

**COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
PLANNING COMMISSION
STAFF REPORT**



Agenda of: October 14, 2021

Staff: C.J. Freeland

ZONING ORDINANCE AMENDMENT

FILE NUMBER: Project File OR19-0002

APPLICANT: El Dorado County

REQUEST: Proposed Title 130 - Zoning Ordinance Minor Amendments - Secondary Dwellings

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

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.

PURPOSE

The purpose of this Planning Commission hearing is to provide the public with an opportunity to comment on the proposed amendments to the Accessory Dwelling Unit (ADU) Ordinance (Project OR19-0002), and for the Planning Commission to review and discuss the modifications required by state law as presented by staff for the Board of Supervisors consideration.

DISCUSSION / BACKGROUND

Accessory Dwelling Units, or ADUs, are also known as granny flats, in-law units, and backyard cottages. ADUs can be attached to or detached from a primary residential dwelling on the same

lot as the primary dwelling and must provide complete independent living facilities for one or more persons. ADUs must include permanent provisions for living, sleeping, eating, cooking, and sanitation, in contrast to recreational vehicles which provide temporary housing according to California law.

The County Code of Ordinances allows homeowners to build ADUs in zones that permit residential development and incorporates those provisions in Title 130 of the Code. ADUs support the County's efforts to encourage a variety of housing options for local residents. They provide an innovative, affordable, effective option for adding much-needed housing in El Dorado County without diminishing the rural character of local communities.

Legislative History

On December 15, 2015, the Board of Supervisors (Board) adopted a comprehensive Zoning Ordinance Update (Legistar File 11-0356). On the same date the Board also certified the Final Program Environmental Impact Report (State Clearinghouse No. 2012052074) for the TGPA/ZOU Project.

On September 27, 2016, then Governor Brown signed two accessory dwelling unit bills into state law, Assembly Bill (AB) 2299 (Bloom) and Senate Bill (SB) 1069 (Wieckowski), which amended the state's existing second unit law found in Government Code Section 65852.2. These amendments to the existing second unit law (now referred to as Accessory Dwelling Unit or ADU law) became effective on January 1, 2017.

Additional revisions to ADU law came into effect January 1, 2018, with SB 1069 (Wieckowski), AB 2299 (Bloom), and AB 2406 (Thurmond), that added provisions to promote the development of ADUs and further address barriers to the development of ADUs.

On August 16, 2019, AB 670 (Friedman/Wieckowski) 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 accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code."

Chapter 653, Statutes of 2019 (SB13, Section 3), Chapter 655, Statutes of 2019 (AB 68, Section 2) and Chapter 659 (AB 881, Section 1.5 and 2.5) build upon previous changes to ADU and Junior Accessory Dwelling Unit (JADU) law (Government Code Section 65852.2, 65852.22 and Health and Safety Code Section 17980.12) and further address barriers to the development of ADUs and JADUs.

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.

This legislation, among other changes, addresses the following:

- Reduces the maximum ADU and JADU application review time to 60 days (Section (a)(3) and (b)).
- Removes covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable (Civil Code Section 4751).
- Eliminates owner-occupancy requirements by local agencies (Section (a)(6) and (e)(1)) until January 1, 2025.
- Reduces the maximum number of required parking spaces for an ADU to one space
- Clarifies an ADU can be created through the conversion of a garage, carport or covered parking structure.
- Allows replacement parking spaces to be located in any configuration as a result of a parking structure conversion to an ADU.
- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement off-street parking spaces cannot be required by the local agency (Section (a)(1)(D)(xi)).
- Defines the term "tandem parking" to mean two or more automobiles.
- Clarifies that development standards shall not include requirements on minimum lot size (Section (a)(1)(B)(i)).
- Clarifies areas designated for ADUs may be based on water and sewer and impacts on traffic flow and public safety.
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1000 square feet if the ADU contains more than one bedroom (Section (c)(2)(B)).
- Clarifies "public transit" to include various means of transportation that charge set fees, run on fixed routes and are available to the public (Section (j)(10)).
- Establishes impact fee exemptions or limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees and impact fees for an ADU of 750 square feet or larger shall be proportional to the relationship of the ADU to the primary dwelling unit (Section (f)(3)).
- Requires special districts and water corporations to charge a proportional fee scale based upon the ADUs size or its number of plumbing fixtures.
- Defines an "accessory structure" to mean a structure that is accessory or incidental to a dwelling on the same lot as the ADU (Section (j)(2)).
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy RHNA housing needs as specified in Government Code Section 65583.1(a) and 65852.2(m).
- Permits JADUs without an ordinance adoption by a local agency (Section (a)(3), (b) and (e)).
- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom or an interior entry into the single-family residence (Government Code Section 65852.22).
- Allows an owner of a substandard ADU five (5) years to correct the violation upon application and approval, if the violation is not a health and safety issue, as determined by the enforcement agency (Section (n)).
- Creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separate from the primary dwelling by allowing deed-restricted sales to occur. To qualify, the

