

Notice of Exemption

Appendix E

To: Office of Planning and Research
 P.O. Box 3044, Room 113
 Sacramento, CA 95812-3044
 County Clerk
 County of: _____

From: (Public Agency): _____

 (Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
 Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Proposed Amendments to the Meyers Area Plan and Related Attachments.

Table Line No.	Meyers Area Plan Page	Article Chapter/Section	Revision
Chapter 2: Land Use Element			
1	Page 2-12	Table 2-1	Add "Accessory Dwelling Unit" as a use allowed by right in MAP-1 (Center) and MAP-3 (Res/T)
2	Page 2-15	Table 2-2	Update the density of Single Family Residential and Accessory Dwelling Unit.
3	Page 2-17	Table 2-2	Add foot note to reference the public to planning staff
4	Page 2-17	Section 70.B	Clarify process for reviewing Design Review applications and explicitly exempt ADUs from Design Review process.
5	Page 2-20	Section 100.A.8	Clarify hours for temporary uses at Tahoe Paradise Park.
Attachment B: Definition of Uses			
6	Page B-1	Table 1	Add the definition of Accessory Dwelling Unit and Junior Accessory Dwelling Unit from the County Zoning Ordinance. Clarify definition for Multiple-family Dwelling consistent with the County Zoning Ordinance and TRPA Code of Ordinances.
7	Page B-2	Table 1	Clarify the definition for Single-family Dwelling consistent with the County Zoning Ordinance and TRPA Code of Ordinances.

TABLE 2-1: PERMITTED, CONDITIONAL USES, AND PROHIBITED USES

USE	MAP 1 (Center)	MAP-2 (Ind)	MAP-3 (Res/T)	MAP-4 (Rec)	MAP-5 (River)
<i>Residential</i>					
Employee Housing	CUP ⁽³⁾	—	CUP	CUP	—
Multiple Family Dwelling	P ⁽⁶⁾	—	P	—	—
Multiple Person Dwelling (i.e., dormitories, etc.)	CUP	—	—	—	—
Nursing and Personal Care	CUP	—	—	—	—
Single Family Dwelling	P ⁽⁴⁾⁽⁶⁾	—	P	—	—
<u>Accessory Dwelling Unit</u>	<u>P</u>	<u>—</u>	<u>P</u>	<u>—</u>	<u>—</u>
<i>Tourist Accommodation</i>					
Time-share units	—	—	—	—	—
Bed and Breakfast Facilities	P	—	P	—	—
Hotels/Motels	CUP	—	CUP ⁽⁷⁾	—	—
<i>Commercial (Retail)</i>					
Auto/Mobile Homes/Vehicle Dealers	—	CUP	—	—	—
Building Materials/Hardware	P	P	—	—	—
Eating and Drinking Places	P	P	—	—	—
Food and Beverage Sales	P	P	—	—	—
Furniture/Home Furnishings/Equipment	P	P	—	—	—
General Merchandise Stores	P	P	—	—	—
Mail Order and Vending	P	P	—	—	—
Nursery	P	P	—	CUP	—
Outdoor Retail Sales	CUP	CUP	—	—	—
Service Stations	CUP	CUP	—	—	—
<i>Commercial (Entertainment)</i>					
Amusements and Recreation Services	P	—	—	CUP	—
Privately Owned Assembly and Entertainment	CUP	—	—	—	—
Outdoor Amusements	CUP	—	—	CUP	—
<i>Commercial (Services)</i>					
Animal Husbandry Services	CUP	P	—	—	—
Broadcasting Studios	P	P	—	—	—
Business Support Services	P	P	—	—	—
Contract Construction Services	CUP	P	—	—	—
Financial Services	P	P	—	—	—
Health Care Services	P	P	—	—	—
Personal Services	P	P	—	—	—
Professional Offices	P	P	—	—	—
Repair Services	CUP	P	—	—	—
Schools-Business and Vocational	CUP	—	—	—	—
Sales Lots	—	CUP	—	—	—
Secondary Storage	CUP ⁽¹⁾	CUP	—	—	—
Auto Repair and Service	CUP	P	—	—	—

TABLE 2-2: DEVELOPMENT STANDARDS

		MAP – 1 (Center) <small>(6)</small>	MAP-2 (Ind)	MAP-3 (Res/T)	MAP-4 (Rec)	MAP-5 (River)
Maximum Height and Density for All Uses	Maximum Height (Ft.) ⁽⁸⁾	42	TRPA Code Chapter 37	42, TRPA Code Sec. 37.4 ⁽⁹⁾	TRPA Code Sec. 37.4	TRPA Code Sec. 37.4
	Density, Single Family Residential	NA	NA	1 primary unit/parcel (parcels less than 1 acre); 2 units if greater than one acre	NA	NA
	<u>Density, Accessory Dwelling Unit</u>	NA	NA	(See El Dorado County Zoning Ordinance 130.40.300 ⁽¹⁰⁾ and Chapter 21 of the TRPA Code of Ordinances)	NA	NA
	Density, Multiple Family ⁽⁴⁾	20 units/ acre	NA	15 units/ acre	NA	NA
	Density, Multi-person/ Nursing & personal care	25 persons/ acre	NA	NA	NA	NA
	Density, Bed and Breakfast	10 units/ acre	NA	10 units/acre	NA	NA
	Density, all other Tourist accommodation	30 units/ acre	NA	30 units/ acre ⁽⁷⁾	NA	NA
	Density, Group facilities	25 persons/ acre	NA	25 persons/ acre	25 persons/ acre	NA
	Density, Campgrounds & Recreational Vehicle Parks	NA	NA	NA	8 sites/ acre for campgrounds, 10 sites/ acre for RV Parks	8 sites/ acre for camp grounds
Sizes for All Non-	Minimum Lot Size (Sq. Ft.)	5,000	10,000	5,000	NA	NA

	MAP-1 (Center) <small>(6)</small>	MAP-2 (Ind)	MAP-3 (Res/T)	MAP-4 (Rec)	MAP-5 (River)
apply.					
<p>(9) A maximum building height of 42 feet is only allowed in the Town Center portion of the MAP-3 Zoning District. For building height above the maximum height of 26 feet, the findings in TRPA Code Sec. 37.7 shall apply.</p> <p>(10) <u>See Planning Staff for applicable sections.</u></p>					

- B. Any new development, additions to existing development, change in use, or exterior modifications to existing development shall be reviewed for consistency with the Meyers Design Standards and Guidelines, and subject to a Design Review Permit in compliance with Section 130.52.030 (Design Review Permit) in Article 5 (Planning Permit Processing) of the El Dorado County Zoning Ordinance.

Upon receiving a complete application for any project requiring a Design ~~Review Permit~~ Permit, other than a single family detached residence or Accessory Dwelling Unit, and prior to issuance of a Design Review Permit, the TRPA, El Dorado County Planning Department or El Dorado Planning Commission shall request and consider a recommendation from the Meyers Advisory Council on the consistency of the proposed activity with the policies of the Meyers Area Plan and the Meyers Design Standards and Guidelines.

80 ALLOCATION OF COMMERCIAL FLOOR AREA

- A. No person shall construct a project or commence a use that creates additional commercial floor area without first receiving an allocation of Commercial Floor Area (CFA) approved by the El Dorado County Planning Commission (Planning Commission), or an allocation of new or transferred CFA approved by TRPA consistent with Chapters 50 or 51 of the TRPA Code of Ordinances. As of June 1, 2014, a total of 33,395 square feet of additional CFA is available for allocation by the Planning Commission within the MAP Zone. Allocations of CFA authorized by the Planning Commission must be consistent with this Ordinance and with TRPA Code Section 50.6.1 subsections A and B, and 50.6.5 subsections A and B.
- B. In order to promote small business, of the CFA available for allocation by the Planning Commission, 17,000 square feet shall be reserved to ensure sufficient CFA is available for as many projects as possible. The remainder of the CFA available for allocation by the Planning Commission shall be distributed in accordance with subsection C, below. The ~~Planning Commission~~ Planning Commission may allocate this reserved CFA as follows: a maximum of 2,500 square feet of CFA may be allocated to a proposed project. Only one project is eligible for this allocation of CFA on each legally created parcel.
- C. The Planning Commission may allocate the remaining CFA that is not reserved under section B, above, to a project using either of the following approaches:
1. CFA may be allocated to a project for a fee equal to the most recently advertised market rate for CFA available from the California Tahoe Conservancy. The funds received from this fee shall be collected by El Dorado County and placed in an interest bearing account. Use of these funds shall be reserved for implementation and maintenance of Capital Improvement Projects within the Meyers Area Plan.

