

June 4, 2024

Board of Supervisors Hearing

**Non-Coastal Zoning Ordinance Amendments
for Accessory Dwelling Units and Junior
Accessory Dwelling Units (PL24-0014)**



**Resource Management Agency, Planning Division
Ruchita Kadakia, Manager,
Housing and State Mandates**

Project Objective and Scope

Update County's Accessory Dwelling Unit (ADU) regulations to address comments received from HCD, consistent with State law :

- Government Code Section 66310 et seq. (ADUs); and
- Government Code Section 66333 et seq. (Junior ADUs/JADUs)

2021-2029 Housing Element Sites Inventory (6th Cycle RHNA)

ADUs and JADUs:

- ~44% of overall RHNA
- Consist of almost half of lower-income RHNA target

ADU/JADU Progress:

- 2021-22 : 108 units
- 2023 : 170 units

Total : 278 units (50%)

| | Lower Income (less than 80% of median) | Moderate Income (80-120% of median) | Above- Moderate Income (greater than 120% of median) | TOTAL |
|--|--|--|---|--------------|
| RHD Zoned Sites | 220 | - | 30 | 250 |
| ADUs and JADUs | 258 | 235 | 67 | 560 |
| Farmworker and Animal Caretaker Dwelling Units | 8 | - | - | 8 |
| Approved Residential Projects | | | | |
| <i>CSUCI University Glen Phase 2</i> | 170 | 310 | 120 | 600 |
| <i>Somis Ranch Farmworker Housing Complex³³</i> | 200 | - | - | 200 |
| <i>Rancho Sierra Supportive Housing</i> | 50 | - | - | 50 |
| <i>Reider Tract (Piru)</i> | 5 | 44 | - | 49 |
| <i>Finch Tract (Piru)</i> | - | 113 | 62 | 175 |
| Vacant Sites in Existing Communities | | | | |
| <i>Camarillo Heights/Las Posas Estates</i> | - | - | 51 | 51 |
| <i>Bell Canyon</i> | - | - | 62 | 62 |
| <i>Santa Rosa Valley</i> | - | - | 12 | 12 |
| <i>Lake Sherwood</i> | - | - | 76 | 76 |
| Total | 911 | 702 | 480 | 2,093 |
| 2021-2029 RHNA Target | 544 | 250 | 468 | 1,262 |
| Surplus (percent of RHNA) | 367 (67%) | 452 (181%) | 12 (3%) | 831 (66%) |

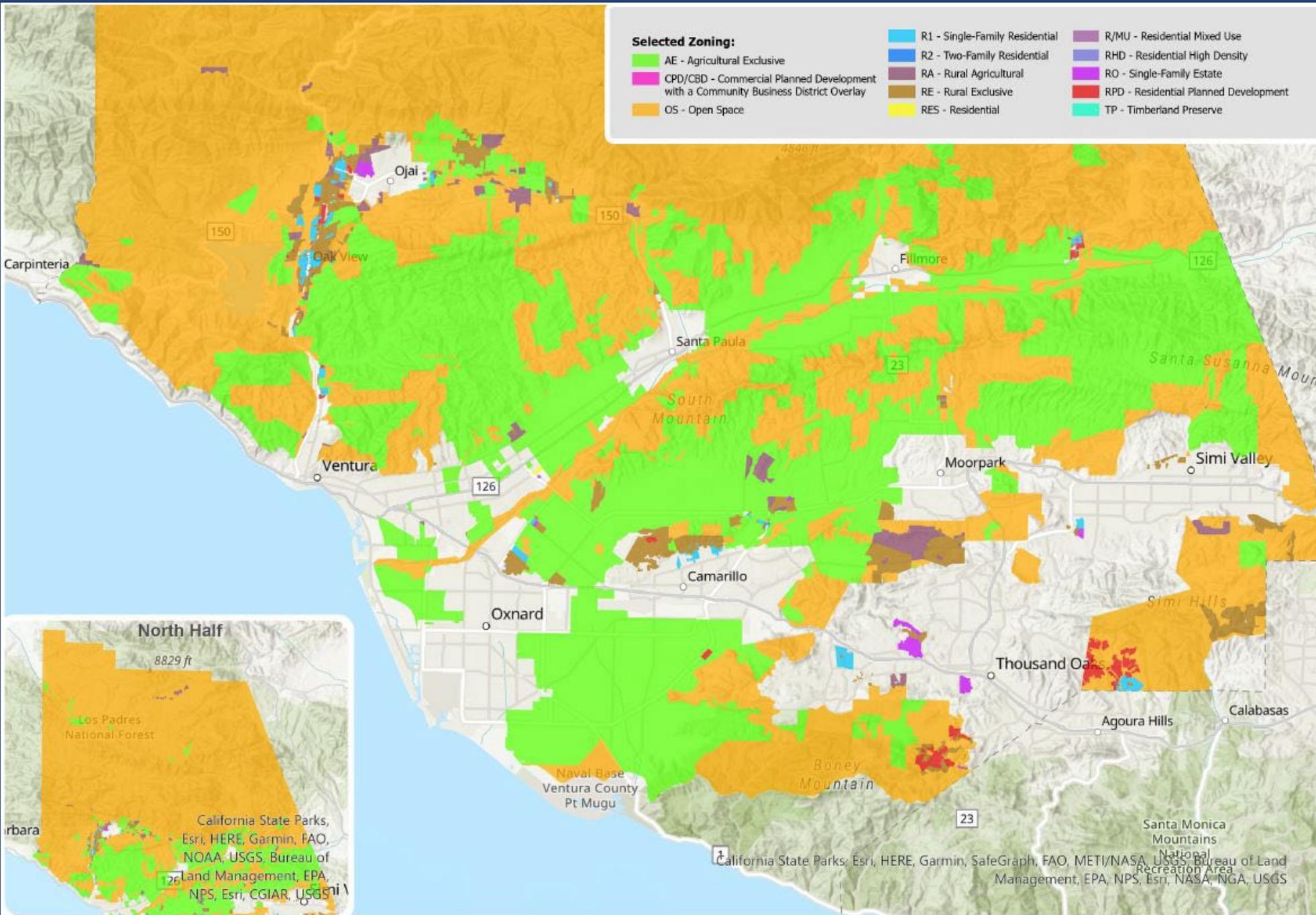
Purpose of Amendment to ADU/JADU Regulations

- February 7, 2023:** Ord. No 4615 Adopted by Board of Supervisors
- April 5, 2023:** Ordinance Submitted to HCD for certification
- September 5, 2023:** Response received from HCD
- Included 10 revisions
- September 28, 2023:** County response to HCD
- October 11, 2023:** Meeting with HCD
- Provided an overview of Ordinance structure
 - HCD agreed that only four (4) revisions need to be included in revised ordinance
- April 4, 2024:** Planning Commission Hearing



Proposed Amendments to the Non-Coastal Zoning Ordinance (Article 7)

Location of Allowable Zones for ADUs and JADUs



Proposed Amendments (Section 8107-1.7 – ADUs and JADUs)

8107-1.7.1: Purpose

8107-1.7.2: Definitions (*specific to this Section*)

8107-1.7.3: Types of ADUs

8107-1.7.4: ADUs allowed with a Building Permit
(*Building Permit ADUs*)

8107-1.7.5: Development Standards for ADUs Not Authorized
under Section 8107-1.7.4 (*ADUs allowed by Zoning Clearance*)