primary dwelling and the ADU are to be built by a qualified non-profit corporation whose mission is to provide units to low-income households (Government Code Section 65852.26).

- Requires local agency housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs (Government Code Section 65583 and Health and Safety Code Section 50504.5)
- Authorizes the Department of Housing and Community Development (HCD) to review and comment on ADU ordinances.
- Pursuant to Government Code Section 65852.2(h), adopted ADU ordinances shall be submitted to HCD within 60 days of adoption.
- Authorizes HCD to notify the local agency if the department finds that their ADU ordinance is not in compliance with state law (Section (h)(2)).

State law makes clear that nonconforming ordinances are void and that the state standards specified in Government Code Section 65852.2 and 65852.22 shall be enforced until such time a jurisdiction adopts its own ordinance in accordance with state law. In order to preserve local preferences, such as lot size and maximum floor area, and in accordance with Board Policy A-3 (Ordinances - New or Amended), Section 130.40.300 and related Articles of Title 130 of the El Dorado County Ordinance Code require amendments to comply with state law.

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." The authorization from the Chief Administrative Office is attached as Exhibit E.

Zoning Ordinance Amendments to Regulations of Accessory Dwelling Units

In amending its Ordinance, the County, per state law, may modify certain state standards but must adhere to others. State law allows a local government to establish minimum and maximum unit sizes for ADUs (Government Code Section 65852.2(c)). Furthermore, the law does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs. A chart summarizing the proposed changes to Section 130.40.300 and related Articles of the El Dorado County Zoning Ordinance is attached as Exhibit D.

The Zoning Ordinance Amendments to regulation of ADUs (Project OR19-0002) consists of modifications required by state law and recommended by HCD. The amendments include but are not limited to: 1) universal name change from "Secondary Dwelling" to "Accessory Dwelling Unit" (ADU) throughout Title 130; 2) add the ADU Use Type as an allowed use in Residential Multi-family (RM) Zones (Article 2, Table 130.24.020 – Residential Zone Use Matrix); 3) add ADU as an allowed use in the Meyers Area Plan (MAP) for MAP-1 and MAP-3 zones; 4) revise MAP-3 Zone (Res/T) to remove limitation of second unit only on parcels greater than one acre; 5) add language to clarify Design Review exclusions for ADUs in MAP Zones; 6) add parking reduction requirements and exemptions for ADUs (Article 3, Table 130.35.030.1 – Schedule of Off-Street Vehicle Parking Requirements); 7) revise maximum ADU floor area for smaller residential lots from 600 sq. ft. to 850 sq. ft., or 1,000 sq. ft. if more than one bedroom (Article 4,