5. The temporary use does not include grading in excess of 3 cubic yards, and does not include the removal of trees greater than 14" diameter at breast height or the removal of vegetation within land capability districts 1 – 3;
 6. Parking is restricted to paved areas, with the exception of motor vehicle exhibit parking on established lawns for automobile displays. If parking is expected to exceed the capacity within the special events area, the sponsoring organization has received written authorization to use off-site parking from an off-site property owner(s) with sufficient paved parking capacity, and the written agreement is available for review by El Dorado County or TRPA upon request;
 7. The temporary use does not include the closure of a travel lane within a State or County roadway; and
 8. The temporary use is ~~limited to the~~ between the hours of 8:00 am to 10:00 pm, or is a race or exhibition conducted during daylight hours.
 9. The temporary use includes provisions for trash removal and site cleanup during and immediately following use.
- B. Temporary uses or special events within the Plan Area but outside of the Tahoe Paradise Park, within MAP-4 (Rec), are exempt from a temporary use permit if conditions 1 – 7 of Section 100.A, above, are met, and the temporary use:
1. If the temporary activity, other than the parking, is located on unpaved areas, the temporary activity does not occur on an unpaved area that has been used for temporary projects more than four times in the past calendar year; and
 2. The affected property(s) has a current TRPA Best Management Practices (BMP) Certificate and verified land coverage and maintains verifiable records on the duration of all events.

110 OFF-STREET PARKING AND LOADING

- A. Off-street parking and loading shall comply with Chapter 130.35, Off-Street Parking and Loading, of the El Dorado County Zoning Ordinance; and site design and planning standards included in section B.1 of *the Meyers Design Standards and Guidelines*.
- B. To promote a park-once pedestrian area and reduce unnecessary land coverage, reductions in parking requirements and shared parking are encouraged where consistent with section 130.35.030 of the El Dorado County Zoning Ordinance.

ATTACHMENT B

DEFINITION OF USES

TABLE 1 LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
RESIDENTIAL	
<u>Accessory Dwelling Unit</u>	<p><u>A residential unit for one or more persons, either attached or detached, that provides complete and permanent independent provisions for living, sleeping, eating, cooking and sanitation facilities on the same parcel as the proposed or existing primary residence and is situated in all zones that permit single-family or multi-family dwelling residential uses. An accessory dwelling unit also includes an efficiency unit as defined in California Government Code Section 17958.1 of the Health and Safety Code or a manufactured home, as defined in Section 18007 of the Health and Safety Code. (See also Section 130.40.300: Accessory Dwelling Units, in Article 4: Specific Use Regulations, of this Title). This use type is intended to be consistent with Government Code section 65852.2 and all other state laws as those laws are amended from time to time. If there is any conflict between this use classification and state law, state law shall prevail.</u></p> <p><u>See also TRPA Code of Ordinances Chapter 21.</u></p>
<u>Employee housing</u>	<p><u>Residential units owned and maintained by public or private entities for purposes of housing employees of said public or private entity.</u></p>
<u>Junior Accessory Dwelling Unit</u>	<p><u>A residential unit that is no more than 500 square feet in size and contained entirely within a proposed or existing single-family structure. A junior accessory dwelling unit may include a separate bathroom, or may share a bathroom with the existing structure. (See Section 130.40.300: Accessory Dwelling Units, in Article 4: Specific Use Regulations, of this Title). This use type is intended to be consistent with Government Code section 65852.2 and all other state laws as those laws are amended from time to time. If there is any conflict between this use classification and state law, state law shall prevail</u></p>
Multiple-family dwelling	<p>More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a four-plex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in the TRPA Code. One detached secondary residence is included; see “Secondary Residence.” <u>Up to two accessory dwelling units are included; see “Accessory Dwelling Unit” in the TRPA Code of Ordinances.</u></p>

TABLE 1 LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITION
Multi-person dwelling	A building designed primarily for permanent occupancy by individuals unrelated by blood, marriage, or adoption in other than single-family dwelling units or transient dwelling units. A multi-person dwelling includes, but is not limited to, facilities such as dormitories and boarding houses, but not such facilities as hotels, motels, and apartment houses.
Nursing and personal care	Residential establishments with in-patient beds providing nursing and health-related care as a principal use, such as skilled nursing care facilities, extended care facilities, convalescent and rest homes, and board and care homes.
Residential care	Establishments primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on ability for self-care, but where medical care is not a major element. The use includes, but is not limited to, children's homes, halfway houses, orphanages, rehabilitation centers, and self-help group homes.
Single-family dwelling	One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels such as a town house or condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in the TRPA Code. A caretaker residence is included (see “Secondary Residence”). <u>Up to two accessory dwelling units are included; see “Accessory Dwelling Unit” in the TRPA Code of Ordinances.</u>
Summer home	A cabin-type single-family house intended primarily for intermittent vacation use and located in USFS summer home tracts or other remote recreation sites. Such structures are generally located in areas of restricted winter access.

Phase 1 Housing Code Amendment Package – Code of Ordinances, Rules of Procedure, and Area Plan tracked changes

Recommendation #1 - Expand the bonus unit eligibility boundary to include ½ mile from existing transit, ½ mile from a Town Center, and within areas that are zoned multi-family

CODE OF ORDINANCES

52.3. RESIDENTIAL INCENTIVE PROGRAM

52.3.4. Affordable, Moderate, and Achievable-Income Housing

All projects receiving a residential bonus unit for affordable, moderate, or achievable housing development as defined in Chapter 90: Definitions shall comply with criteria in Section 52.3.4A-F. TRPA shall report to the TRPA Governing Board biennially on the implementation of the residential bonus unit program for affordable, moderate, and achievable housing development. This report shall include, but is not limited to, the number of housing developments and units awarded and constructed bonus units, number of bonus units awarded to and constructed in each income category, number of bonus units awarded to and constructed in single and multi-family housing developments, location of housing developments, and compliance with the program.

- A. Residential bonus units may be awarded to single or multi-family housing developments.
- B. The owner of the parcel, through a deed restriction running with the land, shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental.
- C. A bonus unit may be used for an accessory dwelling unit ~~secondary residence~~ as defined by Section 21.3.2, notwithstanding 52.3.4.A above, provided it is consistent with all provisions of the applicable area plan or this Code of Ordinances.
- D. The owner of the parcel, through a deed restriction running with the land, shall limit the unit for which the bonus unit was awarded to the approved use and restrict the occupants' household income to affordable, moderate, or achievable housing limits set forth in Chapter 90: Definitions, depending on the applicable income level for which the bonus unit was awarded. The restriction shall also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, the requirement to submit an annual compliance report to TRPA, and the potential to be fined up to 1/10 of the current cost of a ~~bonus unit~~ residential unit of use annually for failure to submit the compliance report or comply with these requirements.

E. An owner-occupant of a unit who has provided all required annual compliance reports and who has had an increase in income so that they are no longer eligible for the bonus unit may apply to TRPA and receive an exemption to the income requirement until the unit is sold. The owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine, rent the unit only to an income qualified renter if no longer the occupant, or sell the unit only to an income qualified buyer.

F. The ~~housing~~ project awarded a residential bonus unit shall be within ½ mile of a designated Town Center; within ½ mile of an existing transit stops or a transit stop that will be existing concurrent with the completion of the project; or located in an area where multi-family dwellings are an allowed or special use.

Recommendation #2 - Allow motels to keep their original TAU density when converting to residential

CODE OF ORDINANCES

31.4 INCREASES TO MAXIMUM DENSITY

31.4.1. Affordable Housing

A. Affordable Housing

Affordable housing projects meeting TRPA requirements may be permitted to increase the maximum density established in Section 31.3 by up to 25 percent, provided TRPA finds that:

1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing; and
2. The additional density is consistent with the surrounding area.

B. Affordable Housing within Kings Beach Commercial Community Plan

Affordable housing projects meeting TRPA requirements and located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the maximum density established in Section 31.3 by 100 percent, provided TRPA finds that:

1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing;
2. The additional density is consistent with the surrounding area; and
3. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area.

31.4.2. Timeshare Uses (Residential Design)

A timeshare use (residential design) in an adopted community plan area may increase the permitted density by a factor of two, or a timeshare use (residential design) in an adopted TRPA Redevelopment Plan Area may increase the permitted density by a factor of 2.5, provided TRPA makes the following findings:

- A. The special use findings in subsection 21.2.2 are satisfied;
- B. The project provides transit service for its patrons directly or by contract with a transit provider;
- C. The project provides pedestrian and access amenities within the project area or within adjacent rights-of-way, consistent with the community or redevelopment plan; and
- D. If the project area contains excess land coverage, the land coverage will be reduced to no more than 75 percent of the project area.