8107-1.7.6: JADU requirements

8107-1.7.7: Application Processing and General Requirements

ADUs Allowed by Permit and Zone

| TYPE OF ADU | | ZONING CLASSIFICATION | | | | | | | | | | | | |
|---|--|---------------------------|----|-----|---------------------|------|-----|-----------------|----|----|-------------|----|----|----|
| | | RI | R2 | RES | RPD | R/MU | RHD | RA | RE | RO | CPD/ CBD | OS | AE | TP |
| Building Permit ADUs (8107-1.7.4) | Within Space of Single-Family Dwellings and Accessory Structures (Sec. 8107-1.7.4(a)) | BP | BP | BP | BP | BP | X | BP | BP | BP | BP | X | X | X |
| | New Detached ADU with an Existing or Proposed Single-Family Dwelling (Sec. 8107-1.7.4(b)) | BP | BP | BP | BP | BP | X | BP | BP | BP | BP | X | X | X |
| | ADUs in Existing Multifamily Dwelling Structures (Sec. 8107-1.7.4(c)) | BP | BP | BP | BP | BP | BP | BP | BP | BP | BP | X | X | X |
| | Detached ADUs with Existing Multifamily Dwelling (Sec. 8107-1.7.4(d)) | BP | BP | BP | BP | BP | BP | BP | BP | BP | BP | X | X | X |
| All other ADUs not authorized under Sec. 8107-1.7.4(a) through (d) (Sec 8107-1.7.5) | | ZC | ZC | ZC | ZC | ZC | ZC | ZC | ZC | ZC | ZC | ZC | ZC | ZC |
| JADUs | JADUs (can be combined with an attached or detached ADU in a single-family dwelling) (Sec. 8107-1.7.6) | BP | BP | BP | BP | X | X | BP | BP | BP | X | X | X | X |
| | | BP - Building Permit Only | | | ZC - Zone Clearance | | | X - Not Allowed | | | 8 | | | |

Summary of Proposed Amendments

1. HCD recommended revisions (Sections 8107-1.7.4 and 1.7.6)

2. Revisions to incorporate new state legislation

- AB 976 and AB 1033 – effective January 1, 2024; and
- Urgency legislation AB 477, effective March 25, 2024

3. Staff recommended Revisions for Consistency and Clarification (Sections 8107-1.7.5 and 1.7.7)

Revisions to Number of ADUs on residential/mixed-use lots

(Sec. 8107-1.7.4(a) and (b))

1. HCD recommended revision

- Allow 2 ADUs with a Building Permit on residential and mixed-use lots with an existing or proposed single family dwelling

2. Staff recommended revision for consistency

- Allow 2 ADUs on all residential and mixed-use zones, if they meet criteria

| | Building Permit ADUs (Sec. 8107-1.7.4) | | Zoning Clearance ADUs (Sec. 8107-1.7.5) |
|---------|---|----------------------|---|
| | (a) Within Space of Single-Family Dwelling and Accessory Structure (Conversion) | (b) New Detached ADU | Attached <u>or</u> Detached ADU on residential or mixed-use lot (only), meeting criteria |
| HCD → | ✓ | ✓ | |
| Staff ↻ | ✓ | | ✓ (Attached or Detached ADU) |
| | | ✓ | ✓ (Attached ADU only) |

What is being revised?

Example:

Parcel zoned RA

Lot size: 2 acres

Existing single-family dwelling on lot

Pick One ADU option from
A, B, C, or D

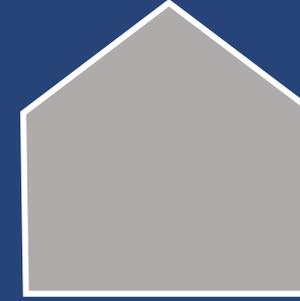


One JADU
(Per 8107-1.7.6)

Options Available with Current Ordinance



A. Conversion ADU



B. Detached ADU

Building Permit
ADUs (8107-1.7.4)



C. Attached ADU



D. Larger Detached ADU

Zoning Clearance
ADUs (8107-1.7.5)



What is being revised?

Example:

Parcel zoned RA;

Lot size: 2 acres

Existing single-family dwelling on lot

Can build **Two** ADUs on the lot from following options:

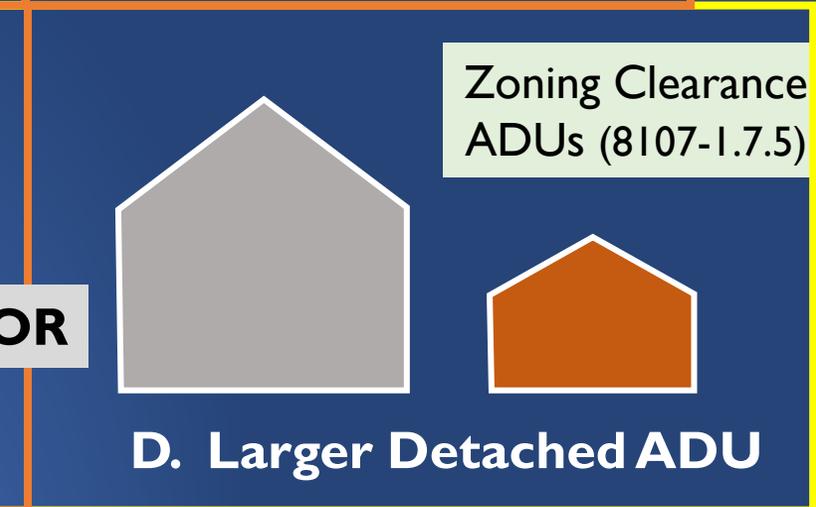
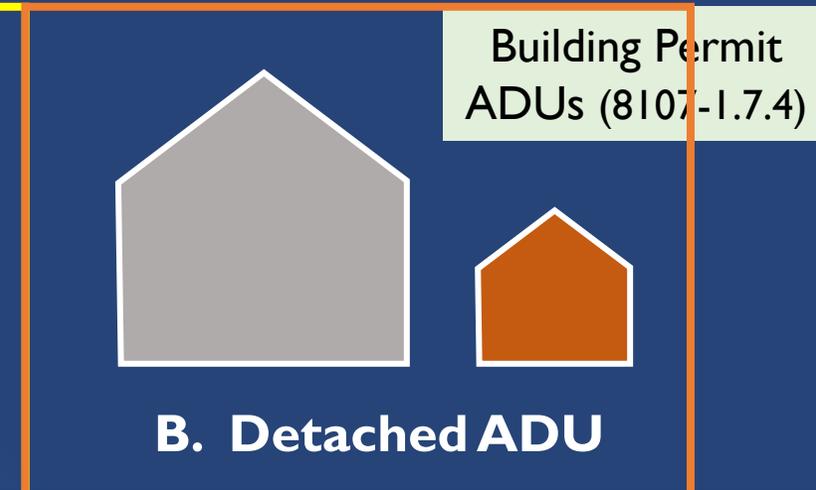
A and B (both with BP); or
A and C or D (one BP, one ZC); or
B and C (one BP, one ZC)



One JADU
(Per 8107-1.7.6)

BP = Building Permit
ZC – Zone Clearance

Options Available with **Proposed** Ordinance



OR

HCD Revisions to Detached ADUs on multifamily lots (Sec. 8107-1.7.4(d)(5))

- Detached ADUs on lots with an existing or proposed multifamily dwelling
 - Must be detached from the primary structure;
 - Can be attached to each other; and
 - Can be attached to accessory structures

HCD Revisions to JADUs (Sec. 8107-1.7.6)

- Allowable zones for JADUs:
 - R1, R2, RES, ~~RPD~~, RA, RE, or RO
- One JADU is allowed on a lot with multiple detached single-family dwellings
 - HCD Handbook revision anticipated in 2024 to reflect this change

Lot with Two Single-Family Dwellings





Planning Commission Hearing, Revisions to Ordinance and CEQA

Planning Commission Hearing

Hearing held on April 4, 2024

- One written public comment received
- No public comments during hearing

Planning Commission voted 4-0 to recommend approval

Revisions after April 4, 2024 Planning Commission Hearing

Clarification made to Ordinance

- Clarifying allowable combination of Building Permit ADU and Zoning Clearance ADU, consistent with material presented at Planning Commission hearing

Urgency Legislation, updating State Law, effective March 25, 2024:

- Reorganized the ADU and JADU laws into a new Government Code chapter
- Updated all state law references in the Proposed Ordinance

CEQA Exemption

The Proposed Ordinance (**Exhibit 4**) is exempt from CEQA review pursuant to Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance to implement the provisions of Article 2 (commencing with section 66314) of Chapter 13 of Division 1 of Title 7 of the Government Code.



Public Outreach and Public Comments Received

Public Information

- Updates to websites providing most recent information
- Legal Notice published in VC Star and Vida
- Email to Interested parties list
- ADU Homeowner Tools Guidebook in progress

<https://vcrma.org/en/accessory-dwelling-unit-permits>
<https://vcrma.org/en/accessory-dwellings-farmworker-dwellings>

REGULATIONS FOR ADUS AND JADUS

* **Note:** Zoning designations and their abbreviations used below refer to the following zones. See the [Non-Coastal Zoning Ordinance](#) for all other requirements regarding the zone:

| | |
|---------------------------------------|--------------------------------|
| Single-Family Residential (R1) | Residential Mixed Use (R/MU) |
| Two-Family Residential (R2) | Residential High Density (RHD) |
| Residential (RES) | Rural Agricultural (RA) |
| Residential Planned Development (RPD) | Rural Exclusive (RE) |
| Single-Family Estate (RO) | |

A. ADUs and JADUs allowed with a Building Permit

The new state regulations allow for the development of an ADU or JADU to apply directly for a building permit for construction, if it meets the criteria listed below.

1. ADUs Within Space of Single-Family Dwellings and Accessory Structures

One ADU and one JADU per lot within a portion of a proposed or existing single-family dwelling with exterior access or created by converting existing space of a residential accessory structure. Setbacks must comply with building and fire code, even if existing setbacks are legal non-conforming.



(ADUs Within Space of Single-Family Dwellings and Accessory Structures)

Zones allowed*: R1, R2, RES, RPD, R/MU, RA, RE, RO Zones, or Commercial Planned Development within a Community Business District overlay zone (CPD/CBD).

Standardized Floorplan Options

Three layouts are available to use for 1, 2, and 3-bedroom units! Click on the image for each option below to see the floor plan (with a furniture layout) and an illustrative rendering of that plan. Construction drawings for each option are available below the image.

The illustrative rendering directly represents the construction drawings reviewed and pre-approved by the Building and Safety Division. While you cannot change the size or location of features included in the plans (such as location of doors, air vents, plumbing connections, etc.), you can personalize the look of your unit by changing the appearance of some features! This includes paint, siding and other façade materials, trims and frames for doors and windows, outdoor light fixtures etc. Please note that some of the changes in features may require approval from the Building and Safety Division.

You can also add a patio cover to any of these standardized plans as long as it meets the requirements in Building and Safety Handout B17.

Click on the images below for more details on each option.

1 Bedroom | 700 sq. ft.



700 sq. ft. Construction drawings

2 Bedroom | 900 sq. ft.



900 sq. ft. Construction drawings

3 Bedroom | 1,188 sq. ft.



1,188 sq. ft. Construction drawings

Proposed Single-Family Dwelling

A new construction ADU is allowed on a lot with a proposed or existing dwelling and may be combined with a JADU. The new detached ADU: must have a maximum size of 800 square feet, must have a minimum 4-foot side and rear setbacks, and must be taller than 16 feet above grade.

Zones allowed*: R1, R2, RES, RPD, R/MU, RA, RE, RO Zones, or Commercial Planned Development within a Community Business District overlay zone (CPD/CBD).

Accessory Structures

ADUs are allowed in existing multifamily dwelling units (e.g., garage, carports, storage, etc.). The number of ADUs is limited to at least one ADU, or the number of ADUs in the existing multifamily dwelling units, whichever is greater. The same lot as ADUs in existing multifamily dwelling units must choose one of the options between 3 and 4.



(ADUs in Existing Multifamily Dwelling Structures)

Zones allowed*: R1, R2, RES, RPD, R/MU, RA, RE, RO Zones, or Commercial Planned Development within a Community Business District overlay zone (CPD/CBD).

Public Comments Received

Two public comments received after publication of Board packet

HCD Ordinance Review Process (Gov. Code section 66326)

- County submits ordinance to HCD within 60 days of adoption
- HCD action – If HCD finds ordinance does not comply with state law, HCD shall
 - Notify County; and
 - Provide County no more than 30 days to respond to HCD’s non-compliance findings
- In response, County must consider HCD’s findings and either:
 - Amend the ordinance; or
 - Re-adopt the ordinance without changes, and a resolution explaining why it complies with state law despite HCD’s findings
- If County fails to take above actions, HCD shall notify County and may:
 - Elect to notify the Attorney General for non-compliance with state law;
 - Determine that County may no longer rely on ADUs to meet its RHNA



