

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

W17b**Prepared September 20, 2018 for October 10, 2018 Hearing**

To: Commissioners and Interested Persons

From: Barbara Carey, South Central Coast District Manager
Jacqueline Phelps, South Central Coast District Supervisor

Subject: De Minimis Amendment Determination for Ventura County LCP Amendment Number LCP-4-VNT-18-0066-2 (Accessory Dwelling Units)

Proposed Amendment

Ventura County is proposing to amend the Implementation Plan (IP) component of the Local Coastal Program (LCP) to modify existing standards and to add new standards relating to accessory dwelling units (ADUs). Specifically, the proposed amendment would address permitting procedures and development standards, including parking requirements. The purpose of the proposed amendment is to bring the County's LCP into compliance with applicable State laws addressing ADU regulation. See **Exhibit 1** for the text of proposed amendment in ~~strikethrough~~/underline.

De Minimis LCP Amendment Determination

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is "de minimis." In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, specifying the dates and places where comments will be accepted, by one of the following methods: posting on-site and off-site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and
3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more Commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more Commissioners do not object to the de minimis determination, then the amendment is

deemed approved, and it becomes a certified part of the LCP ten days after the date of the Commission meeting (in this case, on October 30, 2018).

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is de minimis. Each of the de minimis criteria is discussed briefly below:

1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act: The proposed amendment would modify existing standards and add new standards relating to accessory dwelling units (ADUs) in order to bring the County's regulations into conformance with recent changes to State law. The proposed amendment requires ADUs to conform with the policies and provisions of the LCP, including all applicable requirements of the underlying zoning district in which they are allowed.

As proposed, ADUs created within the existing space of a single-family dwelling or an attached permitted accessory structure will be exempt from obtaining a coastal development permit (CDP) if they meet the proposed standards, including that the accessory dwelling unit has independent exterior access and that creation of the ADU would not involve the addition of floor area to the existing structure. However, even where an ADU meets these criteria, a CDP would be required in certain instances where there is a risk of adverse environmental effects (pursuant to Section 13250 of Title 14 of the California Code of Regulations, which is incorporated into the Ventura County IP in Section 8174-6.2.2(c)). For all other ADUs that do not meet the specified criteria, such as a new detached ADU, a CDP would be required, though would not require a public hearing (consistent with Government Code section 65852.2(j)).

The subject amendment retains existing LCP text which requires that the gross floor area of an ADU not exceed 700 square feet, and that an ADU may only be allowed on a lot that conforms to the minimum lot area standard for the zone in which it is located. Existing parking standards are proposed to be modified to clarify that parking for an ADU may not be required if certain criteria are met, including if the ADU would be located within one-half mile of public transit, within the existing space of a permitted principal dwelling unit, or within the space of a permitted attached accessory structure, consistent with State law. For ADUs that do not meet these criteria, one covered or uncovered parking space is required in addition to the spaces that are required for the principal dwelling unit.

The subject amendment would continue to allow for infill development within existing residential neighborhoods within the County. Commission and County staffs have coordinated on the contents of the subject amendment. During amendment pre-submittal discussions, our respective staffs coordinated on specific language to be included in the subject amendment in order to ensure that ADUs within the County are consistent with both the Coastal Act and LCP, including provisions related to the protection of public access, recreation, and environmentally sensitive habitat areas. In conclusion, the proposed amendment will not adversely affect coastal resources, and it is consistent with the policies of Chapter 3 of the Coastal Act.

2. Provision of public notice: The County provided public notice in advance of the Planning Commission hearing that was held on January 18, 2018, as well as in advance of the Board of Supervisors hearing, which was held on February 27, 2018. Newspaper notices were printed in

advance of both hearings on January 8, 2018 and on February 17, 2018. Additionally, in advance of both hearings, email and written notice were sent to individuals, agencies, and local jurisdictions, and review drafts were made available on the Ventura County Planning Division webpage and public counter, as well as in local libraries. The subject amendment was received by the Commission on August 30, 2018 and filed complete on September 14, 2018, and therefore, the 21-day noticing requirement has been satisfied.

3. No change in use of land or allowable use of property: No change in use is proposed by the subject amendment, as ADUs (referred to in the LCP as “second dwelling units”) are currently allowed within the County’s residential zone districts.

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. The County exempted the proposed amendment from environmental review under CEQA. This report has discussed the relevant coastal resource issues with the proposal, and has concluded that 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 de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its October 10, 2018 meeting in San Diego. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Jacqueline Phelps at the South Central Coast District Office in Ventura. If you wish to comment on and/or object to the proposed de minimis LCP amendment determination, please do so by October 5, 2018.

Exhibit

[Exhibit 1: Proposed Implementation Plan Amendment Text](#)