31.4.3. Density in Special Height Districts

The maximum densities established in Section 31.3 may be exceeded for projects located in designated Special Height Districts as defined in subsection 37.5.4. The amount of deviation from the density standards shall be established by a density analysis report approved by TRPA; however, the deviation shall not exceed the maximum densities established in Section 31.3 by a factor of three. To approve any project relying on the increase in density specified in the density analysis report, TRPA shall make the findings pursuant to subparagraphs 31.4.2.A through D.

31.4.4. Density in Area Plan Overlays

The maximum densities established in Section 31.3 may be exceeded for project located in the Town Center, Regional Center, and High-Density Tourist District Overlays in approved Area Plans pursuant to Section 13.5.3.

31.4.5 Tourist Accommodation to Residential Conversion

Existing tourist accommodation developments that change the use of or redevelop the existing structures to a multi-residential use pursuant to Section 21.2, *Permissible Uses*, and convert the units pursuant to Section 51.4, *Conversion of Development Rights* may maintain existing densities. If the density exceeds the maximum allowed density for a multi-residential use, the multi-residential use will be considered a legally existing non-conforming use for density purposes. Such conversions shall be subject to the following standards:

- A. The tourist accommodation units shall have been legally established prior to July 1, 1987.
- B. Additional units that result from the conversion shall be banked onsite provided all applicable requirements of Section 51.3, *Banking of Development Rights* are met.

31.4.6 Legal, Non-Conforming Tourist and Residential Density

Tourist accommodation or residential developments may maintain existing densities as part of onsite redevelopment. If the resulting density exceeds the maximum allowed density, the use will be considered a legally existing non-conforming use for density purposes. Tourist accommodation and residential uses with legal non-conforming density shall be subject to the following standards:

- A. The units shall have been legally established prior to July 1, 1987.
- B. Residential units shall be maintained as a residential use.
- C. Tourist accommodation uses may be converted to a residential use, in accordance with Subsection 31.4.5.
- D. Units that are banked onsite and which resulted from development that was legally established on that parcel prior to July 1, 1987 may be counted toward the existing density.
- E. If a transfer of development from the site occurs to make the project area more conforming, it cannot be transferred back to result in non-conforming density.

31.4.7 Calculation of Density with Accessory Dwelling Units

See Recommendation #3, below, for new language related to Accessory Dwelling Units

Recommendation #3 - Remove 1-acre limit on ADUs basin-wide, allow more than one ADU, remove noticing requirement for ADUs

CODE OF ORDINANCES

21.3. ACCESSORY USES

Accessory uses shall be regulated pursuant to the regulations applicable for the primary use upon which the accessory use is dependent. No project or activity pursuant to an accessory use may be permitted without a related existing or approved primary use on the same parcel.

21.3.1. Examples of Accessory Use

Accessory uses are defined in Section 90.2. Examples of accessory uses and related major categories of primary uses are as follows:

A. Residential

Accessory uses such as garages, green houses, homeowner association offices, art studios, workshops, swimming pools, storage structures, exempt home occupations, tennis courts, dog runs, emergency facilities, home occupations, ~~accessory dwelling units~~~~secondary residence~~, and other uses listed in the definition of a “primary use” as accessory.

B. Tourist Accommodation

Accessory uses such as garages, parking lots, swimming pools, tennis courts, bars and restaurants, equipment rental, maintenance facilities, laundries, gymnasiums, coin operated amusements, meeting rooms, managers quarters, child care facilities, emergency facilities, employee facilities other than housing, ~~secondary residence~~~~accessory dwelling units~~, restricted gaming (Nevada only), and other uses listed in the definition of a “primary use” as accessory.

C. Commercial

Accessory uses such as garages, parking lots, emergency facilities, maintenance facilities, employee facilities other than housing, ~~secondary residence~~~~accessory dwelling units~~, restricted gaming (Nevada only), storage buildings, and other uses listed in the definition of a “primary use” as accessory.

D. Public Service

Accessory uses such as garages, ~~secondary residence~~accessory dwelling units, and emergency facilities.

E. Recreation

Accessory uses such as garages, emergency facilities, child care, related commercial sales and services such as ski shops, pro shops, marine sales and repairs, parking lots, maintenance facilities, swimming pools, tennis courts, employee facilities other than housing, ~~secondary residence~~accessory dwelling units, outdoor recreation concessions, bars and restaurants, and other uses listed in the definition of a “primary use” as accessory.

21.3.2. ~~Secondary Residence~~Accessory Dwelling Units (formerly Secondary Residences)

Accessory dwelling units (ADUs) shall be considered an accessory use to the primary use it serves and may be permitted where the primary use is a permissible use. An accessory dwelling unit shall be considered a residential unit subject to the residential allocation limitations and transfer provisions. An accessory dwelling unit shall be eligible for a residential bonus unit provided it meets the requirements of Section 52.3.4. Accessory dwelling units shall not be considered in the calculation of density.

A. Up to two accessory dwelling units per parcel shall be considered accessory uses where the primary use is a single-family or multi-family use and is a permissible use. These units may include a guest house or an affordable, moderate, achievable or market-rate rental unit. They may be attached, within, or detached from the main dwelling.

B. One ~~secondary residence~~accessory dwelling unit shall be considered an accessory use ~~to the primary use it serves and may be permitted~~ where the primary use is a commercial use, public service or recreational use~~permissible use. Secondary~~These units may include ~~a guest house;~~ an affordable or market-rate rental unit; a caretaker residence ~~for a residential use, commercial use, public service or recreational use;~~ and a manager's quarters for a tourist accommodation use or multi residential use other than multi-family or multi-residential use. ~~A secondary residence shall be considered a residential unit subject to the residential allocation limitations and transfer provisions. If the primary use is residential, a secondary unit may be permitted only if either subparagraph 21.3.2.A.1 or 21.3.2.A.2 below is met.~~

~~A. Residential Secondary Unit Parcel Size~~

~~A secondary residence may be permitted as accessory to a single-family house if:~~

- ~~1. The parcel on which the residence is located is greater in size than one acre; or~~
- ~~2. The parcel on which the secondary residence would be located is within a jurisdiction certified by TRPA to possess an adequate local government housing program and the secondary unit is restricted to affordable, moderate, or achievable housing.~~

~~B. TRPA-Certified Local Government Housing Program~~

~~TRPA may certify by resolution a local government housing program upon a finding that it adequately addresses, at a minimum, subparagraphs 1 through 3 below.~~

- ~~1. A local government adopted housing **element** that addresses the housing needs and issues of the jurisdiction pursuant to state standards;~~
- ~~2. Special ordinance standards for **development** of secondary residences, including but not limited to:
 - ~~— a. Minimum parcel size;~~
 - ~~— b. Maximum unit floor area for the secondary unit;~~
 - ~~— c. Parking standards; and~~
 - ~~— d. Building setback standards; and~~~~

- ~~3. An adequately funded and staffed compliance **and** monitoring program. This program shall through deed restriction limit the project area to the approved use and restrict both rental rates and occupants' household income to affordable, moderate, or achievable housing limits. Secondary units approved under this program shall be made available for long-term occupancy and shall be occupied for at least ten months in each calendar year. Failure to comply for more than six months with use, rental rates/household income levels, or occupancy requirements shall require removal of the unit or modification of the use to bring the project area into compliance with otherwise applicable development standards.~~

~~The local government shall document and enforce the special **standards** through an MOU with TRPA. The MOU shall include objective compliance standards to ensure adequate funding, staff resources, permitting, compliance, and monitoring consistent with the local government housing program.~~

21.3.6. Living Area Associated with Residential Accessory Structures

Living area associated with a permissible residential accessory structure that does not constitute a residential unit, as defined in Chapter 90: Definitions, may be permitted ~~for parcels ineligible for a secondary residence under Subsection 21.3.2 or an Area Plan adopted under Chapter 13~~ provided that such living area does not ~~constitute a secondary residence. Residential accessory structures, other than an authorized secondary residence, shall not~~ contain any of the following:

- A.** Any item listed under “cooking facilities” as defined in Chapter 90: Definitions, or areas for the insertion of these items;
- B.** Both a bathing facility and a wet bar (either a bathing facility or a wet bar may be permitted);
- C.** More than one toilet or more than one bathing facility; or
- D.** Living area greater than 50 percent of the living area of the primary residence, or greater than 640 square feet, whichever area is less.

TABLE 21.4-A LIST OF PRIMARY USES AND USE DEFINITIONS

Multiple-family dwelling	More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a four-plex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. One detached secondary residence is <u>Up to two accessory dwelling units are</u> included; see <u>“Accessory Dwelling UnitSecondary Residence.”</u>
Single-family dwelling	One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. A caretaker residence is included (see “Secondary Residence” <u>Up to two Accessory Dwelling Units are included; see “Accessory Dwelling Unit).”</u>

31.3.2. Table of Maximum Densities

Except where a TRPA plan area statement or adopted plan sets a more restrictive standard, no person shall create a density that exceeds the limits set forth in Table 31.3.2-1, except as provided in Section 31.4, Increases to Maximum Density.