Recommended Actions

Recommended Actions

- a. **CERTIFY** that that the Board of Supervisors has reviewed and considered the Board letter, the Planning Commission staff report and all exhibits thereto and has considered all comments received during the public comment and hearing process.
- b. **FIND**, on the basis of the entire record and as set forth in Section B of the Planning Commission staff report (**Exhibit 1**), that the adoption of the proposed ordinance amending Article 7 of the Non-Coastal Zoning Ordinance to amend regulations for accessory dwelling units and junior accessory dwelling units consistent with Government Code section 66310 et seq. (Proposed Ordinance) (**Exhibit 4**) is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Article 2 (commencing with section 66314) of Chapter 13 of Division 1 of Title 7 of the Government Code.

Recommended Actions (contd.)

- c. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C, and D of the Planning Commission staff report (**Exhibit 1**), that the Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance (**Exhibit 4**) is consistent with the goals, policies and programs of the Ventura County General Plan as well as good planning practices and is in the interest of public health, safety, and general welfare.
- d. **ADOPT** the Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance (**Exhibit 4**).
- e. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.



Questions?

ADDITIONAL SLIDES

(For use during Board Hearing, if necessary)

Example 1: Residential or Mixed-Use Parcel with existing SFD+ADU

Example 1:

Parcel zoned RA; Lot size: 2 acres

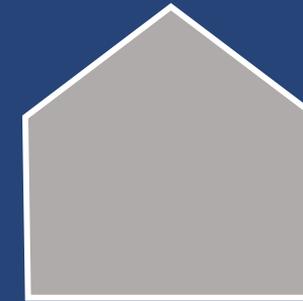
Existing single-family dwelling on lot

Existing Detached ADU = 1,200 sq. ft.
(Per 1.7.5)

Options Available with Proposed Ordinance

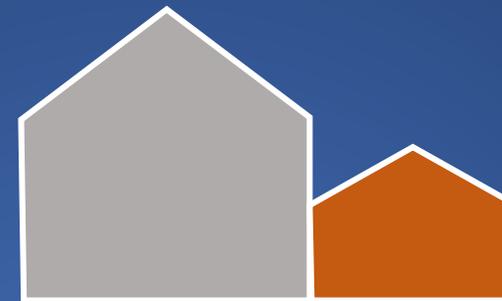


? A. Conversion ADU



B. Detached ADU

Building Permit
ADUs (8107-1.7.4)



C. Attached ADU



✓ D. Larger Detached ADU

Zoning Clearance
ADUs (8107-1.7.5)

Can build one more ADU:

A. Conversion ADU



One JADU

(Per 8107-1.7.6)

Example 2: Open Space Parcel with existing SFD+ADU

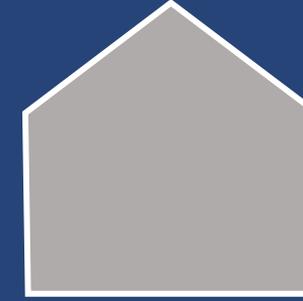
Example 2:

Parcel zoned OS; Lot size: 20 acres
Existing single-family dwelling on lot
Existing Detached ADU = 1,800 sq. ft.
(Per 1.7.5)

Options Available with Proposed Ordinance

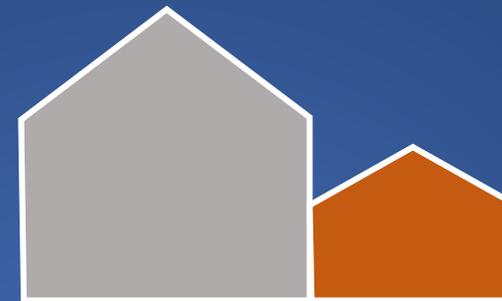


A. Conversion ADU



B. Detached ADU

Building Permit
ADUs (8107-1.7.4)



C. Attached ADU



D. Larger Detached ADU

Zoning Clearance
ADUs (8107-1.7.5)



Cannot build any more ADUs:

OS, AE and TP are not residential or
mixed-use zones

No JADU allowed