PC 10-14-21
#4

Planning Department <planning@edcgov.us>

public comment - ADU Ordinance

1 message

jillteakell@aol.com <jillteakell@aol.com> Wed, Oct 13, 2021 at 6:13 PM
Reply-To: jillteakell@aol.com
To: "planning@edcgov.us" <planning@edcgov.us>

Dear Planning Commission Members,

I urge you to approve the proposed amendments to the Accessory Dwelling Unit (ADU) Ordinance and related Articles of the Zoning Ordinance, 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. The new update to the County's Housing Element lists ADUs as one of the main ways to increase housing and so adopting amendments that support that goal are needed and appropriate.

Thank you for your time and consideration,

Jill Teakell, President

TAHOE HOME CONNECTION

Unlocking Housing for our Local Community
www.tahoehomeconnection.com

PC 10-14-21

Planning Department <planning@edcgov.us>

#4

12 pages

10-14-21 Comments to the Planning Commission #4 Legistar #21-1556 regarding ADU amendments to the Zoning Ordinance

1 message

Sue Taylor <sue-taylor@comcast.net> Thu, Oct 14, 2021 at 8:35 AM
To: "andy.nevis@edcgov.us" <andy.nevis@edcgov.us>, "planning@edcgov.us" <planning@edcgov.us>

I've attached comments that I was drafting after reviewing this item on the Planning Agenda. This item is much more than it is proposed on the agenda. These changes will alter the General Plan to the amount of unmitigated density that will make the overall plan no longer valid. There needs to be more thought into how this is going to be implemented.

Some of the codes that were used in the document are not applicable. Unfortunately, I did not have the time to do the research on all of the codes being referred to.

Consideration of fire hazards, water and sewer availability needs to be narrowed down as to where these projects will be allowed... which is allowed for in California Code. These residential units need to be removed from the TPZ and FR land uses.

I have much more to add but did not have the time to wallow through this massive amount of information. I think that this needs to be brought forward to the Planning Commission at least for one more session.

Thank you,
Sue Taylor

ADU Changes to the General Plan.docx
35K

10-14-21 Agenda Comments to the Planning Commission #4 Legistar #21-1556 regarding ADU amendments to the Zoning Ordinance – submitted by Sue Taylor

Per County: *ENVIRONMENTAL DOCUMENT: California Environmental Quality Act (CEQA) Exemption consistent with Section 15282(I) of the CEQA Guidelines.*

Not sure if the County meant i or l, so I've included both of which neither apply to this project:

CEAQ Guidelines: 15282. OTHER STATUTORY EXEMPTIONS:

CEQA 15282 (i)The closing of any public school or the transfer of students from that public school to another school in which kindergarten or any grades 1 through 12 is maintained as set forth in 21080.18 of the Public Resources Code.

Public Resources Code 21080.18.
This division does not apply to the closing of any public school in which kindergarten or any of grades 1 through 12 is maintained or the transfer of students from that public school to another school if the only physical changes involved are categorically exempt under Chapter 3 (commencing with Section 15000) of Division 6 of Title 14 of the California Administrative Code.

CEQA 15282(l) The activities and approvals by a local government necessary for the preparation of general plan amendments pursuant to Public Resources Code § 29763 as set forth in Section 21080.22 of the Public Resources Code. Section 29763 of the Public Resources Code refers to local government amendments made for consistency with the Delta Protection Commission's regional plan.

Public Resources Code 29763. (From: AB-2476 Sacramento-San Joaquin Delta)

Within 180 days from the date of the adoption of the resources management plan or any amendments, changes, or updates, to the resources management plan by the commission, each local government shall submit to the commission proposed amendments to its general plan that are intended to make the general plan consistent with the resources management plan with respect to land located within the primary zone. [meaning primary zone of the Delta].
(Amended by Stats. 2009, 7th Ex. Sess., Ch. 5, Sec. 29. (SB 1 7x) Effective February 3, 2010.)

Public Resources Code 21080.22.
(a) This division does not apply to activities and approvals by a local government necessary for the preparation of general plan amendments pursuant to Section 29763, except that the approval of general plan amendments by the Delta Protection Commission is subject to the requirements of this division.

(b) For purposes of Section 21080.5, a general plan amendment is a plan required by the regulatory program of the Delta Protection Commission.

(Added by Stats. 1992, Ch. 898, Sec. 1. Effective January 1, 1993.)