Use	Maximum Density
Residential Uses	
<u>California</u>	
Single-family dwelling (parcels less than one acre)	1 unit per parcel, <u>excluding ADUs.</u>
Single-family dwelling (parcels greater than or equal to one acre)	<u>2 units per parcel, provided one unit is an authorized secondary residence</u>
<u>Nevada</u>	
Single-family dwelling (parcels less than one acre)	<u>1 unit per parcel</u>
Single-family dwelling (parcels greater than or equal to one acre)	<u>2 units per parcel, provided one unit is an authorized Accessory Dwelling Unit</u>

31.4 INCREASES TO MAXIMUM DENSITY

31.4.1. Affordable Housing

A. Affordable Housing

Affordable housing projects meeting TRPA requirements may be permitted to increase the maximum density established in Section 31.3 by up to 25 percent, provided TRPA finds that:

1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing; and
2. The additional density is consistent with the surrounding area.

B. Affordable Housing within Kings Beach Commercial Community Plan

Affordable housing projects meeting TRPA requirements and located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the maximum density established in Section 31.3 by 100 percent, provided TRPA finds that:

1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing;
2. The additional density is consistent with the surrounding area; and
3. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area.

31.4.2. Timeshare Uses (Residential Design)

A timeshare use (residential design) in an adopted community plan area may increase the permitted density by a factor of two, or a timeshare use (residential design) in an adopted TRPA Redevelopment Plan Area may increase the permitted density by a factor of 2.5, provided TRPA makes the following findings:

- A. The special use findings in subsection 21.2.2 are satisfied;
- B. The project provides transit service for its patrons directly or by contract with a transit provider;
- C. The project provides pedestrian and access amenities within the project area or within adjacent rights-of-way, consistent with the community or redevelopment plan; and
- D. If the project area contains excess land coverage, the land coverage will be reduced to no more than 75 percent of the project area.

31.4.3. Density in Special Height Districts

The maximum densities established in Section 31.3 may be exceeded for projects located in designated Special Height Districts as defined in subsection 37.5.4. The amount of deviation from the density standards shall be established by a density analysis report approved by TRPA; however, the deviation shall not exceed the maximum densities established in Section 31.3 by a factor of

three. To approve any project relying on the increase in density specified in the density analysis report, TRPA shall make the findings pursuant to subparagraphs 31.4.2.A through D.

31.4.4. Density in Area Plan Overlays

The maximum densities established in Section 31.3 may be exceeded for project located in the Town Center, Regional Center, and High-Density Tourist District Overlays in approved Area Plans pursuant to Section 13.5.3.

31.4.5 Tourist Accommodation to Residential Conversion

See Recommendation #2, above, for proposed language related to Tourist Accommodation to Residential Conversion.

31.4.6 Legal, Non-Conforming Tourist and Residential Density

See Recommendation #2, above, for proposed language related to legal, non-conforming tourist and residential density.

31.4.7 Calculation of Density with Accessory Dwelling Units.

Accessory dwelling units shall not be considered in the calculation of density.

39.2 SUBDIVISION STANDARDS

39.2.5. Subdivision of Post-1987 Projects

L. Secondary Residences and Accessory Dwelling Units

Secondary residences or accessory dwelling units approved on or after July 1, 1987, shall not be subdivided.

50.5. ALLOCATION OF ADDITIONAL RESIDENTIAL UNITS

TRPA shall allocate the development of additional residential units as follows:

50.5.1. Requirement of Residential Allocation

No person shall construct a residential project or commence a residential use that creates one or more additional residential units without first receiving an allocation approved by TRPA and awarded by the appropriate jurisdiction. This requirement does not apply to affordable, moderate, or achievable housing units approved after January 1, 1986, but shall apply to conversions of such affordable, moderate, or achievable housing to market-priced status. In order to construct the

project or commence the use for which the allocation or the exemption has been approved, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.

A. Applicable Residential Uses

The following residential uses referred to in Chapter 21: Permissible Uses, contain residential units: secondary residences; accessory dwelling units (formerly secondary residences); employee housing; mobile home dwellings; multi-family dwellings; multi-person dwellings; nursing and personal care facilities; residential care facilities; single-family dwellings; and summer homes.

51.5. TRANSFER OF DEVELOPMENT RIGHTS

Development rights as defined by Chapter 90: *Definitions* may be transferred from one parcel to another provided the transfer complies with this section. The following development rights shall be eligible for transfer: commercial floor area, tourist accommodation units, residential units of use (including potential residential units of use and residential allocations), and bonus units.

51.5.1. Transfer of Potential Residential Unit of Use

A potential residential unit of use, as defined in Chapters 90: *Definitions*, and 31: *Density*, may be transferred to another parcel pursuant to the following provisions:

A. Vacant Parcel

The parcel from which the ~~development right~~potential residential unit of use is to be transferred shall have a potential residential unit of use pursuant to Section 50.3.1.

B. Parcel Restriction

At the time of and as a condition of the transfer of a potential residential unit of use, the parcel from which the potential residential unit of use is transferred shall be restricted pursuant to Section 51.5.4.

C. Receiving Area

The parcel receiving the potential residential unit of use shall be in an area where residential uses are permissible and shall meet the following criteria:

1. Parcels Eligible to Receive One or More Potential Residential Units of Use

The following parcels are eligible to receive one or more potential residential units of use:

- a. Parcels located in a plan area, adopted community plan, or subdistrict within an adopted area plan designated as a receiving area for multi-residential units shall be eligible to receive one or more potential residential units of use; or
- b. Up to two potential residential units of use may be transferred to a parcel for the purpose of constructing accessory dwelling units, provided the building sites for the accessory dwelling units are in Land Capability Districts 4, 5, 6, or 7, or, if applicable, is above the initial IPES line of 726.

2. Parcels Eligible to Receive One Potential Residential Unit of Use

The following parcels are eligible to receive one potential residential unit of use:

~~a. One potential residential unit of use may be transferred to a parcel for the purpose of constructing a secondary residence, provided the building site for the secondary residence is in Land Capability Districts 4, 5, 6, or 7;~~

ba. One potential residential unit of use may be transferred to a parcel that was not assigned a potential residential unit of use provided the parcel has a building site in Land Capability Districts 4, 5, 6, or 7, or, if applicable, is above the initial IPES line of 726.

3. Transfer of Potential Residential Units of Use to Centers; Bonus Unit Incentive

a. Receiving parcels in Centers are eligible to receive potential residential units of use based on the land capability district of the sending parcel and the distance of the sending parcel from Centers, and from primary transit routes.

b. Transfers of development that result in transfer ratios greater than 1:1 pursuant to this section shall be eligible to receive bonus units in the amount provided below and be allowed only if the applicant provides TRPA with binding assurance that the potential residential units of use of the sending parcels are permanently restricted as if they were sensitive lands pursuant to subsection 51.5.4.H.

c. Notwithstanding limitations in Chapters 50 and 52, bonus units received pursuant to this section shall not require an allocation to construct a residential unit.

d. TRPA may assign a residential allocation from TRPA's residential allocation incentive pool to match the transferred potential residential unit of use when a transfer earns a bonus unit or portion thereof.

e. Transfer ratios shall be determined by considering two factors and multiplying the two resulting ratios, pursuant to the table below.

52.3.4. Affordable, Moderate, and Achievable-Income Housing

All projects receiving a residential bonus unit for affordable, moderate, or achievable housing development as defined in Chapter 90: Definitions shall comply with criteria in Section 52.3.4A-F. TRPA shall report to the TRPA Governing Board biennially on the implementation of the residential bonus unit program for affordable, moderate, and achievable housing development. This report shall include, but is not limited to, the number of housing developments and units awarded and constructed bonus units, number of bonus units awarded to and constructed in each income category, number of bonus units awarded to and constructed in single and multi-family housing developments, location of housing developments, and compliance with the program.

- A. Residential bonus units may be awarded to single or multi-family housing developments.
- B. The owner of the parcel, through a deed restriction running with the land, shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental.
- C. A bonus unit may be used for an secondary residence accessory dwelling unit as defined by Section 21.3.2, notwithstanding 52.3.4.A above, provided it is consistent with all provisions of the applicable area plan or this Code of Ordinances.
- D. The owner of the parcel, through a deed restriction running with the land, shall limit the unit for which the bonus unit was awarded to the approved use and restrict the occupants' household income to affordable, moderate, or achievable housing limits set forth in Chapter 90: Definitions, depending on the applicable income level for which the bonus unit was awarded. The restriction shall also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, the requirement to submit an annual compliance report to TRPA, and the potential to be fined up to 1/10 of the current cost of a bonus unit residential unit of use annually for failure to submit the compliance report or comply with these requirements.
- E. An owner-occupant of a unit who has provided all required annual compliance reports and who has had an increase in income so that they are no longer eligible for the bonus unit may apply to TRPA and receive an exemption to the income requirement until the unit is sold. The owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine, rent the unit only to an income qualified renter if no longer the occupant, or sell the unit only to an income qualified buyer.
- F. The housing project awarded a residential bonus unit shall be within ½ mile of existing transit stops or a transit stop that will be existing concurrent with the completion of the project.