Table 130.40.300.1 – Maximum Floor Area for Detached Accessory Dwelling Units); 8) remove lot coverage from zoning conformance requirements; 9) increase floor area for converted living area of primary dwelling to ADUs from maximum of 30 percent to 50 percent; 10) add development standards for conversion of all or a portion of a legally permitted accessory structure to an ADU; 11) add minimum setback requirements of four feet with exceptions for fire and safety, public utility or drainage easements, or other recorded easements; 12) add language to clarify that passageways are not required for ADUs; 13) add language to define accessory dwelling units including identification and description of types of ADUs; 14) add subsection to allow for one ADU and one junior ADU per lot under certain conditions; 15) add language to allow an expansion of not more than 150 sq. ft. beyond the same physical dimensions as the existing primary dwelling to accommodate ingress and egress (Article 4, Subsection 130.40.300.2 – General Development Requirements); 16) add subsections “b” to describe detached ADUs and “c” to describe converting existing space to ADUs; 17) add subsection “e” to allow for ADUs in multi-family or mixed use zones; 18) add subsection for Junior Accessory Dwelling Unit development standards; 19) add subsection to clarify detached accessory dwelling unit floor area, minimum setbacks, and requirements for converted structures to ADUs (Article 4, Subsection 130.40.300.3 – Specific Development Requirements); 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); 22) add resale restriction and short-term rental restrictions for ADUs; 23) add five-year suspension of owner-occupancy requirements from January 1, 2020 to January 1, 2025; 24) Remove Subsection 130.40.300.C.5, Utilities; 25) add County-initiated exceptions for ADU owner-occupancy for licensed care facilities, nonprofit housing organizations and beneficiaries of special needs trusts owning the property (Article 4, Subsection 130.40.300.D – Owner Occupancy); 26) add definitions for “Accessory Dwelling Unit,” “Efficiency Unit,” and “Junior Accessory Dwelling Unit”; and 27) delete definition for “Secondary Dwelling” (Article 8, Section 130.80.020 – Definitions of Specialized Terms and Phrases).

The proposed text changes to the Zoning Ordinance Amendments to Zoning Regulations of ADUs is included as (Exhibit C) shown in track changes format.

ENVIRONMENTAL REVIEW

Pursuant to Section 21080.17 of the California Public Resources Code (PRC), the adoption of the ordinance is statutorily exempt from the California Environmental Quality Act (CEQA). Under PRC Section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.2 (and 65852.22) of the Government Code (the state ADU law). The ordinance implements Government Code Section 65852.2 and 65852.22 within the unincorporated area of El Dorado County in a manner that is consistent with the requirements of state law. As such, the adoption of the ordinance is exempt from CEQA. The draft CEQA Notice of Exemption is attached as (Exhibit A).

NEXT STEPS

The Planning Commission’s recommendation for the proposed Title 130 Zoning Ordinance Minor Amendments – Secondary Dwellings will be forwarded to the Board of Supervisors for consideration. The Board hearing is anticipated to be held on November 16, 2021. At that time, the Board will hold a public hearing to receive public comments and take formal action on the proposed Title 130 Zoning Ordinance Minor Amendments – Secondary Dwellings.

STAFF REPORT EXHIBITS

- Exhibit A Draft CEQA Notice of Exemption
- Exhibit B..... Draft Ordinance - Title 130 Zoning Ordinance Minor Amendment to Regulations of Secondary Dwellings (Project File OR 19-0002)
- Exhibit C..... Draft Title 130 Zoning Ordinance Minor Amendments – Secondary Dwellings (Track Changes) for Articles 2, 3, 4, 5, and 8
- Exhibit D Summary Table of Proposed Title 130 Zoning Ordinance Minor Amendments – Secondary Dwellings
- Exhibit E..... Letter of Authorization for Amendments from the CAO’s Office

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: El Dorado

360 Fair Lane

Placerville, CA 95667

From: (Public Agency): County of El Dorado

2850 Fairlane Court

Placerville, CA 95667

(Address)

Project Title: Amendments to Title 130 Accessory Dwelling Ordinance and Related Articles of the Zoning Ordinance

Project Applicant: County of El Dorado, Planning and Building Department

Project Location - Specific:

Countywide

Project Location - City: N/A

Project Location - County: El Dorado

Description of Nature, Purpose and Beneficiaries of Project:

Amend Zoning Ordinance Title 130 to comply with state law regarding accessory dwelling units.