Per County: *RECOMMENDATION: Staff recommends 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 (Exhibit A); 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, and adopt an Ordinance for comprehensive minor amendments to Title 130 of the El Dorado County Ordinance Code relating to ADUs (Exhibit B) as presented by staff.

CEQA 15282 (h) The adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code

PUBLIC RESOURCES CODE - 21080.17.
This division does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code. *(Added by Stats. 1983, Ch. 1013, Sec. 10. Effective September 22, 1983.)*

GOVERNMENT CODE - 65852.1.
(a) Notwithstanding Section 65906, any city, including a charter city, county, or city and county **may** issue a zoning variance, special use permit, or conditional use permit for a dwelling unit to be constructed, or which is attached to or detached from, a primary residence on a parcel zoned for a single-family residence, if the dwelling unit is intended for the sole occupancy of one adult or two adult persons who are 62 years of age or over, and the area of floorspace of the attached dwelling unit does not exceed 30 percent of the existing living area or the area of the floorspace of the detached dwelling unit does not exceed 1,200 square feet.

This section shall not be construed to limit the requirements of Section 65852.2, or the power of local governments to permit second units.

(b) This section shall become inoperative on January 1, 2007, and shall have no effect thereafter, except that any zoning variance, special use permit, or conditional use permit issued for a dwelling unit before January 1, 2007, pursuant to this section shall remain valid, and a dwelling unit constructed pursuant to such a zoning variance, special use permit, or conditional use permit shall be considered in compliance with all relevant laws, ordinances, rules, and regulations after January 1, 2007.

(Amended by Stats. 2006, Ch. 888, Sec. 6. Effective January 1, 2007. Inoperative January 1, 2007, as prescribed by its own provisions.)

GOVERNMENT CODE - 65852.2.
(a) (1) A local agency **may**, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units **may** be permitted. The designation of areas **may** be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) **Impose standa**rds on accessory dwelling units that include, but are not limited to, parking, height, setback, 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 Resources. These standards shall not include requirements on minimum lot size.

(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 accessory dwelling units **do not exceed the allowable density** for the lot upon which the accessory dwelling unit is located, and that 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 accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area 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 living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(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 accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a 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**.

(III) This clause shall not apply to an accessory dwelling 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 or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

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

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved 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.

GOVERNMENT CODE - 65901.

(a) The board of zoning adjustment or zoning administrator shall hear and decide applications for conditional uses or other permits when the zoning ordinance provides therefor and establishes criteria for determining those matters, and applications for variances from the terms of the zoning ordinance. The board of zoning adjustment or the zoning administrator may also exercise any other powers granted by local ordinance, and may adopt all rules and procedures necessary or convenient for the conduct of the board's or administrator's business.

(b) In accordance with the requirements for variances specified in Section 65906, the legislative body of the city or county may, by ordinance, authorize the board of zoning adjustment or zoning administrator to decide applications for variance from the terms of the zoning ordinance without a public hearing on the application. That ordinance shall specify the kinds of variances which may be granted by the board of zoning adjustment or zoning administrator, and the extent of variation which the board of zoning adjustment or zoning administrator may allow.

(Amended by Stats. 1985, Ch. 1199, Sec. 9.)

GOVERNMENT CODE - 65906.

Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.

(Amended by Stats. 1974, Ch. 607.)

The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved. **[Prior to approving this ordinance, the county must revise their policy on when a application is deemed complete.]** A local agency may charge a fee

to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency 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. If 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 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 that complies with this section.

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

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement**, except that a local agency may require that the property be used for rentals of terms longer than 30 days.**

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) 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 that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(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: (which means that the county may set parking standards were these instances do not exist).

(1) The accessory dwelling unit is located within one-half mile walking distance 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 proposed or existing primary residence or an 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) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

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

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation 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, unless the accessory dwelling unit was constructed with a new single-family home.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation 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 square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, 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 an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

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

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

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

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

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

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

(6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

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

(8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(9) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (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 accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Amended (as amended by Stats. 2019, Ch. 659, Sec. 1.5) by Stats. 2020, Ch. 198, Sec. 3.5. (AB 3182) Effective January 1, 2021. Repealed as of January 1, 2025, by its own provisions. See later operative version amended by Sec. 4.5 of Stats. 2020, Ch. 198.)

