



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE January 14, 2020	(3) CONTACT/PHONE Brian Pedrotti, Supervising Planner / (805) 788-2788	
(4) SUBJECT Request to authorize the use of alternative publication procedures for amendments to Title 22 and Title 23 of the County Code and Coastal Framework for Planning Table "O" to replace the Secondary Dwelling Ordinance with a new ordinance for Accessory Dwelling Units (ADUs) that reduces regulatory barriers and streamlines the permitting of ADUs as required by State law. Hearing set for January 28, 2020. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board authorize alternative publication procedures pursuant to Government Code 25124(b)(2) by: <ol style="list-style-type: none"> Instructing the Clerk of the Board to prepare a display advertisement of one-quarter page to be published in a newspaper of general circulation in the county at least five days prior to the meeting at which the amendments will be considered for adoption indicating the general nature of the proposed amendments and where a complete copy of the text can be obtained; and, Instructing the Clerk of the Board to prepare a one-quarter page display advertisement to be placed in a newspaper of general circulation in the county within 15 days after adoption of the proposed amendments by the Board, indicating the general nature of the adopted amendments, information on where full copies of the text can be obtained, and the Board Members voting for and against the amendments. 			
(6) FUNDING SOURCE(S) Planning Department Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date <u>8/21/2018</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Zachary A. Lute			
(18) SUPERVISOR DISTRICT(S) All Districts			



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Planning and Building / Brian Pedrotti, Supervising Planner

VIA: Trevor Keith, Director

DATE: January 14, 2020

SUBJECT: Request to authorize the use of alternative publication procedures for amendments to Title 22 and Title 23 of the County Code and Coastal Framework for Planning Table "O" to replace the Secondary Dwelling Ordinance with a new ordinance for Accessory Dwelling Units (ADUs) that reduces regulatory barriers and streamlines the permitting of ADUs as required by State law. Hearing set for January 28, 2020. All Districts.

RECOMMENDATION

It is recommended that the Board authorize alternative publication procedures pursuant to Government Code 25124(b)(2) by:

1. Instructing the Clerk of the Board to prepare a display advertisement of one-quarter page to be published in a newspaper of general circulation in the county at least five days prior to the meeting at which the amendments will be considered for adoption indicating the general nature of the proposed amendments and where a complete copy of the text can be obtained; and,
2. Instructing the Clerk of the Board to prepare a one-quarter page display advertisement to be placed in a newspaper of general circulation in the county within 15 days after adoption of the proposed amendments by the Board, indicating the general nature of the adopted amendments, information on where full copies of the text can be obtained, and the Board Members voting for and against the amendments.

DISCUSSION

Alternative Publication

The California Government Code, Section 25124 establishes specific publication requirements for ordinance amendments. It offers two cost-saving alternatives to publishing the complete text of the adopted ordinance after its passage, which has historically been the most commonly used method. The alternatives include publishing a summary of the proposed amendments or, where a summary would not be effective, a display advertisement

("display ad"). The display ad, which requires the Board's authorization, must be published in a local newspaper at least five days prior to the hearing, providing the general nature of the amendments being considered and where a complete copy of the text can be obtained. Following the hearing, if the amendments are adopted, a display ad must be published in a newspaper of general circulation in the county within fifteen days of adoption of the amendments, providing the general nature of the adopted amendments, information on where full copies of the text can be obtained, and the Board Members voting for and against the amendments.

Display Advertisement

The Department of Planning and Building ("Department") is requesting that the Board authorize that a display ad be published in a newspaper of general circulation in the county prior to the public hearing and that a display ad be placed in a newspaper of general circulation following action on the amendments.

A quarter-page display ad will be the best option to notice, because a summary of the proposed amendments would not provide enough information. To summarize the ordinance amendment language would leave out important context and provide an incomplete picture of the amendments. A summary may also be seen as confusing and could discourage people from reading the full text and intent of the ordinance amendment. A display ad is more noticeable and is better suited to direct people exactly where to find the proposed ordinance amendments and read the language that will be heard by the Board of Supervisors.

Nature and Background of Ordinance Amendments to be Heard January 28, 2020

As allowed by the County's Inland and Coastal Zone Land Use Ordinance (Title 22 and 23, respectively) and State law, the option to establish a secondary dwelling in addition to a single-family dwelling (primary dwelling) has been available as an option for property owners to provide additional rental housing.

The California legislature found and declared that allowing additional dwellings would help address the housing needs in California. To address and reduce barriers to the development of secondary dwellings, Assembly Bill (AB) 2299 and Senate Bill (SB) 1069 were enacted in 2016 and became effective on January 1, 2017, renaming "secondary dwelling" as "accessory dwelling unit" ("ADU") and significantly amending California Government Code Section 65852.2 ("State ADU Law"). Such bills prohibited local governments from adopting ordinances that preclude ADUs and rendered any existing ordinance regulating the development of ADUs to be null and void if it is not compliant with the requirements prescribed in State ADU Law. On May 25, 2017, the County Board of Supervisors approved Phase I of the ADU Ordinance, which eliminated road paving and owner-occupancy requirements that conflicted with State Law.

On August 21, 2018, the Board directed the Department to proceed with Phase II of the ADU Ordinance ("Phase II"). The goal of Phase II is to further encourage the development of ADUs by further removing unnecessary barriers to their development. As part of this effort, staff developed a draft ordinance after reviewing existing County regulations pertaining to ADUs, receiving and considering input from the general public and industry professionals, and analyzing effective and upcoming requirements of State ADU Law.

Based on Board direction, staff prepared draft ordinance amendments that were reviewed by the Planning Commission on October 9, 2019. The Planning Commission reviewed the draft ordinance and recommended approval of the amendments with several recommended changes regarding permitting locations and design standards for ADUs. Staff will present the Planning Commission's recommended ordinance for Board consideration and action on

January 28, 2020. The amendments would affect all unincorporated lands within San Luis Obispo County and are exempt from review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Sections 15061(b), 15301, 15303 and 15305.

The following is the case file information:

County File Number: **LRP2017-00001**
Supervisory District: All
Assessor Parcel Number: N/A
Date Authorized: 8/21/2018

OTHER AGENCY INVOLVEMENT/IMPACT

The County Clerk of the Board will be responsible for publishing the notice prior to the hearing and the display ad following adoption of the ordinance.

FINANCIAL CONSIDERATIONS

The current cost of publishing a one quarter-page display ad in a newspaper of general circulation is approximately between \$300 and \$1,000. Reproducing the complete text of the amendments contained in this ordinance would cost more than one quarter-page display ad(s) that must be published.

One display ad is published prior to the hearing and the second display ad is published following the decision, which includes the decision made by the Board. This display ad provides disclosure to the public that amendments were approved, where they may be obtained, and how the Board voted, but does not require that the entire amendment text be published, thereby saving the cost of publishing amendments in their entirety.

RESULTS

Advertising of will ensure that the public is aware of the proposed amendments, allow the public hearing to occur in conformance with the Government Code and will cost substantially less than publishing the full text of the adopted amendments. This is consistent with the County's goal to promote a prosperous and well-governed community.

ATTACHMENTS

None.