Name of Public Agency Approving Project: County of El Dorado Board of Supervisors

Name of Person or Agency Carrying Out Project: County of El Dorado

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: Sec. 15282(h); GC 68582.2

Reasons why project is exempt:

The proposed text amendments are except from CEQA under Section 15282(h) because 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.

Lead Agency

Contact Person: Bret Sampson

Area Code/Telephone/Extension: 530-621-6583

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: Planning Manager

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: _____

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ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDMENTS TO THE ACCESSORY DWELLING UNIT ORDINANCE AND RELATED ARTICLES OF TITLE 130 OF THE EL DORADO COUNTY ORDINANCE CODE

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

ARTICLE 1 – ZONING ORDINANCE APPLICABILITY

Section 1. Article 1 Table of Contents, Section 130.40.300 entitled “Secondary Dwellings” is amended as set forth below:

130.40.300 Accessory Dwelling Units

ARTICLE 2 - ZONES, ALLOWED USES, AND ZONING STANDARDS

Section 2. Table 130.21.020 entitled “Agricultural, Rural, and Resource Zone Districts Use Matrix” is amended as set forth below:

Table 130.21.020 – Agricultural, Rural, and Resource Zone Districts Use Matrix

LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Allowed use A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional use permit required(130.52.021) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone						
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Guest House	P	P	P	P	P	—	130.40.150

Table 130.21.020 – Agricultural, Rural, and Resource Zone Districts Use Matrix

LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Allowed use A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional use permit required(130.52.021) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone						
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Temporary Mobile Home	TMA	TMA	TMA	TMA	TMA	—	130.40.190
Kennel, private ²	P	P	P	P	P	—	
Room Rental: One bedroom, only	P	P	P	P	P	—	
Accessory Dwelling Unit	P	P	P	P	P	CUP ⁶	130.40.060, 130.40.300
NOTES:							
¹ In FR and TPZ only, logging camps and sawmills may be allowed by CUP. ² Dogs used for herding or guardian purposes in commercial ranching or browsing operations are allowed by right subject to licensing requirements of the County Animal Services Division in compliance with Title 6 (Animals). ³ Subject to the issuance of an Administrative Permit, unless otherwise specified in Section 130.40.220 (Outdoor Retail Sales) in Article 4 (Specific Use Regulations) of this Title. ⁴ Or as permitted in Section 130.40.400 (Wineries) or Section 130.40.260 (Ranch Marketing) in Article 4 (Specific Use Regulations) of this Title. ⁵ Accessory to Off-highway or off road vehicle recreational uses. ⁶ Accessory Dwelling Unit allowed by right with CUP for primary dwelling unit.							

Section 3. Table 130.24.020 entitled “Residential Zone Use Matrix” is amended as set forth below:

Table 130.24.020 – Residential Zone Use Matrix

RM: Multi-unit Residential R1, R20K: Single-unit Residential R1A: One-acre Residential R2A: Two-acre Residential R3A: Three-acre Residential RE: Residential Estate	P Allowed use PD Planned Development Permit required (130.52.040) A Administrative Permit required (130.52.010) CUP Conditional Use Permit (130.52.021) MUP Minor use Permit required (130.52.020) TMA Temporary Mobile Home Permit required (130.52.050) TUP Temporary use permit required (130.52.060) — Use not allowed in zone						
USE TYPE	RM	R1, R20K	R1A	R2A	R3A	RE	Specific Use Reg.
Mobile/Manufactured Home Park	CUP	CUP	CUP	CUP	CUP	CUP	130.40.190 Also refer to adopted Mobile Home Park Design Standards (Resolution 198-2015)