Comments from Sue in Red:

"Minor amendments can be approved by CAO's office. Front and center these policy changes are not "minor amendments". At first, I thought that this would be okay since the issue will be gong before the Planning Commission and the Board of Supervisors for approval, giving the residents an opportunity to comment. Then as I considered how this change will be impacting the density of growth in our county. That density was already greatly altered when the County revised the Floor Area Ratio .25 to .85 on

Commercial, Research and Development, and Industrial properties. This increased the County's build out from 24 million square feet to 84 million sq. ft. The Environmental Impact Report (EIR) stated that adopting this amendment would add 26 significant and unavoidable impacts with no feasible mitigation measures that the Board of Supervisors (BOS) could adopt. Therefore, the BOS stated that the economic, legal, social, technological benefits outweighed the unavoidable environmental impacts, even though at build out, El Dorado County does not have the water to sustain this growth. This was adopted on 7/10/07.

Soon after the County, with a negative declaration did a rewrite of the County's mixed use policy which included; authority of the Board to reduce the required 30% open space, increase of Dwelling Units from 10 to 20, commercial no longer to be the primary use, residential and commercial do not have to be built at the same time, a single site may include contiguous properties, residential can be on a separate parcel from commercial and can be single or multi-family, zero line setbacks, "by right" with planned development overlay. Taken out of the ordinance is; standard lot area and width, design review, coordination between projects, infrastructure, and open and public spaces. The next blow was to remove Agricultural buffers, allowing more density adjacent to Ag properties. This was done by merely "reinterpreting" the General Plan. Next was the 2015 overhaul of the General Plan which again increased the density of the County, still without implementing protection policies that were promised in the 2004 General Plan. If the County did not have the water resources when they increased the FAR in 2007 how does the County have the water resources now? Merely acquiring water rights without evaluating actual supply and demand along with the El Doraodo Irrigation's policy to not consider already promised water to already approved projects when giving out more water approval letters, the cumulative effects of these changes to the General Plan has already compromised the plan to where it is no longer valid. With once again increasing density to possibly 3 times more in growth than already increased over the years. Still without taking seriously the other elements required in the General Plan or Government Code 65852.2 (A) & (C).

GOVERNMENT CODE - 65852.2

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units **may** be permitted. The designation of areas **may** be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

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

These zoning changes being studied at the Planning Commission level need more than just a quick brushing over. In the past, something this large was done with multiple Planning Commission meetings, in different locations of the County for more exposure. This process of sidestepping public outreach has got to stop. Also radically changing the zoning ordinance to allow for this much density requires an EIR to consider all the other elements in the General Plan that will be impacted by these changes. Without having implemented the majority of the other elements our 2004 General Plan is no longer valid.

11) add minimum setback requirements of four feet with **exceptions for fire and safety**, public utility or drainage easements, or other recorded easements;

Much of the Counties' lands are in State Responsibility Area for fire. Calfire requires a 30' setback for parcels one acre or more in order to protect homes within high fire areas. Please explain how this is being dealt with.

14) add subsection to allow for one ADU and one junior ADU per lot under certain conditions; What are these "certain conditions"? This needs to be made clearer.

20) revise parking requirements to one per ADU and allow for parking in setback areas, if feasible; 21) add provisions when no replacement parking is required due to conversion of parking structures to ADUs and other exceptions to parking requirements (Article 4, Subsection 130.40.300.4 – Parking);

There should be major concerns with reduction of parking requirements. The State thinks that everyone is going to stop driving cars and rely more on buses, bicycles and walking. That is not a reality in our spread-out rural lands where there are no longer job opportunities, therefore driving into job centers is a necessity. After stacking up the parcel with compacted housing, cars will end up in the street where there are no sidewalks or shoulders. Cars on the streets will cause a problem when these more compacted residents are once again needing to retreat out of their compacted subdivisions in the forest areas due to wildfires.

22) add resale restriction and short-term rental restrictions for ADUs; Where are these restrictions listed? Please add the requirement that the property shall be used for rentals of terms longer than 30 days.

23) add five-year suspension of owner-occupancy requirements from January 1, 2020 to January 1, 2025. If owner-occupancy requirements are removed, then there needs to be short-term rental restrictions or we will be losing much of our residential communities to mini-commercial properties. I see this language is being added on Table Line #25..

Concerns that these policies were developed for InterCity's, and not for fire prone rural lands. An example is that Grizzley Flats was developed with small parcels. In one breath the State thinks that these places should not be inhabited and in the other breath they are okay with cramming 4 residential units by right onto these properties. There should be a square footage limitation on how much density these parcels can hold and we should petition the State to retain our 30' setback requirements in Wildland Urban Interface State and Federal Fire Responsibility Areas. Especially the way the Federal Government is handling their wildlands.

Senate Bill 9:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau