

# Proposed Title 130 - Zoning Ordinance Minor Amendments - Secondary Dwellings

Agricultural Commission

October 13, 2021



**Planning and Building Department, Long Range Planning**

# Purpose of the ADU Ordinance Update

**The update is necessary to comply with changes in State laws affecting Accessory Dwelling Units (ADUs) that have gone into effect since 2017**



# Presentation Overview

- What is an ADU
- Changes to California law regarding ADUs
- Legislation review
- Revisions necessary to County Ordinance to comply
- What is a Junior ADU or JADU
- ADUs In Multi-family and mixed use zones
- ADUs created through converting existing space
- How does this effect the Tahoe area
- Other ADU requirements
- Staff Recommendation

# What Is An Accessory Dwelling Unit?

- **An accessory dwelling unit, or ADU, is a permanent, independent dwelling unit with its separate living, cooking, and bathroom facilities**
- **ADUs are allowed as either *new construction or conversion of existing permitted space***
- **May be attached, detached, or entirely contained within an existing building**

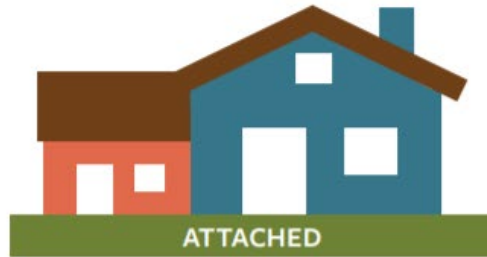


# Accessory Dwelling Units

- **ADUs are allowed on *lots developed or proposed to be developed with an existing or proposed single-family home or with an exiting multi-family development* in all zones where residential uses are allowed**
- **Owner-occupancy is NOT required between January 2020 and January 2025, except for Junior ADUs**



# Accessory Dwelling Units (ADU)



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.



# New ADU Rules in California

- **Faster ADU plan review times. (60 days)**
- **Prohibits local agencies from imposing strict requirements that exceed state mandates (Can be LESS restrictive)**
- **Allows both ADUs and JADUs on the same property.**
- **A JADU may be constructed inside the walls of a single family home and is not required to include an existing bedroom or an interior entry into the home**
- **Allows ADUs for multi-family projects and duplexes**
- **Prohibits local agencies charging “Impact Fees” for ADUs <750 sq. ft.**
- **ADU’s created by a garage conversion, carport or covered parking structure cannot require off street parking spaces**

# Legislation

- **From 2017 to 2019, California enacted approximately 40 new housing laws**
- **The Ordinance update brings County code consistent with the latest changes, although in practice El Dorado County has been complying with state law since it was enacted.**





# Legislation

- **2017: SB 1609, AB 2299, AB 2406**
- **2018: SB 1069, AB, and AB 2406,**
- **2019: AB 881, AB 68 and SB 13**
- **As recently as January 1, 2021, Section 65852.2 of the Government Code was amended again to make clear that if the local agency has not acted upon the completed application for an ADU within 60 days, the application shall be deemed approved.**
- **In 2021, the Governor signed into law 31 additional housing-related bills. Further analysis will be required to determine if policy changes are required.**



# Related Legislation – CC&Rs

- **On August 16, 2019, AB 670 added Civil Code Section 4751 to void provisions in Covenants, Conditions and Restrictions (CC&Rs) for homeowner associations (HOAs) that “either effectively prohibits or unreasonably restricts the construction or use of an ADU or JADU on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code.”**



# Summary of ADU Ordinance Revisions

- **Name Change – Secondary Dwelling Unit to Accessory Dwelling Unit**
- **Updates to Meyers Area Plan to allow ADUs in residential zones**
- **ADUs allowed in multi-family residential and mixed-use zones**
- **Increase maximum floor area conversion of single family home from 30% to 50%**



# Summary of ADU Ordinance Revisions

- **Update General Development Requirements**
- **Revisions to maximum sq. ft. for new construction detached ADU per parcel size**
- **Addition of Junior Accessory Dwelling Units (500 sq. ft.)**
- **Revisions to parking requirements**
- **Revise Owner-Occupancy Requirements**
- **Update Glossary definitions**



# Junior ADUs

- **Junior accessory dwelling unit (JADU) means a unit that is no more than 500 square feet in size and contained entirely within an existing or proposed single-family dwelling including attached garages, as attached garages are considered within the walls of the existing single-family dwelling.**
- **A JADU may include separate a separate bathroom, or may share a bathroom with the existing or proposed single-family dwelling.**



# Junior ADUs

- **Owner occupancy is required**
- **Only one JADU allowed per lot/parcel**
- **No additional parking required**
- **Must have a separate exterior entry**
- **Efficiency kitchen required with appliances for cooking, food prep area and storage.**
- **Deed restriction provisions required**