Table 130.24.020 – Residential Zone Use Matrix

RM: Multi-unit Residential R1, R20K: Single-unit Residential R1A: One-acre Residential R2A: Two-acre Residential R3A: Three-acre Residential RE: Residential Estate	P	Allowed use					
	PD	Planned Development Permit required (130.52.040)					
	A	Administrative Permit required (130.52.010)					
	CUP	Conditional Use Permit (130.52.021)					
	MUP	Minor use Permit required (130.52.020)					
	TMA	Temporary Mobile Home Permit required (130.52.050)					
	TUP	Temporary use permit required (130.52.060)					
	—	Use not allowed in zone					
USE TYPE	RM	R1, R20K	R1A	R2A	R3A	RE	Specific Use Reg.
Room Rental: One bedroom, only	P	P	P	P	P	P	
Accessory Dwelling Unit	P	P	P	P	P	P	130.40.300
Transitional Housing: Small (serving 6 or fewer)	P	P	P	P	P	P	130.40.360
Large (serving 7 or more)	CUP	CUP	CUP	CUP	CUP	CUP	

Section 4. Chapter 130.26 entitled “Meyers Area Plan (MAP) Zone” Table 130.26.050 entitled “Allowed, Conditional Uses, and Prohibited Uses” is amended as set forth below:

Table 130.26.050 – Allowed, 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	—	—	
Accessory Dwelling Unit	P	—	P	—	—	
⁽¹⁾ Applies only to parcels on Santa Fe Road. ⁽²⁾ Maintenance facilities not allowed within any new transit facilities. ⁽³⁾ One employee-housing unit allowed without a CUP per commercial building with at least 1000 sq. ft. of CFA. ⁽⁴⁾ Single family dwellings in Meyers Community Center limited to condominiums or townhouses with at least 3 attached units. ⁽⁵⁾ Non-motorized public trails are a permitted use. ⁽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. ⁽⁷⁾ Hotels/motels are only allowed in the Town Center portion of MAP-3.						

Section 5. Chapter 130.26 entitled “Meyers Area Plan (MAP) Zone”; Table 130.26.060 entitled “Meyers Area Plan Development Standards” is amended as set forth below:

Table 130.26.060 – Meyers Area Plan 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	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	NA	NA
	Accessory Dwelling Unit	NA	NA	(See Section 130.40.300)	NA	NA

Section 6. Chapter 130.26 entitled “Meyers Area Plan (MAP) Zone” Section 130.26.060 B is amended as set forth below:

- 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 this Title.

ARTICLE 3 – SITE PLANNING AND PROJECT DESIGN STANDARDS

Section 7. Table 130.35.030.1 entitled “Schedule of Off-Street Vehicle Parking Requirements” is amended as set forth below:

Table 130.35.030.1 – Schedule of Off-Street Vehicle Parking Requirements

USE TYPE	PARKING SPACE REQUIREMENTS
RESIDENTIAL	
Single dwelling unit, detached	2 per unit
Duplex, triplex	2 per unit
Multi-unit (apartments, townhouses, and condominiums): Studio/1 bedroom 2 or more bedrooms	1.5 per unit; 2 per unit (minimum 1 covered); plus Guest parking shall be provided for all multi-unit development in the amount of 1 per 4 dwelling units. ¹ Guest spaces shall be marked “Reserved for guests” or “Visitor parking”.
Mixed Use	See Section 130.40.180.C.6 (Mixed Use Development, Development Standards)

Table 130.35.030.1 – Schedule of Off-Street Vehicle Parking Requirements

USE TYPE	PARKING SPACE REQUIREMENTS
Rooming houses, fraternity/sorority housing, or clubs w/sleeping facilities	1 per bedroom; plus 1 per 8 beds.
Accessory dwelling unit	1 per unit May be in tandem with spaces required for primary residence. For exceptions, see Section 130.40.300.C.4.b (ADU Parking Exceptions)
Temporary mobile home	1 per bedroom, up to 2 maximum May be in tandem with spaces required for primary residence
Guest house	No additional spaces from that required for the primary residence.

ARTICLE 4 – SPECIFIC USE REGULATIONS

Section 8. Chapter 130.40 entitled “Specific Use Regulations” Table of Contents is amended as set forth below:

Sections:

130.40.300 Accessory Dwelling Units

Section 9. Section 130.40.030.D entitled “Residential Accessory Structures and Uses” subsection 6.b is amended as set forth below:

- 6. Accessory structures providing habitable space subject to the following:
 - b. A structure that is an accessory dwelling unit as defined in Article 8 (Glossary: see “Accessory Dwelling Unit”) of this Title, shall be subject to the requirements of Section 130.40.300 (Accessory Dwelling Units) in this Chapter.

