

ORDINANCE NO. 4520

AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS AMENDING DIVISION 8, CHAPTER 1.1, ARTICLE 2, 4, 5, 6, 8, AND 11 OF THE VENTURA COUNTY ORDINANCE CODE, COASTAL ZONING ORDINANCE PERTAINING TO ACCESSORY DWELLING UNITS

The Board of Supervisors of the County of Ventura, State of California, ordains as follows:

Section 1

ARTICLE 2: DEFINITIONS

Article 2, Sec. 8102-0 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended by revisions of the following definition:

Dwelling Unit, Second Accessory - A dwelling unit that is accessory to a principal dwelling. ~~Second dwelling units include, but are not limited to, guest quarters, guesthouses, maid's quarters, granny flats, and sleeping rooms. Where a room or rooms have bathing facilities (i.e., a shower or bathtub) or a kitchen, or both, and no means of internal access to the principal dwelling, the room or rooms shall be a second dwelling unit. (AM.ORD.4451-12/11/12)~~ An attached or detached residential dwelling unit, or a unit within the existing space of a principal dwelling unit, which provides complete independent living facilities for one or more persons, with no means of internal access to the principal dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the principal dwelling. An accessory dwelling unit also includes the following:

- (a) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code; and
 - (b) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- ~~Second Dwelling – See Dwelling, Second. (AM.ORD.4451-12/11/12)~~

Section 2

ARTICLE 4: PERMITTED USES

Article 4, Sec. 8174-5- Permitted Uses by Zone, Dwellings-Accessory Uses and Structures, “Second Dwellings”, of the Ventura County Ordinance Code is hereby amended by the revisions of the subheading “Accessory Dwelling Unit” to read as follows:

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
DWELLINGS – ACCESSORY USES AND STRUCTURES												
<u>Second Dwellings Accessory Dwelling Unit (see Sec. 8175-5.4g 8175-5.1.1)</u>	PD	PD	PD	PD	PD	PD	PD	PD	PD			

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE											
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM	HPD
<ul style="list-style-type: none"> If exempt per Sec. 8174-6.2, 8174-6.3.2, 8174-6.3.5, or 8174-6.3.6 	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC			

Section 3

ARTICLE 5: DEVELOPMENT STANDARDS/CONDITIONS - USES

Article 5, Sec. 8175-3.5 (a) – Accessory Structures as Dwellings, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8175-3.5 - Accessory Structures as Dwellings

Only the following *accessory structures*, as authorized in this Chapter and with appropriate permits, may be used for human habitation:

- a. ~~Second dwelling~~ Accessory dwelling unit;
- b. Temporary *mobilehome* or *recreational vehicle* during construction;
- c. *Farm worker* or *animal caretaker dwelling*;
- d. *Caretaker dwelling*.

Article 5, Sec. 8175-3.10 – Number of Dwellings Per Lot, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8175-3.10 - Number of Dwellings Per Lot

Not more than one principal *dwelling* shall be constructed on any *lot* zoned COS, CA, CR, CRE or CR1. An ~~second dwelling unit~~ accessory dwelling unit may be permitted pursuant to ~~Sec. 8175-5.1(g)~~ Sec. 8175-5.1.1.

Not more than two *dwellings* of any type shall be constructed on any *lot* zoned CR2, RB or RBH. (AM.ORD.4451-12/11/12)

Article 5, Sec. 8175-5.1(d)– Mobilehomes Used as Dwellings, of the Ventura County Ordinance Code is hereby amended to read as follows:

- d. Mobilehomes Used as Dwelling Units - *Mobilehomes* may be used as *single-family dwellings* if the *mobilehome* was constructed on or after June 15, 1976. *Mobilehomes* used as ~~second dwellings~~ accessory dwelling units are also subject to this date limitation, but *mobilehomes* used as *caretaker*, *farm worker*, or *animal caretaker dwellings* are not.
 - 1. Foundation System - *Mobilehomes* that are used as *single-family residences*, ~~second dwellings~~ accessory dwelling unit, or *caretaker*, *farm worker*, or *animal caretaker dwellings* shall be installed on a foundation system in compliance with Section 1333

of Title 25 of the California Administrative Code. *Mobilehomes* renewed under a Continuation Permit shall be in compliance with the applicable provisions of Article 7 (commencing with section 1320) of Chapter 2 of Division 1 of Title 25 of the California Administrative Code.

2. Exterior Siding - Exterior siding of a *mobilehome* used as a *single-family dwelling* shall extend to the ground level, or to the top of the deck or structural platform where the *dwelling* is supported on an exposed pile foundation complying with the requirements of the Uniform Building Code, or to the top of a perimeter foundation. For *mobilehomes* used as *caretaker, farm worker, or animal caretaker dwellings*, *mobilehome* skirting shall completely enclose the *mobilehome*, including the tongue, with a color and material compatible with the *mobilehome*.

The text for **Article 5, Sec. 8175-5.1(g)– Second Dwelling Units**, of the Ventura County Ordinance Code is hereby repealed:

- g. ~~Second Dwelling Units – A *second dwelling unit* with complete, independent living facilities may be created on lots that contain an existing *single-family detached residence* and no other *dwellings*, other than an authorized *farm worker or animal caretaker dwelling*, subject to Sec. 8174-5 and the following:~~
 1. ~~*Second dwelling units* are allowed only on lots that conform to the minimum lot area standard for the zone.~~
 2. ~~The gross floor area of the *second dwelling unit* shall not exceed 700 square feet. A *second dwelling unit* over 700 feet may be approved if the existing *single-family dwelling* on the property does not exceed 700 square feet in gross floor area and does not exceed the height limit for *accessory structures* in the zone. In such cases, the larger *dwelling* shall be considered the principal *dwelling* with regard to height and setback standards, and the smaller *dwelling* shall be considered the *second dwelling* with regard to future expansions. In all cases, total off-street parking requirements for the *dwellings* must be met, in accordance with Sec. 8176–Parking and Loading Requirements.~~
 3. ~~The unit shall comply with the parking requirements for *second dwellings*, in accordance with Sec. 8176–Parking and Loading Requirements.~~
 4. ~~The unit may be attached to or detached from the existing single family residence.~~
 5. ~~The unit shall meet zoning provisions and permit requirements, as well as County Building and Fire Code requirements, and other public service requirements that apply to *single-family dwellings*. Where sewage or water service is to be provided through a public or private utility, availability letters from the responsible sanitation district and will serve letters from the responsible water agency shall be required.~~
 6. ~~A *second dwelling unit* will not be allowed in areas where adequate water supply, water quality and sewage disposal cannot be demonstrated.~~
 7. ~~No more than one *second dwelling unit* is allowed on each lot.~~
 8. ~~No other *accessory structure* shall be combined with a detached *second dwelling unit*, except that a *second dwelling unit* may be attached to a garage or carport. If a *second dwelling unit* is attached to a garage, the common wall between the garage and the *second dwelling unit* may not be longer than is necessary to accommodate a standard parking space; the garage area abutting this common wall may be used only for vehicle parking or accessory storage of household items. A *second dwelling unit* may be attached to a garage or carport that is itself attached to another *accessory use* such as a recreation room or workshop, provided that there is no common wall between the *second dwelling* and the other *accessory use*.~~

9. ~~Mobile homes may be used as second dwelling units, in accordance with Sec. 8175-5.1.d.~~

10. ~~The applicant for a second dwelling unit shall be the owner of record and shall reside in the principal dwelling unit on the parcel.~~

~~(AM. ORD. 4283 - 06/03/03, AM. ORD. 4451 - 12/11/12)~~

Article 5, Sec. 8175-5.1.1- Accessory Dwelling Units, of the Ventura County Ordinance Code is hereby reenacted as follows:

Sec. 8175-5.1.1 – Accessory Dwelling Units

An accessory dwelling unit may be allowed on a lot that is zoned for single-family or multifamily use and proposes or contains an existing single-family dwelling and no other dwellings, other than an authorized farm worker or animal caretaker dwelling, subject to Sec. 8174-5. Accessory dwelling units shall comply with the policies and provisions of the LCP, including all provisions of this Section (Sec. 8175-5.1.1) and the underlying zoning district, as well as County Building Code and Fire Code requirements. If any provision of this Article or the underlying development standards conflict with California Government Code Section 65852.2, the latter shall govern. Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 of the Public Resources Code).

Sec. 8175-5.1.1.1 – Standards for an Accessory Dwelling Unit Created within the Existing Space of a Single-Family Dwelling or Attached Accessory Structure

- a. Pursuant to Sec. 8174-6.2.2, an application for a zoning clearance for an accessory dwelling unit created entirely within the existing space of a permitted single-family dwelling or within the existing space of a permitted accessory structure that is attached to the single-family dwelling shall be categorically exempt from a Coastal Development Permit, with the exception of those developments listed in Sec. 8174-6.2.2(c), and shall be approved ministerially without respect to the standards in Sec. 8175-5.1.1.2 if it meets all of the following:
 1. The lot is zoned as one of the following: Coastal Open Space (COS), Coastal Agricultural (CA), Coastal Rural (CR), Coastal Rural Exclusive (CRE), Coastal One-Family Residential (CR1), Coastal Two-Family Residential (CR2), Residential Beach (RB), Residential Beach Harbor (RBH) and Coastal Residential Planned Development (CRPD);
 2. The accessory dwelling unit has independent exterior access;
 3. The rear and side setbacks are deemed sufficient for fire safety as required by the Building Code; and
 4. The creation of the accessory dwelling unit does not involve the addition of floor area to the existing structure.

Accessory dwelling units that meet the provisions of Sec. 8175-5.1.1.1 (a) above shall comply with the following standards:

- b. No parking requirements shall be imposed.

- c. When a garage, carport or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the replacement parking spaces for the principal dwelling unit may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.
- d. No more than one accessory dwelling unit is allowed on each lot.

Sec. 8175-5.1.1.2 - Standards for All Other Accessory Dwelling Units

An application for an accessory dwelling unit that does not meet the provisions of Sec. 8175-5.1.1.1 shall require a Coastal Development Permit, without a public hearing, and comply with the following standards:

- a. An accessory dwelling unit is allowed only on a lot that conforms to the minimum lot area standard for the zone in which it is located.
- b. The gross floor area of an attached or detached accessory dwelling unit shall not exceed 700 square feet.
- c. An existing principal dwelling unit that meets the development standards for an accessory dwelling unit and does not exceed the height limit for accessory structures in the zone, may be designated the accessory dwelling unit and a separate principal dwelling unit may be permitted on the site. In such cases both the new principal dwelling unit and the accessory dwelling unit shall meet development standards for each use, including off-street parking requirements in Sec. 8176-3.7.
- d. A setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
- e. When a garage, carport or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the replacement parking spaces for the principal dwelling unit may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.
- f. Parking requirements for accessory dwelling units listed in Sec. 8176-3.7 shall not apply if any of the following apply:
 - 1. The accessory dwelling unit is located within one-half mile of public transit; or
 - 2. The accessory dwelling unit is located within a historic district; or
 - 3. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
 - 4. When there is a car share vehicle located within one block of the accessory dwelling unit; or

5. The accessory dwelling unit is within the existing or proposed space of a permitted principal dwelling unit or within the existing space of a permitted attached accessory structure.
- g. Parking for an accessory dwelling unit may be provided as tandem parking on a driveway. Additionally, the parking space for an accessory dwelling unit may encroach into a required front and/or interior side setback, provided that all of the following conditions are met:
 1. The long dimension of the space is parallel to the centerline of the nearest driveway on the lots; and;
 2. On interior lots, a minimum three-foot side area adjacent to one side lot line remains unobstructed by vehicles.
- h. Notwithstanding Sec. 8175-5.1.1.2 (g), above, parking for accessory dwelling units located within fire hazard areas, identified below, may not be located within setback areas or as tandem parking, unless the Ventura County Fire Protection District Fire Marshal or his/her designee determines that the proposed location of the accessory dwelling unit is within an area without known barriers to emergency service vehicle access:
 1. The North Coast Subarea shown in Coastal Area Plan, Figure 3-2; and,
 2. The South Coast Subarea shown in Coastal Area Plan, Figure 3-6 where the accessory dwelling unit is located within the Santa Monica Mountains Overlay (M) zone or the existing community of Solromar. The M Overlay zone map is accessible in the GIS Department of the Resource Management Agency.
- i. An accessory dwelling unit will not be allowed in areas where adequate water supply, water quality and sewage disposal cannot be demonstrated.
- j. No more than one accessory dwelling unit is allowed on each lot.
- k. No other accessory structure shall be combined with a detached accessory dwelling unit, unless the combined total area of the accessory structure and accessory dwelling unit does not exceed 700 square feet. This provision does not apply to accessory dwelling units built above a garage.
- l. Mobilehomes may be used as accessory dwelling units, in accordance with Sec. 8175-5.1(d).
- m. Accessory dwelling units shall not be rented on a transient occupancy basis (rental terms of less than 30 consecutive days).
- n. At the time of application, the owner of the property shall reside in the accessory dwelling unit or the primary dwelling unit. If the application is for construction of both the accessory dwelling unit and the primary dwelling unit, the owner shall agree to occupy either the accessory dwelling unit or the primary dwelling unit after construction.

Article 5, Sec. 8175-5.6.5 (d), of the Ventura County Ordinance Code is hereby amended to read as follows:

- d. For the purposes of Section 8175-5.6.5, "households" as used in subpart (a), mean all dwellings and dwelling units including ~~second dwelling units~~ accessory dwelling units, duplexes, mobile homes, etc. not having an assigned address but located within the surrounding community.

Section 4

ARTICLE 6: PARKING AND LOADING REQUIREMENTS

Article 6, Sec. 8176-2.1 (b), of the Ventura County Ordinance Code is hereby amended to read as follows:

- b. Except for the creation of an accessory dwelling unit, pursuant to Section 8175-5.1.1, required parking spaces shall not be converted to other uses or used for the sale, lease, display, repair, or storage of trailers, boats, campers, mobile homes, waste containers, merchandise, or equipment.

Article 6, Sec. 8176-3.7 – Table of Parking Space Requirements by Land Use, Residential, “Second Dwelling Units” and “Single-Family and Two-Family Dwellings”, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8176-3.7 - Table of Parking Space Requirements by Land Use

LAND USE	MOTOR VEHICLE SPACES REQUIRED + / - 10% OF THE TOTAL	BICYCLE SPACES REQUIRED
RESIDENTIAL		
<u>Second-Dwelling Units</u> <u>Accessory Dwelling Units</u>	1 <u>covered/uncovered</u> space for units up to 700 sf of GFA; 2 spaces for units over 700 sf of GFA (in addition to the spaces required for the principal dwelling unit) <u>No additional parking is required for accessory dwelling units that meet the provisions of Sec. 8175-1.1.1.2(e).</u>	
Single-Family and Two-Family Dwellings ¹		
1-4 Bedrooms (per unit)	2 covered ¹² spaces	
5 Bedrooms (per unit)	3 spaces (2 shall be covered ¹²)	
6 or More Bedrooms (per unit)	4 spaces (2 shall be covered ¹²)	

ST: Short-term bicycle parking spaces, generally bike racks.

LT: Long-term bicycle parking spaces, generally enclosed lockers.

See Sec. 8176-5, Bicycle Parking Design Standards

¹ Replacement parking for the principal dwelling unit, as a result of the garage being demolished or converted to an accessory dwelling unit, may be located in any configuration on the same lot as the accessory dwelling unit and as uncovered or tandem spaces, pursuant to Sec. 8175-5.1.1.1(c) and Sec. 8175-5.1.1.1.2(e).

¹² Except that on parcels larger than one acre located in CA, OS, and CRE zones, parking may be uncovered.

Section 5

ARTICLE 8: GENERAL DEVELOPMENT STANDARDS/CONDITIONS – RESOURCE PROTECTION

Article 8, Sec. 8178-7.4.1(e), of the Ventura County Ordinance Code is hereby amended to read as follows:

- e. The removal of a *protected tree*, or *alterations/protected zone encroachments* that damage a *protected tree*, shall be prohibited for accessory uses or structures except for existing, legal structures (see Sec. 8178-7.6.1). Notwithstanding the foregoing, a *heritage tree* may be removed for the purpose of constructing a ~~second dwelling unit~~ an accessory dwelling unit.

Article 8, Sec. 8178-7.4.2 (c)(3), of the Ventura County Ordinance Code is hereby amended to read as follows:

3. Is required to allow the construction of a ~~second dwelling unit~~ an accessory dwelling unit, provided that the tree is classified only as a *heritage tree*.

Article 8, Sec. 8178-9.5 (a), of the Ventura County Ordinance Code is hereby amended to read as follows:

- a. For *developments* that are subject to the appeals jurisdiction of the Coastal Commission under Section 30603 of the Public Resources Code, appeal of an action on a Permit may be filed with the Coastal Commission. Prior to filing an appeal with the Coastal Commission, all local appeals on the County's action must have been exhausted, unless the exhaustion of local appeals is not required according to Section 13573 of Title 14 of the California Code of Regulations. ~~Second dwelling unit~~ Accessory dwelling unit applications subject to the appeals jurisdiction of the Coastal Commission shall be appealed directly to the Coastal Commission. (AM. ORD. 4283 – 06/06/03, AM.ORD. 4451-12/11/12)

Section 6

ARTICLE 11: ENTITLEMENT – PROCESS AND PROCEDURES

Article 11, Sec. 8181-13-Second Dwelling Unit Procedures Pursuant to Subdivision (j) of Section 65852.2 of the Government Code Section, of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8181-13 – ~~Second Dwelling Unit~~ Accessory Dwelling Unit Procedures Pursuant to Subdivision (j) of Section 65852.2 of the Government Code Section

Notwithstanding Any Other Provision of this Article:

- a. No public hearings shall be conducted on applications for ~~second dwelling units~~ accessory dwelling units under ~~Secs. 8174-5 and 8175-5.1(g)~~ Sec. 8175-5.1.1. After public notice, interested *persons* may submit written comments to the *Planning Director* prior to the *Planning Director's* decision.
- b. The *Planning Director* shall not defer decisions on applications for ~~second dwelling units~~ accessory dwelling units to the Planning Commission or the Board of Supervisors.
- c. Decisions of the *Planning Director* on applications for ~~second dwelling units~~ accessory dwelling units are final County decisions with no County appeals and shall, upon being rendered, be appealable to the Coastal Commission in accordance with Sec. 8181-9.5.

PASSED AND ADOPTED this 27 day of February, 2018, by the following vote:

AYES: Supervisors Bennett, Parks, Long, Zaragoza, Foy

NOES: Supervisors Ø

ABSENT: Supervisors Ø



CHAIR, BOARD OF SUPERVISORS
COUNTY OF VENTURA

ATTEST:

MICHAEL POWERS
Clerk of the Board of Supervisors
County of Ventura, State of California



By: Lou Shines
Deputy Clerk of the Board