# New ADU On Multi-Family and Mixed Use Lots

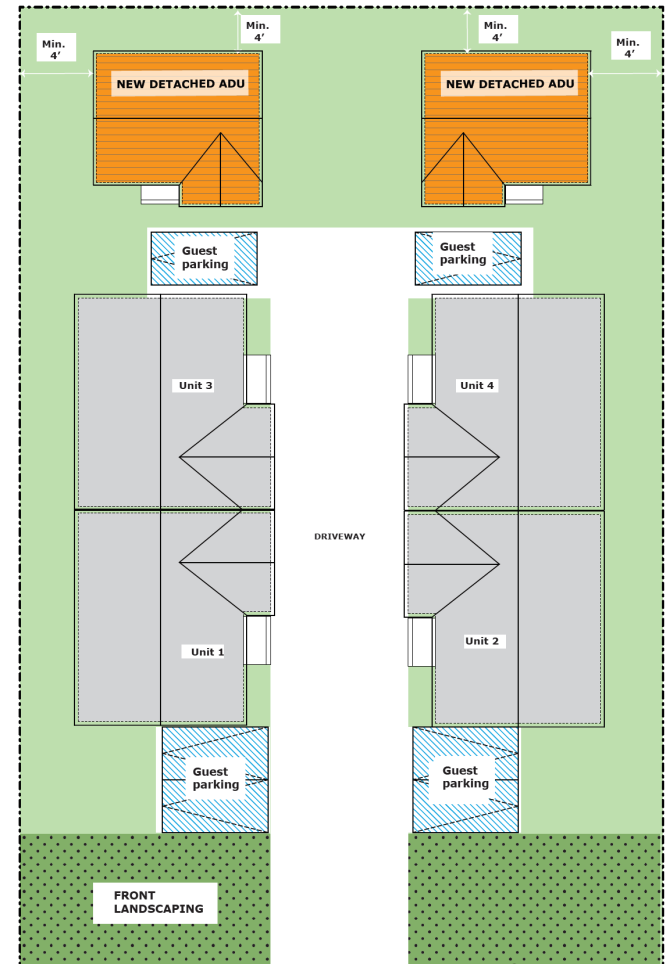
## ***NEW CONSTRUCTION - EXISTING MULTI FAMILY***

- Up to 2 detached ADUs allowed
- One-story, 16 feet
- 4 foot side and rear setbacks; however, must comply with any utility easements and health and safety requirements

## ***CONVERSION - EXISTING MULTI FAMILY***

***Portions of existing multi-family structures not used as living space.*** Conversion of existing living space not permitted

**ADU must be independent and must have its own separate living, kitchen, and bathroom facilities**



# What Spaces Can Be Converted To An ADU?

- ***Existing permitted, enclosed space*** within a single-family home or accessory structure
  - **Garage, workshop, barn, pool house, etc.**
  - **Permit Verification Required**
- **ADU must be independent from the main residence and must have its own separate living, kitchen, and bathroom facilities**





# Tahoe Area

**The Meyers Area Plan (MAP) section of the Zoning Ordinance contains ADU updates. Revisions to the MAP documents are coming forward to the Planning Commission and Board of Supervisors shortly.**

- The County continues to coordinate with the Tahoe Regional Planning Agency (TRPA) about how agencies can best cooperate to implement the new state laws in the Lake Tahoe Basin**
- TRPA Code still applies**



# Additional Requirements for ADUS and JADUs

- **Utilities**

- Separate utilities, (water, gas, electrical, sewer connection) allowed for ADUs
- No separate utilities allowed for JADUs

- **Impact Fees**

- No impact fees for ADUs less than 750 S.F.
- ADUs greater than 750 S.F. are charged impact fees proportionately to square footage of primary dwelling



# Additional Requirements for ADUs and JADUs

- **Fire Sprinklers**

- <1,200 Sq. Ft. Fire sprinklers not required for ADUs and JADUs unless fire sprinklers are required for the primary residence

- **Solar Systems**

- Newly constructed detached ADUs require a solar system

- **Address**

- Separate address for ADUs and JADUs allowed



# Staff Recommendation

**The Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:**

- 1) Approve the California Environmental Quality Act (CEQA) Exemption consistent with Section 15282(h) of the CEQA Guidelines pursuant to Section 21080.17 of the California Public Resources Code; and
- 2) Approve the proposed amendments to the Secondary Dwelling Ordinance, now referred to under state law as the Accessory Dwelling Unit (ADU) Ordinance and related Articles of the Zoning Ordinance (Project OR19-0002), and adopt an Ordinance for comprehensive minor amendments to Title 130 of the El Dorado County Ordinance Code relating to ADUs as presented by staff.