review. Incomplete 8/25/2020. Incomplete 10/9/2020. Prelim/Final 10/29/2020 ARB. Incomplete 11/16/2020. Complete 01/14/2021. Director Approval 2/2/2021. BP issued. Under construction.	Marysol	14	
20-2056-ARB	Rod Herman	1423	Camino Trillado	Exterior updates, new porch overhang, new curbs and 3' garden wall, new hardscape and landscaping.	Submitted 7/2/2020. Complete 7/30/2020. To ARB for prelim/final 9/17/2020. Director approved 9/23/2020. BP#13204 issued 4/26/2021. Under construction.	Syndi	14	
20-2051-SIGN	Coordinated Signs for LinkedIn	6410	Via Real	Campus-wide wayfinding signs	Submitted 3/30/2020. Incomplete 04/24/2020. Approved 5/19/2020. Pending BP Submittal. Minor revision to approved sign permit submitted. Revision approved. BP issued 9/29/2020. Under construction.	Marysol	14	
20-2043-DP/CDP	Strickland- Wahl	4854	Sandyland Road	Remodel & convert 2 apartments into 1 SFD	Submitted 03/06/20. Incomplete 4/3/20. Resubmitted 04/30/20. Complete 05/28/20. Preliminary ARB Approval 06/25/2020. PC Approved 9/8/20. CCC Appeal Period Ended 10/8/20. Final ARB approval 2/11/21. BP submitted 3/25/21. NTPO recorded 6/28/21. BP issued; under construction.	Nick	14	
20-2032-ARB/CDP	Dave Moore	5550	Calle Ocho	A 970 sf addition to an existing SFD	Submitted 1/24/2020. Complete 2/21/2020. ARB on 5/14/2020. Resubmitted and R-1 letters sent 8/26/2020. BP#13008 issued 10/16/2020. Under construction.	Syndi	14	
19-2029-DPR/CDP	Carpinteria Arts Center	855	Linden Avenue	Courtyard improvements: new hardscape, landscaping, a living wall, storage, utility sink, fencing, and trash enclosures	Submitted 12/20/2019. Complete 01/16/2020. Prelim ARB 2/27/2020. Approvals pending. BP submitted 10/23/2020. BP issued.	Marysol	14	
19-2021-ARB	Marsha Ota	5273	Cambridge Lane	Remodel and addition of 460 sq. ft.	Submitted 11/7/2019. Complete 12/18/19. To CDD Director for action. Approved by CDD 2/24/2020. BP#12889 issued 8/3/2020. Under construction.	Syndi	14	
19-2017-CDP	Lauren Kasmer	5637	Calle Pacific	Remodel and 352 sf addition	Submitted 11/13/2019. Complete 12/11/19. Awaiting revised plans prior to CDD Director action. Approved by CDD on 2/14/2020. CCC appeal period ended 3/9/2020. Awaiting applicant satisfaction of COAs. BP#13153 issued. Under construction.	Syndi	14	

19-2012-DPR	Mac Partners / Jeremy Rogers	6384	Via real	Building facade renovation, addition of new patio areas, new permeable area for future parking area.	Submitted 10/7/2109. Incomplete 11/6/19. Partial resubmittal 12/4/19; under review. Incomplete 12/16/2019. Resubmitted 01/14/2020. Incomplete 02/13/2020. Complete 06/03/2020. Prelim ARB 06/25/2020. In Progress ARB 10/29/2020. PC 12/7/2020. Final ARB 5/13/2021. Building Issued.	Marysol	14	
19-2009-ARB	Jesse Bustillos / The Spot	389	Linden Ave	Remodel dinning room structure, new outdoor patios, upgrades to parking and lighting	Submitted 9/24/2019. Complete 10/28/2019. Pending resubmittal for Prelim ARB. Resubmitted 01/08/2020. Prelim ARB 2/27/2020. In Progress Review 05/14/2020. Director Approval 7/7/2020. Final ARB 7/30/2020. BP Submitted 8/27/2020. In plan check. BP issued 3/31/2021. Under construction. 8/2021 on hold pending redesign.	Marysol	14	Yes
19-1996-DP/CDP/PM	Justin Klentner	1075	Cramer Road	Demolish (E) units; construct (N) 4-unit condo development	Submitted 8/28/19. Incomplete 9/26/19. Resubmitted 10/24/19. Complete 11/22/19. Prelim ARB approval 12/12/19. PC approved 2/3/20. ARB In-Progress 2/27/20. Final ARB Approval 3/12/20. Revised Final ARB Review 4/30/20. Building Permit submittal 4/14/20. Final Map recorded. BP ready to issue 8/31/20. Under construction. Condo Plan & CCRs recorded 7/23/21. Temp CoO issued 9/23/21.	Nick	14	
19-1989-CUP/CDP	Laurie Neil	4836	Fifth Street	Remodel & construction addition to (E) cottage	Submitted 7/12/19. Incomplete 8/7/19. Resubmitted 11/14/19. Complete 12/9/19. Approved at PC on 5/4/2020. BP#13133 issued 12/10/2020. Under construction.	Syndi	14	
19-1983-DP/TPM/CDP	Phari LLC	1112	Linden Avenue	Remodel and add 251 sf to an (E) SFD and detached garage with 2nd dwelling unit to create a project with four condominium units and a carport with associated parking and landscaping	Submitted 6/5/19; Incomplete 7/3/19. Resubmitted 7/3/19; complete 7/23/19. Prelim ARB was 7/11/19; no recommendation. PC Approved 8/5/19. No appeal. Final Map Recordation 5.26/20. BP issued 7/23/2020. Under Construction.	Steve	14	

19-1965-DPR/CDP	Carpinteria Business Park	4185-4195	Carpinteria Ave	Exterior architectural façade improvements to five of the buildings within the Flood Hazard and Coastal Appeals Overlay.	Submitted 2/5/2018. Incomplete 3/19/2019. Resubmitted 3/28/2019. Incomplete 4/25/2019. Prelim ARB 06/13/2019. Complete 6/21/2019. Resubmittal 8/23/2019. Director Approval 9/26/2019. Final ARB 10/31/2019. Building Permit application submitted 12/17/2019. Building Permit issued. Under construction. Revision to lights approved by ARB 1/14/2021. Minor awning revision 8/2021.	Marysol	14	
19-1958-DP/CDP previously 14-1733-DP/CDP/TPM	Sanctuary Beach Condominiums (Norman's Tennis Court)	4925	Carpinteria Avenue	Four residential condominiums	Planning Commission Approved 11/2/15. DP/CDP Time Extension approved 12/5/16. Project stalled. Map is still alive. New DP/CDP submitted 1/3/19 and 1/28/16. Complete 2/1/19. DP/CDP approved by PC 3/4/19. Final Map Clearance to CC 5/13/19. Map recorded, building permit approval underway with new ownership. BP issued; under construction.	Steve; Nick	14	
18-1938-CDP	CA State Parks	205	Palm Avenue	Sewer replacement, Santa Rosa Campground	Submitted 9/25/2018. Complete 10/23/2018. NOE submitted. Approved 3/1/2019. Conditions of Approval and final plans received. Under construction.	Marysol	14	
18-1929-DPR/CDP	Sinclair	4921	Sandyland Road	Remodel (E) detached Condo	Submitted 8/6/18. Incomplete 8/30/18. Resubmitted 12/14/2018. Incomplete 01/11/2019. Resubmitted 2/26/2019. Incomplete 3/28/2019. Resubmitted 4/1/2019. Complete 5/1/2019. ARB 06/13/2019. PC 8/5/2019. Final ARB 8-29-2019. BP issued 1/21/2020. Under construction. Revision proposed 11/18/2020. Matters by Staff 1/14, 1/28, 2/11. Partial ARB approval 2/11/2021. Partial Building Permit revision issued 2/23/2021. Final ARB approval of colors and materials 03/25/2021. Pending final Building Permit revision.	Marysol	14	
18-1920-CUP/CDP	Caltrans		Citywide	Highway 101 HOV Lanes	Submitted 5/18/18. Incomplete letter 6/14/18. Applicant resubmittal 7/20/18. Complete 8/17/18. ARB Prelim/Final 10/11/2018. To PC 3/4/19, continued to 4/1/19. PC Approved 4/1/19. Under construction.	Steve	14	

18-1909-ARB/CDP	Able, John	477	Concha Loma Dr	Addition & remodel to SFD, new pool, new ADU	Submitted 3/13/18. Incomplete 4/11/18. Resubmitted 6/11/18. Incomplete 7/11/18. Resubmitted 10/01/18. Incomplete 10/31/18. ARB conceptual review 11/15/18. Resubmitted 6/7/19; incomplete 7/5/19. Resubmitted 7/12/19. Incomplete 8/8/19. Resubmitted 9/12/19. Complete 10/10/19. Prelim ARB approval 11/21/19. Scheduled for In-progress ARB Review 4/30/20. CDD Director approval 6/23/20. Final ARB 6/25/20. CCC appeal period ended. BP issued 6/24/21; under construction.	Nick	14	
17-1868-DP/CDP	Carpinteria Sanitary District	5300	Sixth Street	Demolition of existing modular offices and the construction of a new 4,118 square foot one-story office building.	Submitted 4/12/2017. IDAG 4/20/2017. Incomplete 5/12/2017. Resubmitted 8/8/2017. Incomplete 9/7/2017. Resubmitted 10/10/2017. Complete 10/31/17. Prelim ARB 1/25/18. Continued Prelim ARB 03/15/2018. Planning Commission approved 06/04/2018. FLAN sent to CCC 6/14/18. Resubmittal 10/23/2019, under review. Pending PW determination. Final ARB 2/27/2020. BP issued 12/2021. Under Construction. Minor revision.	Marysol	14	
17-1850-CDP	CA Dept. of Parks and Recreation	205	Palm Avenue	State Beach Phase II ADA Improvements	Submitted 1/3/2017. Incomplete 1/31/2017. Resubmittal 5/22/2017. Complete 6/15/2107. Director Approval 9/13/2017. Pending resubmittal of minor modifications and signed Conditions of Approval. Received 9/6/2018. Time Extension approved 7/31/2019. Under construction.	Marysol	14	

16-1849-CUPR/TTM/CDP	Faith Lutheran Church	1335	Vallecito Place	7-lot subdivision & 5 new SFDs	Submitted 12/22/16. Complete 10/31/17. ARB Preliminary approved 3/15/18 with comments for suggested revisions. PC approval 8/6/18. CC Approval of CUP/TM/CDP on 12/10/18. CC review of Affordability Covenant and Final Map Acceptance 2/8/2021. Final map submitted on 3/26/2020. Sent to City Surveyor for review on 3/26/2020. 1st map check corrections to applicant 4/30/2020. 2nd submittal to City Surveyor 6/3/2020. 2nd corrections to applicant 8/21/2020. 3rd submittal to City Surveyor 9/21/2020. Corrections to applicant. 4th submittal to City Surveyor 10/28/2020. To ARB for in-progress review 10/29/2020. 5th submittal to City Surveyor 11/23/2020. Other docs under review with City Atty. Final Map, documents, and street name to CC for acceptance on 2/8/2021. Map recorded 3/8/2021. Final ARB on 5/27/2021. BPs #13293-13299 issued 8/12/2021. Under construction.	Steve / Syndi	14	
16-1847-CUP/CDP	Zerlin	5305	Eighth Street	Abate Zoning/Building Violations & construct (N) 2nd floor addition.	Submitted 11/15/2016. Incomplete 12/15/2016. Resubmittal 2/3/2017. Incomplete 2/15/2017. Resubmittal 4/24/2017. Complete 5/24/2017. To Prelim ARB 06/15/2017; cont'd with direction for redesign. Resubmitted 09/11/2017. Preliminary ARB 2/15/18. PC 05/07/2018. Approved. Plan resubmitted 10/23/2018. Final ARB 02/13/2019. BP issued. Under construction. Landscape/hardscape revision proposed 3/24/2021, under review. ARB matters by staff 4/29/2021.	Marysol	14	Yes
16-1839-CDP	Thom Vernon	500	Maple Avenue	Install new windows & replacement roll-up doors	Submitted 8/12/16. Incomplete 9/8/16. Complete 9/14/16. To ARB 9/15/16, continued to 10/13/16. ARB approved 10/13/16. Director Approved 10/21/16. FLAN sent to CCC 11/1/16. BP application submitted 10/20/16. BP issued 2/2/17, under construction.	Nick	14	