Section 10. Section 130.40.060 entitled “Agricultural Preserves and Zones: Contracts, Criteria and Regulations” subsection C.3 is amended as set forth below:

- 3. **Residential Development.** In addition to a primary dwelling, one accessory dwelling unit shall be allowed within a Preserve.

Section 11. Section 130.40.170 entitled “Lodging Facilities” subsection C.1.c is amended as set forth below:

- 1. **Agricultural Homestays.**

- c. The property owner shall reside on-site.

Section 12. Section 130.40.170 entitled “Lodging Facilities” subsections D.2 and D.3 are amended as set forth below:

D. Bed and Breakfast Inns (*Adopted 4/29/08*)

- 1. Bed and breakfast inns shall be considered an expanded home occupation in residential and agricultural zones and a compatible use in commercial zones.
- 2. The bed and breakfast inn may provide up to a maximum of 20 guestrooms, which shall be contained within the primary and accessory dwelling units and guest house only, in compliance with the development standards of the applicable residential or agricultural zones.
- 3. The property owner shall reside on-site.

Section 13. Section 130.40.190 entitled “Mobile/Manufactured Homes” subsection B.1 is amended as set forth below:

B. Permit Requirements.

1. **Residential Dwellings.** In all zones that permit detached, single-unit residential or multi-family dwellings by right, the permanent placement of a mobile/manufactured home as primary and/or accessory dwelling unit shall be allowed.

Section 14. Section 130.40.190 entitled “Mobile/Manufactured Homes” subsection B.3.b is amended as set forth below:

B. Permit Requirements.

3. **Hardship Purposes.**

- b. To provide caretaker assistance to the elderly or disabled homeowner(s) in their personal care and/or protection of their property. The elderly or disabled homeowner(s) must reside on site. Under this Section, “elderly” shall mean a person 62 years of age or older.

Section 15. Section 130.40.300 entitled “Secondary Dwellings” is amended as set forth below:

130.40.300 Accessory Dwelling Units

- A. This Section implements California Government Code Section 65852.2 et seq. regarding accessory dwelling units (ADUs) and California Government Code Section 65852.22 et seq regarding junior accessory dwelling units, to provide affordable housing alternatives, and to protect the public health, safety, and welfare of residents of El Dorado County. To the extent that the County has adopted less restrictive requirements for ADUs than the requirements set forth in state law for the development of ADUs, the less restrictive requirements shall apply
- B. **Applicability.** In all zones that permit single-family or multi-family residential development, the expansion of the primary dwelling or the construction of a new structure for the purpose of creating an accessory dwelling unit or a junior accessory dwelling unit is allowed by right, subject to the provisions of this Section. The accessory dwelling unit may be rented separate from the primary residence for a term of not less than 30 consecutive calendar days, but may not be sold or otherwise conveyed separate from the primary residence except as provided for in Government Code Section 65852.26.
- C. **Development Standards.** The following development standards shall apply to all accessory dwelling units:
 1. **Maximum Floor Area.** The floor area of an accessory dwelling unit shall be measured from the outside of the exterior walls including all enclosed habitable or potentially

habitable space, such as living areas, hallways, stairwells, attics, basements, storage areas, and equipment rooms, but excluding the measurements of an attached garage. The maximum floor area allowed for detached accessory dwellings shall be subject to Table 130.40.300.1 (Maximum Floor Area for Detached Accessory Dwelling Units) below in this Section. An attached accessory dwelling unit shall not exceed 50 percent of the square footage of the primary dwelling. For purposes of this Section, an accessory dwelling unit fully enclosed within a primary dwelling shall be considered as an attached unit. Conversion of accessory structures are not subject to the floor area maximums listed in Table 130.40.300.1.

Table 130.40.300.1 – Maximum Floor Area for Detached Accessory Dwelling Units

Lot Area	Maximum floor area
Up to 9,999 sq ft	850 sq ft*
10,000 – 19,999 sq ft	850 sq ft*
20,000 sq ft to less than 1 acre	1,200 sq ft
1 acre or greater	1,600 sq ft
* Up to 1,000 sq ft for units that contain more than one bedroom. (Government Code Section 65852.2 subsection (c)(2)(B)).	

2. General Development Requirements.

a. An accessory dwelling unit shall conform to the parking, height, setback, landscape, architectural review, maximum size of a unit as described in this Title, and standards that prevent adverse impacts on any real property listed in the California Register of Historic Resources. Accessory dwelling units may be attached to, or located within, the living area of the proposed or existing primary dwelling or existing multi-family dwelling, attached to or located within, an attached garage, or conversion of storage area, or an accessory structure, as defined, or detached from the proposed or existing primary dwelling or existing multi-family dwelling and located on the same lot as the proposed or existing primary dwelling or existing multi-family dwelling. A setback more than four feet from the side and rear lot lines shall not be required for an accessory dwelling unit, unless otherwise required for fire and safety, public utility or drainage easements, or other recorded easements. The County may 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.

No setback shall be required for an existing living area or legally permitted 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.

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

c. A maximum of one attached or detached accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if the following apply:

(1) The 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 structure (See Subsection 140.30.400, 3.a). An expansion beyond the physical dimensions of the existing structure shall be limited to accommodating ingress and egress.

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

(3) The accessory dwelling unit meets the criteria specific to zones that permit multi-family residential use.

(4) The side and rear setbacks are sufficient for fire and safety, public utility or drainage easements, or other recorded easements.

d. A junior accessory dwelling (JADU) unit shall be created entirely within the single-family dwelling footprint and comply with the requirements subject to the provisions of this Section and Government Code Section 65852.22. The expansion of up to 150 square feet beyond the same physical dimensions as the existing structure to accommodating ingress and egress does not pertain to JADUs.

3. **Specific Development Requirements.**

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).

Accessory dwelling units also include the following categories, more fully described in the following subsection:

1. Attached: The unit is attached to the primary structure
2. Detached: The unit is separated from the primary structure

3. **Converted Existing Space:** Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary dwelling or multi-family dwelling that is converted into an independent living unit
4. **Junior Accessory Dwelling Unit (JADU):** A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family dwelling
5. **Accessory dwelling units in Multi-family or Mixed-Use Zones**

a. **Attached Dwellings.**

- (1) An attached accessory dwelling unit shall share a common wall with the primary dwelling or attached garage. The common wall or portion thereof shall measure a minimum of 10 linear feet on the horizontal plane of the shared surface, to be considered an attached dwelling.
- (2) An enclosed accessory dwelling unit resulting from conversion of a portion of a primary dwelling shall be fully contained within an existing or proposed primary dwelling and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure limited to accommodating ingress and egress
- (3) In order for the primary dwelling to maintain its single-unit residential character, the entrance to an attached accessory dwelling unit shall not be located on the same building face as the entrance to the primary dwelling unless separate entrances to both the primary and accessory dwelling unit are off of a shared entrance, provided that this requirement does not prevent creation of the ADU.

b. **Detached Dwellings.**

A detached accessory dwelling unit shall be located on the same lot as the proposed or existing primary dwelling unit or multi-dwelling structure. The maximum floor area allowed for new construction detached accessory dwelling units shall be subject to Table 130.40.300.1 (Maximum Floor Area for Detached Accessory Dwelling Units) above. The conversion of an existing detached accessory structure is not subject to the Floor Area Table provisions. A setback of no more than four feet from the side and rear lot lines shall be required for a detached accessory dwelling unit, unless otherwise required for fire and safety, public utility or drainage easements, or other recorded easements.

c. **Converted Existing Space**

- (1) Any legally permitted residential accessory structure (e.g. garage, pool house, cabana, artist studio, barn, workshop etc.) may be converted to an accessory dwelling unit, subject to local building code and zoning provisions of this Title. No setback shall be required for conversion of an existing living area or legally permitted accessory structure or a structure constructed in the same location and to the same dimensions as an existing legally permitted structure.

