

CALIFORNIA COASTAL COMMISSION

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Prepared November 22, 2017 (for December 13, 2017 Hearing)

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Kevin Kahn, Central Coast District Supervisor

Subject: San Luis Obispo County Local Coastal Program (LCP) Amendment Number LCP-3-SLO-17-0067-1 (Accessory Dwelling Unit Updates)

Proposed Amendment

San Luis Obispo County proposes to modify the LCP's Implementation Plan (IP) by amending IP Section 23.08.169, which establishes standards for accessory dwelling units (ADUs). The proposed amendment would eliminate the existing requirement that the owner of the property live in either the primary residence or the ADU, and would also eliminate the existing requirement that the ADU be accessed by a paved road. See **Exhibit 1** for the proposed amendment text.

Minor LCP Amendment Determination

Pursuant to Title 14 of California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor." 14 CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

14 CCR Section 13554(a). Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third or more of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if less than one-third of the appointed members of the Commission object to the minor LCP amendment determination, then the amendment is deemed approved and it becomes a certified part of the LCP.

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is minor.

Among other requirements, the IP's ADU ordinance set forth in Section 23.08.169 establishes parameters for where such ADUs may be located (i.e., within the Residential Single-Family, Residential Suburban, and Residential Rural land use categories), siting and design criteria (e.g.,

unit size), and requirements for adequate water and sewer. It also requires the property owner to live in either the ADU or the principal house as his or her primary residence, and also requires the ADU to be accessed via a paved road. The proposed amendment would eliminate these latter two requirements. In its approval, the County found that these two requirements unnecessarily burden the creation of ADUs while not providing any coastal resource benefit. The amendment thus removes an impediment to the creation of ADUs, which provide an important source of housing within existing developed residential communities, while not eliminating any coastal resource protection standards with respect to ADUs. As such, the proposed amendment does not change the kind, location, intensity, or density of use of land and qualifies under the regulatory definition of a minor LCP amendment. (14 CCR Section 13554(a).)

California Environmental Quality Act (CEQA)

The Coastal Commission’s review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. (See Pub. Res. Code Section 21080.5; 14 CCR Section 15251(f).) The County determined that the project is exempt from CEQA pursuant to 14 CCR Section 15282(h), which exempts from CEQA certain ordinances related to ADUs. The proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its December 13, 2017 meeting in Dana Point. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Kevin Kahn at the Central Coast District Office in Santa Cruz.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on November 14, 2017. It amends the IP only and the 60-day action deadline is January 13, 2018. (See Pub. Res. Code Sections 30513, 30514(b).) Thus, unless the Commission extends the action deadline (it may be extended by up to one year per Pub. Res. Code Section 30517), the Commission has until January 13, 2018 to take a final action on this LCP amendment.

Exhibit:

Exhibit 1: Proposed Amendment Text