15-1804-CDP	Hawkins	5567	Calle Arena	Construct (N) SFD w/ attached two-car garage	Submitted 12/29/15. Incomplete 1/28/16. Meeting w/ new agent 6/26/17. Concept ARB 8/17/17. Revised submittal 12/13/17. Incomplete 1/12/18. Concept ARB 2/15/18. Resubmitted 4/13/18. Incomplete 5/3/18. Resubmitted 5/9/18. Scheduled for Prelim ARB Review 5/31/18. Cont'd to Prelim 7/12/18. Cont'd to Prelim 7/26/18. ARB Prelim Approval 7/26/18. Complete 9/27/18. Revised ARB Prelim Approval 11/15/18. Director approval issued 12/18/18. Appeal filed 12/28/18. PC denied appeals 3/4/19. Appeal of PC decision filed 3/14/19. CC denied acceptance of appeal 4/22/19. FLAN sent to CCC 4/24/19. Appeal filed with CCC 5/9/19. CCC Appeal hearing 7/10/19, CCC found no substantial issue. City approvals stand. Final ARB approval 8/29/19. BP submitted 4/2/19. BP issued 12/19/19, under construction.	Nick	14	
09-1522-CUP/CDP/LCPA/ORD	Caltrans		Linden-Casitas Interchanges and Via Real Extension	Reconstruct overcrossings and extend Via Real across Carpinteria Creek	Submitted 2009. PC recommended approval 05/18/15. CC first reading and recommended approval of ORD and LCPA 06/22/15 and 07/27/15. Submitted to CCC 08/21/15. CCC hearing in October in Orange County. CC approved CUP/CDP 11/23/15. FLAN sent to CCC 12/1/15. No appeal. ARB Final 3/17/16. Construction underway 9/12/16.	Steve	14	
08-1483-CDP	Salzgeber	447	Concha Loma Drive	Install water well and storage tank for agricultural purposes	Submitted 12/18/08. Incomplete 1/16/09. Resubmitted 3/20/09. Incomplete. Resubmitted 9/1/09. Director approved 5/7/10. Permit issued 10/19/10. Well constructed and sealed 11/10. Awaiting installation of pump and storage tank.	Nick	14	
04-1172-DP/CDP	Franssen	750	Palm Avenue	Construct one new SFD and create two condominiums	Revised plans submitted 9/15/06. Incomplete 10/9/06. Resubmitted 10/30/06. Prelim ARB 11/30/06. Complete 12/21/06. To PC 1/2/07. Revised Prelim ARB 1/25/07. PC approved 2/5/07. CC approved map clearance 12/10/07. PC approved one year TEX 2/4/08. Grading Permit issued 2/4/09. Final ARB for Unit 2 10/1/09. BP issued, under construction. CofO issued on rear unit.	Nick	14	

21-2118-CDP	Santa Barbara County Flood Control District		Carpinteria Creek	Annual Routine Maintenance Activities	Submitted 7/16/21. Director approved 8/18/21. FLAN sent to CCC 8/31/21. Work completed 09/21.	Nick	15	
21-2109-SIGN	ARCO AM/PM Gas Station	1116	Casitas Pass Road	re-face price sign	Submitted 5/6/2021. Approved 5/19/2021. Building Permit issued.	Marysol	15	
21-2113-CON	Thom Vernon	502	Maple Ave	Concept for 6 new units plus 1 ADU	Submitted 5/27/2021. ARB concept review 8/12/2021.	Syndi	x	
19-1976-DPR	Justin Marsh/G6 Hospitality	5550	Carpinteria Avenue	Repair and replace landscaping & irrigation	Submitted 4/9/19. Incomplete 5/9/19. Resubmitted 12/5/2019. Incomplete 12/30/2019. Resubmitted 01/29/2020. Incomplete 2/18/2020. Resubmitted 3/2/2020. Complete 3/24/2020. Prelim ARB 05/28/2020. Continued. Pending resubmittal. Compliance Order sent 1/2021 with deadline. Applicants informed City of new project team. Pending resubmittal of new project application. New application submitted 7/14/2021, refer to #21- 2116-ARB.	Marysol	x	Yes