90.2. OTHER TERMS, DEFINED

Accessory Dwelling Unit (ADU)

Formerly “Secondary Residence.” See subsection 21.3.2 ~~“Secondary Residence”~~.

Affordable Housing

See Recommendation #4 for changes to the “Affordable Housing” definition.

Secondary Residence

See “Accessory Dwelling Unit,” subsection 21.3.2.

MEYERS AREA PLAN

TABLE 2-1: PERMITTED, CONDITIONAL USES AND PROHIBITED USES

USE	MAP-1 (Center)	MAP-2 (Ind)	MAP-3 (Res/T)	MAP-4 (Rec)	MAP-5 (River)
Residential					
Employee Housing	CUP ⁽³⁾	—	CUP	CUP	—
Multiple Family -Dwelling	p ⁽⁶⁾	—	P	—	—
Multiple Person Dwelling (i.e., dormitories, etc.)	CUP	—	—	—	—
Nursing and Personal Care	CUP	—	—	—	—
Single Family Dwelling	p ⁽⁴⁾⁽⁶⁾	—	P	—	—
<u>Accessory Dwelling Unit</u>	<u>P</u>	<u>=</u>	<u>P</u>	<u>=</u>	<u>=</u>
<p>⁽¹⁾ Applies only to parcels on Santa Fe Road.</p> <p>⁽²⁾ Maintenance facilities not allowed within any new transit facilities.</p> <p>⁽³⁾ One employee-housing unit allowed without a CUP per commercial building with at least 1000 sq. ft. of CFA.</p> <p>⁽⁴⁾ Single family dwellings in Meyers Community Center limited to condominiums or townhouses with at least 3 attached units.</p> <p>⁽⁵⁾ Non-motorized public trails are a permitted use.</p> <p>⁽⁶⁾ These uses are not allowed within the portion of the ground floor of a structure that faces the primary entry point for projects adjacent to US 50. This restriction may be waived if the Meyers Advisory Council and the Planning Commission find that the use is otherwise consistent with the intent of the Meyers Area Plan.</p> <p>⁽⁷⁾ Hotels/motels are only allowed in the Town Center portion of MAP-3.</p>					

TABLE 2-2: DEVELOPMENT STANDARDS

		MAP – 1 (Center) ⁽⁶⁾	MAP-2 (Ind)	MAP-3 (Res/T)	MAP-4 (Rec)	MAP-5 (River)
Maximum Height and Density for All Uses	Maximum Height (Ft.) ⁽⁸⁾	42	TRPA Code Chapter 37	42, TRPA Code Sec. 37.4 ⁽⁹⁾	TRPA Code Sec. 37.4	TRPA Code Sec. 37.4
	Density, Single Family Residential	NA	NA	1 unit/ parcel (parcels less than 1 acre); 2 units if greater than one acre	NA	NA
	<u>Accessory Dwelling Unit</u>	<u>NA</u>	<u>NA</u>	<u>(See Section 130.40.300 of the El Dorado County Code and Chapter 21 of the TRPA Code of Ordinances)</u>	<u>NA</u>	<u>NA</u>
	Density, Multiple Family ⁽⁴⁾	20 units/ acre	NA	15 units/ acre	NA	NA
	Density, Multi-person/ Nursing & personal care	25 persons/ acre	NA	NA	NA	NA
	Density, Bed and Breakfast	10 units/ acre	NA	10 units/acre	NA	NA
	Density, all other Tourist accommodation	30 units/ acre	NA	30 units/ acre ⁽⁷⁾	NA	NA
	Density, Group facilities	25 persons/ acre	NA	25 persons/ acre	25 persons/ acre	NA
	Density, Campgrounds & Recreational Vehicle Parks	NA	NA	NA	8 sites/ acre for camp-grounds, 10	8 sites/ acre for camp grounds

	MAP – 1 (Center) ⁽⁶⁾	MAP-2 (Ind)	MAP-3 (Res/T)	MAP-4 (Rec)	MAP-5 (River)
				sites/ acre for RV Parks	

70 DEVELOPMENT STANDARDS

The following provisions shall apply in all MAP Zones.

- A. Table 2-2 sets forth the applicable lot area, lot width, building height, development density, land coverage, and setback requirements for each MAP Zone. Design standards are further regulated under the Meyers Area Plan Design Standards and Guidelines, included as Attachment A of the Meyers Area Plan.
- B. Any new development, additions to existing development, change in use, or exterior modifications to existing development shall be reviewed for consistency with the Meyers Design Standards and Guidelines, and subject to a Design Review Permit in compliance with Section 130.52.030 ([Design Review Permit](#)) in Article 5 ([Planning Permit Processing](#)) of the El Dorado County Zoning Ordinance.

Upon receiving a complete application for any project requiring a Design review permit other than a single family detached residence [or Accessory Dwelling Unit](#), and prior to issuance of a Design Review Permit, the TRPA, El Dorado County Planning Department or El Dorado Planning Commission shall request and consider a recommendation from the Meyers Advisory Council on the consistency of the proposed activity with the policies of the Meyers Area Plan and the Meyers Design Standards and Guidelines.

ATTACHMENT B – DEFINITION OF USES

Multiple-family dwelling

More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a four-plex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. ~~One detached secondary residence is~~ [Up to two accessory dwelling units are](#) included; see [“Accessory Dwelling Unit/Secondary Residence.” in the TRPA Code of Ordinances.](#)

Single-family dwelling

One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels

such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. ~~A caretaker residence is included (see “Secondary Residence” Up to two Accessory Dwelling Units are included; see “Accessory Dwelling Unit.” in the TRPA Code of Ordinances.~~

TAHOE VALLEY AREA PLAN

7.1 Goals and Policies

Policy H-1.2 – Housing Incentives

Provide the following incentives to encourage the development of a range of housing options in the Tahoe Valley plan area:

- 70 percent land coverage in the TRPA designated Town Center;
- A maximum of 25 dwelling units an acre in the Town Center;
- Height up to 45 feet in the Town Center Core District and 42 feet elsewhere;
- Access to the City’s banked coverage pool to offset excessive coverage mitigation fee and for transfer of coverage (see Policy NCR-7.2); and
- ~~Secondary units allowed on parcels less than an acre in the Town Center Neighborhood Professional District.~~

13.1 Incentive Programs

Residential Bonus Units

A total of 488 residential bonus units remaining from the 1987 Regional Plan and a total of 600 new residential bonus units for use in Centers only were made available under the 2012 Regional Plan and are available for use region wide. Residential bonus units may be earned and used by projects in accordance with Section 52.3: Multi-Residential Incentive Program of the TRPA Code. Residential bonus units used for affordable housing under this section do not require residential allocations. Residential bonus units used for moderate income housing require a residential allocation. The City of South Lake Tahoe has a Certified Moderate Income Housing Program pursuant to Section 50.5.2.B and 52.3.6 of the TRPA Code, thus moderate income housing units are eligible to earn allocations from TRPA’s unused allocation pool subject to TRPA’s allocation procedures.

~~Pursuant to TRPA Code Section 21.3.2.B, r~~ Residential bonus units can also be earned under the City’s Local Government Housing Program certified by TRPA. The program allows for the conversion of illegal ~~secondary-residential~~ units into deed restricted affordable housing units.

In addition, residential bonus units may also be earned and used for projects in accordance with TRPA Code Section 51.3.3.C: Transfer of Development Rights to Centers or TRPA Code Section 51.5.3: Transfer of Existing Development to Centers. See Transfer of Development Rights to the Tahoe Valley and Transfer of Existing Development to the Tahoe Valley Area Plan program descriptions below.

Secondary-Accessory Dwelling Units

~~Secondary units are permitted on parcels located in the Town Center Professional Neighborhood District that are less than one acre in size where single family residential units are permitted. In addition to the requirements of the TRPA Regional Plan, A~~ all secondary-accessory dwelling units must meet City development standards for minimum lot size, setbacks, and parking. Units that are accessory to non-residential uses or are on parcels of one acre or greater (formerly known as secondary units) are subject to TRPA development standards.

APPENDIX C
Development and Design Standards

Table 2 LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	DEFINITIONS
Multiple-family dwelling	More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a four-plex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. One detached secondary residence is <u>Up to two accessory dwelling units are</u> included; see <u>“Accessory Dwelling Unit” Secondary Residence.” in the TRPA Code of Ordinances.</u>
Single-family dwelling	One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility

Table 2

LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITIONS
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Requirements as defined in this Code. ~~A caretaker residence is included (see "Secondary Residence"~~ Up to two Accessory Dwelling Units are included; see "Accessory Dwelling Unit." in the TRPA Code of Ordinances.

LOT AND DENSITY

TABLE 4 DEVELOPMENT STANDARDS								
DISTRICT	TC-C	TC-MUC	TC-G	TC-NP	TC-HC	CMX-S	OS	

Maximum Density

Single Family Dwelling (parcels less than one acre)	1 unit per parcel	1 unit per parcel; 2 units per parcel, provided one unit is an authorized secondary residence (A)			1 unit per parcel	1 unit as part of a mixed use	-	
Single Family Dwelling (parcels greater than or equal to one acre)	2 units per parcel, provided one unit is an authorized secondary residence						-	

- A. Secondary Units.** Lots less than an acre in size in the Town Center Neighborhood Professional District may have an authorized secondary unit pursuant to the following:
- ~~1. The unit is not intended for sale and may be rented for residential uses only.~~
 - ~~2. The lot contains an existing single family dwelling.~~
 - ~~3. The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~
 - ~~4. The total area of floor space for a secondary unit shall not exceed 640 square feet.~~
 - ~~5. One covered or uncovered parking is required for the secondary unit.~~
 - ~~6. Height, building setbacks, minimum lot size, architectural review and other zoning requirements generally applicable to residential construction in the zone in which the property is located shall apply.~~
 - ~~7. Secondary units shall have the colors, materials and textures and architecture similar to the main dwelling unit.~~
 - ~~8. A secondary unit shall be considered a residential unit subject to TRPA's residential allocation limitations and transfer provisions.~~
 - ~~9. A secondary unit shall be subject to the land coverage and Best Management Provisions of the TRPA Code.~~

TOURIST CORE AREA PLAN

10.3 INCENTIVE PROGRAMS

- Residential Bonus Units

A total of ninety (90) residential bonus units are assigned to the Tourist Core Area Plan that may be used for affordable housing units or as a match for transferring development rights to centers. The remaining 488 in TRPA’s pool that may be used region wide and 600 new residential units are available for use only in Town Centers, the Regional Center or the High Density Tourist District. Residential bonus units may be earned and used by Projects in accordance with TRPA Code Section 52.3: Multi-Residential Incentive Program of the TRPA Code. Residential bonus units used for affordable housing under this section does not require residential allocations. Residential bonus units used for moderate income housing required an allocation. The City of South Lake Tahoe has a Certified Moderate Income Housing Program pursuant to Section 50.5.2.B and 52.3.6 of the TRPA Code, thus moderate income housing units are eligible to earn allocations from TRPA’s unused allocation pool subject to TRPA’s allocation procedures.

~~Pursuant to TRPA Code Section 21.3.2.B, r~~Pursuant to TRPA Code Section 21.3.2.B, residential bonus units can also be earned under the City’s Local Government Housing Program that has been certified by TRPA. The program allows for the conversion of illegal secondary-residential units into deed restricted affordable housing units.

In addition, residential bonus units may also be earned and used for projects in the Tourist Core in accordance with TRPA Code Section 51.3.3.C: Transfer of Development Rights to Centers or TRPA Code Section 51.5.3: Transfer of Existing Development to Centers. See Transfer of Development Rights to the Tourist Core and Transfer of Existing Development to the Tourist Core Area Plan program descriptions below.

APPENDIX C Development and Design Standards

Table 2
LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITIONS
-----	-------------

Multiple-family dwelling	More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a four-plex, provided they meet the Local
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Table 2

LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITIONS
Single-family dwelling	<p>Government Neighborhood Compatibility Requirements as defined in this Code. One detached secondary residence is<u>Up to two accessory dwelling units are</u> included; see <u>“Accessory Dwelling UnitSecondary Residence.”</u> in the TRPA Code of Ordinances.</p> <p>One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. A caretaker residence is included (see “Secondary Residence”<u>Up to two Accessory Dwelling Units are included; see “Accessory Dwelling Unit).”</u> in the TRPA Code of Ordinances.</p>

TABLE 4 LOT AND DENSITY STANDARDS							
DISTRICT	TSC-C	TSC-MU	TSC-MUC	TSC-G	TSC-NMX	REC	
Maximum Density: Single Family Dwelling							1 unit per parcel for parcels less than one acre 2 units per parcel for parcels greater than or equal to one acre, provided one unit is an authorized secondary residence

RULES OF PROCEDURE

12.14. PROJECT OR MATTER REQUIRING NOTICE TO AFFECTED PROPERTY OWNERS

12.14.2. Residential (new or increase in density)

- A. ~~Affordable~~/Employee housing
- B. Mobile home parks (except for placement of mobile homes on existing pads in existing parks)
- C. Multi-residential
- ~~D. Secondary residence~~
- E. Home occupations - nonexempt

Recommendation #4 – Code Clean-Up Items Related to the Development Right Strategic Initiative

CODE OF ORDINANCES

51.5. TRANSFER OF DEVELOPMENT RIGHTS

Development rights as defined by Chapter 90: *Definitions* may be transferred from one parcel to another provided the transfer complies with this section. The following development rights shall be eligible for transfer: commercial floor area, tourist accommodation units, residential units of use (including potential residential units of use and residential allocations), and bonus units.

51.5.1. Transfer of Potential Residential Unit of Use

A potential residential unit of use, as defined in Chapters 90: Definitions, and 31: Density, may be transferred to another parcel pursuant to the following provisions:

A. Vacant Parcel

The parcel from which the ~~development right~~ potential residential unit of use is to be transferred shall have a potential residential unit of use pursuant to Section 50.3.1.

52.3 RESIDENTIAL INCENTIVE PROGRAM

52.3.1. Assignment of Bonus Units

A maximum of 1,400 residential bonus units may be approved by TRPA pursuant to this section. Residential bonus units may be made available to affordable, moderate, and achievable-income single and multi-family housing projects subject to the criteria in subsection 52.3.4 below. Five hundred and sixty two (562) of the 1,124, or one half of the remaining as of December 24, 2018, residential bonus units from the TRPA pool, whichever is less, shall be used for affordable housing units; the remaining 562, or one half of the remaining, residential bonus units from the TRPA pool, whichever is less, ~~shall~~ may be used for moderate or achievable housing units.

90.2. OTHER TERMS, DEFINED

Affordable Housing

Residential housing, deed-restricted to be used exclusively as a residential dwelling by seasonal workers or permanent residents that are ~~for~~ lower-income households (income not in excess of 80 percent of the respective county's median income) and ~~for~~ very low-income households (not to exceed 50 percent of the respective county's median income). Such housing units shall be made available to individuals whose median income does not exceed the recommended state and federal standards. Each county's median income shall be determined according to the income limits published annually by the US Department of

Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.

**Proposed Amendments to the Second Dwelling Ordinance and Related
Articles of
Title 130 of the El Dorado County Ordinance Code (Project File OR 19-0002)
Summary Table**

Table Line No.	ADU Ordinance Section No.	Article Chapter/Section	Revision
TABLE OF CONTENTS			
1.	Section 1	Table of Contents	Revise Section 130.40.300 entitled “Secondary Dwellings” to “Accessory Dwelling Units”. Universal name change throughout Title 130.
ARTICLE 2 - ZONES, ALLOWED USES, AND ZONING STANDARDS			
2.	Section 2	Table 130.21.020 (Agricultural, Rural, and Resource Zone Districts Use Matrix)	Revise “Secondary Dwelling” to “Accessory Dwelling Unit”
3.	Section 3	Table 130.24.020 (Residential Zone Use Matrix)	Revise “Secondary Dwelling” to “Accessory Dwelling Unit”
4.	Section 4	Chapter 26. Meyers Area Plan Zone. Table 130.26.050 Allowed, Conditional Uses, and Prohibited Uses (Meyers Area Plan)	Add Accessory Dwelling Unit as an allowed use in MAP 1 and MAP 3 zones.
5.	Section 5	Chapter 26. Meyers Area Plan Zone. Table 130.26.060 Meyers Area Plan Development Standards	Revise MAP Zone 3 (Res/T) to remove limitation of second unit only on parcels greater than one acre.
6.	Section 6	Chapter 26. Meyers Area Plan Zone. Section 130.26.060 B	Add language to clarify Design Review exclusions for ADUs in MAP Zones.
ARTICLE 3 - SITE PLANNING AND PROJECT DESIGN STANDARDS			
7.	Section 7	Table 130.35.030.1 (Schedule of Off-Street Vehicle Parking Requirements)	<ol style="list-style-type: none"> 1. Revise to reduce parking requirements to one per unit 2. Add allowance for tandem spaces 3. Add reference to Section 130.40.300 for parking exceptions 4. Separate ADU and temporary mobile/manufactured home requirements
ARTICLE 4 - SPECIFIC USE REGULATIONS			
8.	Section 8	130.40 (Special Use Regulations)	Revise Table of Contents Section 130.40.300 entitled “Secondary Dwellings” to “Accessory Dwelling Units”
9.	Section 9	Section 130.40.030.D entitled “Residential Accessory Structures and Uses”	Revise “Secondary Dwelling” to “Accessory Dwelling Unit”
10.	Section 10	130.40.060.C.3 (Residential Development)	Revise “Secondary Dwelling” to “Accessory Dwelling Unit”

**Proposed Amendments to the Second Dwelling Ordinance and Related
Articles of
Title 130 of the El Dorado County Ordinance Code (Project File OR 19-0002)
Summary Table**

Table Line No.	ADU Ordinance Section No.	Article Chapter/Section	Revision
11.	Section 11	130.40.170.C.1.c (Agricultural Homestays)	Revise “Secondary Dwelling” to “Accessory Dwelling Unit”
12.	Section 12	130.40.170.D Lodging Facilities (Bed and Breakfast Inns) subsections 2 and 3	Revise “Secondary Dwelling” to “Accessory Dwelling Unit”
13.	Section 13	130.40.190.B.1 (Permit Requirements, Residential Dwellings)	Revise “secondary dwellings” to “accessory dwelling units”
14.	Section 14	130.40.190.B.3 (Permit Requirements, Hardship Purposes)	Revise “secondary dwelling” to “accessory dwelling unit”
15.	Section 15	130.40.300 (Secondary Dwellings)	Revise Section 130.40.300 entitled “Secondary Dwellings” to “Accessory Dwelling Units”
16.	Section 15	130.40.300.A	Add reference to Gov. Code Section 65852.22 et seq. regarding junior accessory dwelling units
17.	Section 15	130.40.300.B (Applicability)	Add multi-family residential zone to this section and delete reference to Code Section 130.40.060.C.3 “Agricultural Preserves and Zones: Contracts, Criteria and Regulations”
18.	Section 15	130.40.300.C (Development Standards)	Revise “secondary dwelling” to “accessory dwelling unit”
19.	Section 15	130.40.300.C.1 (Maximum Floor Area)	Revise maximum conversion of existing primary dwelling for an attached accessory dwelling unit from 30% and 1,200 sq ft to 50% of total floor area
20.	Section 14	Table 130.40.300.C.1 (Maximum Floor Area for Detached Accessory Dwelling Units)	Revise maximum sq ft for detached ADU based on parcel size

**Proposed Amendments to the Second Dwelling Ordinance and Related
Articles of
Title 130 of the El Dorado County Ordinance Code (Project File OR 19-0002)
Summary Table**

Table Line No.	ADU Ordinance Section No.	Article Chapter/Section	Revision
21.	Section 15	130.40.300.C.2 (General Development Requirements)	<ol style="list-style-type: none"> 1. Revise into subsections “a,” “b,” “c” and “d.” 2. Remove lot coverage from zoning conformance requirements 3. Add language that describes types of attached and detached units and reduce setbacks to no more than four feet 4. Add language in subsection “b” to clarify that passageways are not required for ADUs 5. Add subsection “c” to allow for one ADU and one junior ADU per lot under certain conditions
22.	Section 15	130.40.300.C.3 (Specific Development Requirements)	<ol style="list-style-type: none"> 1. Universal revision of “secondary dwelling(s)” to “accessory dwelling unit(s)” 2. Add language to define accessory dwelling units including identification and description of types of ADUs. 3. C.3.a (2) Add language to allow an expansion of not more than 150 square feet beyond the existing physical dimensions of the primary dwelling or converted accessory structure to accommodate ingress and egress 4. Add subsection “b” to describe detached ADUs 5. Add subsection “c” to describe converting existing space to ADUs 6. Add subsection “d” to allow for JADUs within existing or proposed single-family dwelling.7. Add subsection “e” to allow ADUs in multi-family and mixed use zones

**Proposed Amendments to the Second Dwelling Ordinance and Related
Articles of
Title 130 of the El Dorado County Ordinance Code (Project File OR 19-0002)
Summary Table**

Table Line No.	ADU Ordinance Section No.	Article Chapter/Section	Revision
23.	Section 15	130.40.300.C.4 - Parking (Specific Development Requirements, Parking)	<ol style="list-style-type: none"> 1. Revise parking requirements to one per ADU, allow for parking in setback areas, if feasible, add provisions when no replacement parking is required due to conversion of parking structures to ADUs 2. Add subsection “a” concerning conversion of existing parking structure 3. Add subsection “b” with a list of exceptions to parking requirements
24.	Section 15	130.40.300.C.5 - Utilities (Specific Development Requirements, Utilities)	Remove subsection
25.	Section 15	130.40.300.D (Specific Development Requirements, Owner Occupancy)	<ol style="list-style-type: none"> 1. Add language that prohibits the sale of ADU separate from primary residence 2. Add language that prohibits the rental of ADUs for less than 30 days 3. Add language to suspend owner occupancy requirement through December 31, 2024 4. Add owner-occupancy exceptions for nonprofit housing organizations or beneficiaries of special needs trust owning the property, or licensed Community Care Facilities as defined
ARTICLE 5 - PLANNING PERMIT PROCESSING			
26.	Section 16	130.52.050 (Temporary Mobile Home Permit)	Revise “secondary dwelling” to “accessory dwelling unit” and “Secondary Dwellings” to Accessory Dwelling Units”

**Proposed Amendments to the Second Dwelling Ordinance and Related
Articles of
Title 130 of the El Dorado County Ordinance Code (Project File OR 19-0002)
Summary Table**

Table Line No.	ADU Ordinance Section No.	Article Chapter/Section	Revision
ARTICLE 8 - GLOSSARY			
27	Section 17	130.80.020 (Definitions of Specialized Terms and Phrases)	<ol style="list-style-type: none"> 1. Add definition for “Accessory Dwelling Unit” 2. “Casita” - Revise “Secondary Dwelling” to “Accessory Dwelling Unit” 3. Add “Efficiency Unit” and add reference to Subsection 130.40.300 ADUs 4. Add definition for “Junior Accessory Dwelling Unit” 5. “Bed and Breakfast” - Revise “Secondary Dwelling” to “Accessory Dwelling Unit” and add reference to Section 130.40.300 Accessory Dwelling Units 6. Mobile/Manufactured Home Park - Revise “Secondary Dwelling” to “Accessory Dwelling Unit” 7. Remove definition for “Secondary Dwelling”



**COMMUNITY DEVELOPMENT AGENCY
LONG RANGE PLANNING DIVISION**

INTEROFFICE MEMORANDUM

Date: May 3, 2017

To: Creighton Avila, Deputy Chief Administrative Officer *CA*

From: C.J. Freeland, Department Analyst II *CF*
Long Range Planning, Housing Community and Economic Development Programs

Subject: Zoning Ordinance Amendment – Secondary Dwellings 130.40.300

Per Board Policy A-3, "Minor amendments to existing ordinances that are the result of changes in state or federal laws or regulations shall be presented to the Chief Administrative Office for conceptual review and authorization prior to requesting the preparation of a draft ordinance by County Counsel. The requestor shall identify what, if any, environmental documentation is necessary."

Staff requests authorization from the Chief Administrative Office to prepare a draft amended Secondary Dwelling Ordinance for County Counsel review as required by Government Code Section 65852.2. The minor amendments required by state law will not require environmental review as noted below.

SUMMARY

On September 27, 2016, Governor Brown signed two accessory dwelling unit bills into state law, Assembly Bill (AB) 2299 and Senate Bill (SB) 1069 that amended the state's existing second unit law (Government Code (GC) Section 65852.2). These amendments to the existing second unit law went into effect on January 1, 2017. The new version of state law makes clear that city or county ordinances which do not align with state law shall be "null and void" and that, until such time a jurisdiction adopts its own ordinance, in accordance with state law, the state standards specified in GC Section 65852.2 shall be enforced.

The state's standards include a limitation on the size of a second unit (now called accessory dwelling units (ADUs). ADUs that are attached to an existing single family dwelling cannot be larger than 50% of the existing living areas. Both attached and detached ADUs cannot exceed 1,200 square feet.

Section 130.40.300 (Secondary Dwellings) of the County's Zoning Ordinance (Title 130 of the County Code of Ordinances) does not align with state law as amended.

BACKGROUND

On December 15, 2015, the Board of Supervisors adopted a comprehensive update of the County's Zoning Ordinance, codified as Title 130, which includes Section 130.40.300 (Secondary Dwellings).The

SP-R21-0001 Exhibit E

Ordinance further prescribes that ADUs attached to an existing single family dwelling cannot exceed 30% of the existing living areas (Section 130.40.300.C.1)

In preparing its own ordinance, the County, per state law, may modify certain state standards but must adhere to others. Local government may establish minimum and maximum unit sizes (GC Section 65852.2(c)). Furthermore, GC Section 65852.2.4(g) does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs. However, like all development standards (e.g., height, lot coverage, lot size), unit sizes should not burden the development of ADUs.

PROPOSED AMENDMENTS

Changes to the Ordinance required to comply with state law include Section 130.40.300.C.1, adjusting the maximum percentage for an ADU attached to an existing single family dwelling from 30% to 50% of the existing living area. Language may also be amended throughout the Ordinance to identify all secondary dwellings as ADUs.

Attachment 1 to this memo shows the statutory changes to **Government Code Section 65852.2**, as provided in the Technical Assistance Booklet provided by the California Department of Housing and Community Development (HCD) and available at:

<http://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml>.

Attachment 2 is the State Standards Checklist provided by HCD to assess conformance with state law as amended. Note that the two areas of non-conformance are the ADU maximum square foot allowance and the maximum percent of conversation for attached ADUs.

Staff concludes that:

- 1) The County's maximum allowance of ADUs at 1,600 square feet (Section 130.40.300, Table 130.40.300.1), depending on lot size, was included in the Environmental Impact Report (EIR) for the Targeted General Plan Amendment-Zoning Ordinance Update (TGPA-ZOU) project in 2015, and
- 2) ADUs at a maximum 1,600 square feet (Section 130.40.300, Table 130.40.300.1), depending on lot size, is less restrictive than the state law, and may therefore remain unchanged.
- 3) Increasing the maximum floor area conversion from 30% to 50% is exempt from the California Environmental Quality Act (CEQA), as stipulated in the following CEQA sections (<http://resources.ca.gov/ceqa/>):
 - Section 15301 - Existing Facilities, (e) 1 and 2.
 - The key consideration is whether the project involves negligible or no expansion of an existing use
 - Section 15369 - Ministerial
 - Where the law requires a governmental agency to act on a project in a set way without allowing the agency to use its own judgment, the project is called "ministerial," and CEQA does not apply.

SP-R21-0001 Exhibit E

- Section 15268 - Ministerial Projects
 - Ministerial projects are exempt from the requirements of CEQA
- Section 15303 - New Construction Or Conversion Of Small Structures
 - Examples of this exemption include, but are not limited to:
 - One single-family residence or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption, and
 - Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

REQUEST FOR AUTHORIZATION

Please provide staff with a signature below to indicate authority to proceed with amendments to the Secondary Dwelling Ordinance, Section 130.40.300 (Secondary Dwellings) of the County Zoning Ordinance (Title 130), as required by state law, GC Section 65852.2.

Thank you.

Authorized by: _____

Date: _____

Print Name: _____

Cc: Roger Trout, Director Development Services
Tom Burnette, Deputy Director/Building Official
Kyle Kraus, Deputy Building Official
Anne Novotny, Principal Planner
Tiffany Schmid, Principal Administrative Analyst
Kyle Zimbelman, Ombudsman/Department Analyst

Attachment 1: Statutory Changes (Strikeout/Underline)

Government Code Section 65852.2

(a) (1) ~~Any~~ A local agency may, by ordinance, provide for the creation of ~~second-accessory dwelling~~ units in single-family and multifamily residential zones. The ordinance ~~may~~ shall do any ~~all~~ of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second-accessory dwelling~~ units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ~~second-accessory dwelling~~ units on traffic ~~flow~~ flow and public safety.

(B) (i) Impose standards on ~~second-accessory dwelling~~ units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that ~~second-accessory dwelling~~ units do not exceed the allowable density for the lot upon which the ~~second-accessory dwelling~~ unit is located, and that ~~second-accessory dwelling~~ units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and 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.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (i) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(ii) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(iii) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. ~~Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of ADUs.~~ permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ADUs. an accessory dwelling unit.

~~(b) (4) (4) An~~ When existing ordinance governing the creation of an accessory dwelling unit by a local agency which has not adopted an ordinance governing ADUs in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a ADU if the ADU complies with all of the following: that complies with this section.

~~(A) The unit is not intended for sale and may be rented.~~

~~(B) The lot is zoned for single-family or multifamily use.~~

~~(C) The lot contains an existing single-family dwelling.~~

~~(D) The ADU is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~

~~(E) The increased floor area of an attached ADU shall not exceed 30 percent of the existing living area.~~

~~(F) The total area of floorspace for a detached ADU shall not exceed 1,200 square feet.~~

~~(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.~~

~~(H) Local building code requirements which apply to detached dwellings, as appropriate.~~

~~(I) Approval by the local health officer where a private sewage disposal system is being used, if required.~~

~~(2) (5)~~ No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

~~(3) (6)~~ This subdivision establishes the maximum standards that local agencies shall use to evaluate ~~proposed ADUs on lots~~ a proposed accessory dwelling unit on a lot zoned for residential use ~~which contain~~ that contains an existing single-family dwelling. No additional standards, other than those provided in this ~~subdivision or subdivision~~ ~~(a), subdivision~~, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an ~~owner-occupant~~ owner-occupant or that the property be used for rentals of terms longer than 30 days.

~~(4) (7)~~ ~~No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any~~ A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ADUs an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

~~(5) (8)~~ A ADU which conforms to the requirements of ~~An accessory dwelling unit that conforms to~~ this subdivision shall ~~be deemed to be an accessory use or an accessory building and shall~~ not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use ~~which that is~~ consistent with the existing general plan and zoning designations for the lot. The ~~ADU~~ accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(a) (b) No~~ When a local agency shall adopt an ordinance which totally precludes ADUs within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing ADUs within single-family and multifamily zoned areas justify adopting the ordinance. that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

~~(c)~~ A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second-accessory dwelling~~ units. No minimum or maximum size for ~~a second~~ an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings which ~~that~~ does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

~~(e)~~ Parking requirements for ADUs shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the

~~use of the ADU and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~

~~(f) (1) Fees charged for the construction of ~~second~~ accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section ~~66000~~ 66000) and Chapter 7 (commencing with Section 66012).~~

~~(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.~~

~~(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.~~

~~(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.~~

~~(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs: an accessory dwelling unit.~~

~~(h) Local agencies shall submit a copy of the ~~ordinances~~ ordinance adopted pursuant to subdivision (a) ~~or (e)~~ to the Department of Housing and Community Development within 60 days after adoption.~~

~~(i) As used in this section, the following terms mean:~~

~~(1) "Living ~~area,~~ area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.~~

~~(2) "Local agency" means a city, county, or city and county, whether general law or chartered.~~

~~(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.~~

~~(4) ~~Second~~ "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ~~A second~~ An accessory dwelling unit also includes the following:~~

~~(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.~~

~~(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.~~

~~(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.~~

(j) 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 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for ~~second accessory dwelling~~ units.

Government Code Section 65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A sink with a maximum waste line diameter of 1.5 inches.

(B) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.

(C) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the junior accessory dwelling unit is in compliance with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within 120 days of submission of an application for a

permit pursuant to this section. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Attachment 4: State Standards Checklist (As of January 1, 2017)

YES/NO	STATE STANDARD*	GOVERNMENT CODE SECTION
YES	Unit is not intended for sale separate from the primary residence and may be rented.	65852.2(a)(1)(D)(i)
YES	Lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.	65852.2(a)(1)(D)(ii)
YES	Accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.	65852.2(a)(1)(D)(iii)
EDC IS 30%	Increased floor area of an attached accessory dwelling unit does not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.	65852.2(a)(1)(D)(iv)
1600 sq ft	Total area of floor space for a detached accessory dwelling unit does not exceed 1,200 square feet.	65852.2(a)(1)(D)(v)
YES	Passageways are not required in conjunction with the construction of an accessory dwelling unit.	65852.2(a)(1)(D)(vi)
YES	Setbacks are not required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines are not required for an accessory dwelling unit that is constructed above a garage.	65852.2(a)(1)(D)(vii)
YES	(Local building code requirements that apply to detached dwellings are met, as appropriate.	65852.2(a)(1)(D)(viii)
YES	Local health officer approval where a private sewage disposal system is being used, if required.	65852.2(a)(1)(D)(ix)
YES	Parking requirements do not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.	65852.2(a)(1)(D)(x)

* Other requirements may apply. See Government Code Section 65852.2