



BUILDING FOUNDATIONS



ADVANCING SUCCESS



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ATTORNEYS



About Your Presenter...

Olivia K. Marr, Attorney

- Olivia K. Marr represents developers, land owners, investors and municipal governments in all aspects of real estate, land use and entitlements matters, including the California Environmental Quality Act (CEQA), Subdivision Map Act, and Planning and Zoning Law compliance, development agreements, due diligence review, and transactional issues. She has extensive experience in the navigation of land use regulations and obtaining entitlements for a wide range of projects, from urban infill, to residential and mixed-use Master Planned Communities.
- Ms. Marr's work has focused on compliance with land use laws and regulations at the state and local levels, with particular emphasis on California Environmental Quality Act (CEQA) compliance and the preparation of Environmental Impact Reports and related documents.



The ABC's of ADUs



Why was the law amended?

- California is experiencing a severe housing shortage.
- Prior law from 2003 regarding secondary dwelling units simply wasn't working.
- Local jurisdictions had found ways to make building secondary dwelling units onerous.
 - e.g. Santa Barbara required the unit be 600 square feet or less and within/attached to the existing home, a lot size of at least 7,000 square feet and a separate water meter.
- The State deemed it necessary to streamline and remove barriers to construction.



What is an Accessory Dwelling Unit?

- An ADU is a secondary dwelling unit or granny flat or in-law unit with kitchen and bathroom, separate entrance.
- Allowed on lots with existing, single-family dwellings in single or multifamily residential zones.
- Cannot be sold separately from the primary residence. May be rented but not required.
- Can be attached or detached, no passageway to street required.
- Attached may not exceed 50 percent of existing living area with a maximum floor area of 1,200 square feet; Detached 1,200 square feet maximum.



Streamlining

- Where a single family residence or accessory structure exists in any single family residential zone, so can an ADU.
- Applications to be considered ministerially without any hearing and within 120 days.
- Cannot be rejected for exceeding density, they are now an “accessory building”.
- Residential use consistent with existing general plan and zoning, growth management ordinances do not apply.
- Many local jurisdictions not happy that their discretionary land use authority is being usurped.



ADU Incentives

- Reduction or elimination of parking requirements
 - One space per unit or bedroom but generally may be tandem and in setback.
 - BUT NO PARKING REQUIRED if, for example: (a) unit is located within ½ mile of public transit; (b) unit is located w/in historic district; (c) part of existing residence or existing accessory structure; (d) car share within one block of unit.
 - If existing parking removed as a result of ADU then replacement spaces may be in any configuration on same lot including uncovered or tandem.
- No minimum lot size; no restrictions on lot coverage.
- No setback required an existing garage converted to an accessory dwelling unit.
- For new units above a garage, no setback more than five feet from side and rear lot lines required.
- No separate utility if part of existing house or accessory structure in single family zone.
- No fire sprinklers if not required for primary residence.

Local Discretion

- Local jurisdictions still have some discretion regarding parking, height, setback, lot coverage, landscape, architectural review, maximum unit size, historic protection for new structures and additions.
- Adequacy of water, sewer services and impact on traffic flow and public safety may also be considered.
- Local building code requirements, if applicable.
- Approval by local health in the instance of private sewer systems.
- **BUT** no total prohibition; ADUs within existing structures must be allowed in all single family residential zones; not more burdensome.
- MAY require property to be owner occupied or that rentals be longer than 30 days.
- Coastal inconsistency can be a reason for denial.



What is happening in our County?

- All existing ordinances are void to the extent they conflict with new law. State law must be complied with until such time as local ordinances are adopted.
- **City of Santa Barbara** – state law controls but they have a guidance document; local ordinance in process with staff; timing unknown.
- **County of Santa Barbara** – starting with MLUDC and CZO, MPC will review staff recommended ordinance again 4/12 and provide recommendation to Supervisors. Staff recommending CZO updates.
- **Goleta** – state law controls until such time as they modify provisions. LCP not certified. Perhaps modified as a part of zoning update.
- **Carpinteria** - Informational briefing for Council 3/27; Entirely within Coastal Zone; Local Coastal Program controls

What about water?

- A large portion of the County's residences are serviced by Water Districts. Special Districts may take the position that they are not regulated by the amended law and thus continue to treat accessory dwelling units as new residential units for purposes of charging fees and requiring connection.
- Montecito Water District issues a letter to the Montecito Planning Commission stating:
 - "...any permit for approval of an accessory dwelling unit within [MWD's] service area is subject to all applicable District ordinances. . . ."
- If the unit fits within prior allocation then new service may not be required.
- Will this last forever? AB 229 proposes to modify the law to ensure special districts are bound to the same rules as local agencies.



Any questions?

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