Last updated

9/27/2021 11:51

BUILDING PERMIT REPORT

09/01/2021 - 09/27/2021



Permit #	Permit Date	Parcel #	Site Address	Owner Name	Project Description	Valuation	Status	Issued Date	Code Compliance Violation	Fire Permit Required
13435	9/27/2021	001-293-011	5455 Dariesa Street	BRITTON, DAVID B	Installation of (13) solar panels with (13) micro inverters and a combiner box.	0	In Review Building			
13434	9/27/2021	001-293-011	5455 Dariesa Street	BRITTON, DAVID B	Replace existing 100 amp panel with a new 200 amp panel. Same location.	2,000	Final Processing	9/27/2021		
13433	9/24/2021	004-007-024	5183 Concord	MCMAHON MICHAEL	Electrical Panel Upgrade from 100 to 200 amps. Same location.	2,500	Issued	9/27/2021		
13432	9/22/2021	001-300-041	1267 Casitas Pass Road	DONALDSON, NANCY L TRUST	Install roof mount 6.12 kw solar panel array grid tied and enphase encharge (battery) system 10.5 kw.	25,000	In Review Building			
13431	9/21/2021	004-105-010	5201/5251 Sixth Street	CALDWELL CHILD'S TRUST	Security fence around property, 3 vehicular rolling gates and 2 pedestrian gates. Facade improvements: Remove existing wood framing over Trellis and replace with new metal framing. Paint wood siding on East Facade.	62,000	In Review Planning			
13430	9/21/2021	003-463-007	160 Ash Ave Units #3, 4, 5	White Caps Properties LLC	Kitchen and Bath remodel, ceiling lighting, update sub-panel. Units 3, 4, and 5.	45,000	In Review Building		Yes	

13429	9/21/2021	003-830-CA1	4975 Sandyland Road #102	Carpinteria Shores	Remove and replace electrical subpanel. Same location.	2,000	In Review Building			
13428	9/17/2021	003-313-010	5042 7th Street	Hickey Brothers Land Co.	Install a 5/8 plywood over metal roof. Install a new torch down application. 16 squares.	12,300	Final Processing			
13427	9/17/2021	004-047-002	956 Maple Avenue	COUNTY OF SANTA BARBARA	Construct 10' x 10' storage room under back patio porch.	850	In Review Planning			
13426	9/15/2021	003-291-003	877 Arbol Verde Street	WELBY, AUDREY A EXEMPT QTIP TRUST SUBTRUST OF WELBY LIVING TRUST 9/26/90	Install flush roof-mounted solar PV - 8 panels, 2.8 kW	5,320	In Review Building			
13425	9/14/2021	003-590-028	1483 Camellia Circle	MATURI-BUSH FAMILY TRUST 09/13/2019	Replace existing tub with a walk-in tub, install 1 new 20-AMP circuit for the tub outlet and drywall patch.	9,500	Issued	9/14/2021		
13424	9/14/2021	003-243-028	4650 7th Street	Eric Joseph Bell and Meredith Evans Bell	Removal of existing carport, replacing front dirt with turf extending (widening) driveway 5 ft. on weser side; plan new hedges in front yard, new brick porch and path from sidewalk to front door.	9,000	In Review Planning			
13423	9/14/2021	003-552-001	1375 Chaney Street	DOIRON DAVID/MARY ODELL	Tear off existing composition install Lifetime composition, 31 squares.	13,855	Issued	9/16/2021		

13422	9/14/2021	001-400-033	5365 Santa Rosa Lane	DONNELLY FAMILY TRUST 9/20/05	Tear off existing composition install Lifetime composition, 31 squares.	23,275	Issued	9/16/2021		
13420	9/9/2021		5110 Cottage Place, Lot 6		3.2 Kw roof mounted PV system, 8 panels.	9,000	In Review Building			
13419	9/9/2021		5120 Cottage Place, Lot 5		3.2 Kw roof mounted PV system, 8 panels.	9,000	In Review Building			
13418	9/9/2021		1315 Vallecito Place, Lot 4		3.2 Kw roof mounted PV system, 8 panels.	9,000	In Review Building			
13417	9/9/2021		5140 Ogan Road, Lot 3		3.2 Kw roof mounted PV system, 8 panels.	9,000	In Review Building			
13416	9/9/2021		5130 Ogan Road, LOT 2		3.2 Kw roof mounted PV system, 8 panels.	9,000	In Review Building			
13415	9/8/2021		4800 Sawyer Ave		Remove existing light poles and fixtures and replace with new LED light fixtures and poles at the same locations, using the existing foundations and lighting circuits.	0	In Review Building			
13414	9/2/2021	004-113-005	4991 Carpinteria Ave	CARPINTERIA GATEWAY, LLC	Non-electric Aluminum Sign and 1 electric sign.	2,600	Pending Pickup			
13413	9/1/2021	003-321-012	5157 8th Street	SEGALL DENTLER FAMILY TRUST 10/21/11	Install a standing seam metal roof over a Class A fire rated underlayment. Approximately 5 squares. TPD single ply system 60 mm, over a 1/2" Dens Deck fiberglass reinforced drywall)	8,000	Issued	9/2/2021		

Total Records: 22

9/27/2021