- (2) The conversion of an existing accessory structure or a portion of the existing primary dwelling to an accessory dwelling unit is not subject to floor area provisions in Table 130.40.300.1 of this Section. For example, an existing 3,000 square foot barn converted to an accessory dwelling unit would not be subject to the floor area limitations, height, setback, architectural review, landscape, or other development standards other than compliance with building standards for permanent dwellings. These types of conversions to accessory dwelling units are also eligible for a 150 square foot expansion limited to accommodating ingress and egress. However, expansion of an accessory structure to create an ADU beyond 150 square feet would be subject to the floor area maximums outlined in Table 130.40.300.1 of this Section.
- (3) Accessory dwelling units created under this subsection shall not be required to provide replacement parking. Moreover, these units shall not be required to correct any existing or created nonconformity as a condition for ministerial approval.

d. **Junior Accessory Dwelling Unit**

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. JADUs are not allowed in accessory structures. The JADU shall comply with the following standards:

- (1) Owner occupancy is required in the single-family dwelling in which the JADU is located, either in the remaining portion of the primary dwelling or the newly created JADU. Owner occupancy is not required for nonprofit housing organizations, or beneficiaries of special needs trust owning the property or licensed Community Care Facilities, as defined in Article 8 (Glossary) of this Title;
- (2) Only one JADU may to be constructed within the walls of the proposed or existing single-family dwelling;
- (3) No additional parking is required for a JADU;
- (4) Deed Restriction: A deed restriction shall be filed with the Planning and Building Department prior to obtaining a building permit for a JADU stating that:
 - a) The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit;
 - b) A separate exterior entry from the main entrance to the proposed or existing single-family dwelling shall be provided to serve a junior accessory dwelling unit;
 - c) The junior accessory dwelling unit shall include an efficiency kitchen, which shall include all of the following:

(1) A cooking facility with appliances; and

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

d) Owner occupancy is required in the single-family dwelling in which the JADU is located. Owner occupancy is not required for nonprofit housing organizations, or beneficiaries of special needs trust owning the property or licensed Community Care Facilities, as defined in Article 8 (Glossary) of this Title.

(5). The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.

e. **Multi-family or Mixed-Use Residential Use**

(1) For the purposes of state accessory dwelling unit (ADU) law, a structure with two or more attached dwellings on a single lot is considered a multi-family dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multi-family dwellings for the purposes of state ADU law.

(2) Accessory dwelling units are only allowed within the portions of existing multi-family 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 and local building standards for permanent dwellings.

(3) Multi-family structures may add at least one accessory dwelling unit within the non-livable space of an existing multi-family structure or up to 25% of the existing units (example: an eight-unit multi-family dwelling structure would be allowed two accessory dwelling units).

(4) In zones that permit multi-family residential use with existing multi-family dwelling structures, not more than two detached accessory dwelling units may be located on the same lot and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

4. **Parking.** Parking requirements for accessory dwelling units shall not exceed one parking space per unit. Parking shall comply with the requirements under Table 130.35.030.1 (Schedule of Off-Street Vehicle Parking Requirements) in Chapter 130.35 (Parking and Loading) in Article 3 (Site Planning and Project Design Standards) of this Title with certain exceptions listed below. Off-street parking space(s) may be permitted in setback areas or in tandem with the parking spaces required for the primary dwelling unless specific

findings are made that parking in setback areas or tandem parking is not feasible based upon specific site, fire, or safety restrictions.

- a. **Conversion of Existing Parking Structure.** Replacement parking may be located in any configuration on the same parcel as the accessory dwelling unit, but is not required when a legally permitted 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.
- b. **Exceptions.** Off-street parking spaces shall not be required in any of the following circumstances:
 - (1) The accessory dwelling unit is located within one-half mile walking distance of public transit. “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.
 - (2) The accessory dwelling unit is located within a Design Review – Historic (-DH) Combining Zone as described in Section 130.27.060 (Design Review – Historic [-DH] Combining Zone) in Article 2 (Zones, Allowed Uses and Zoning Standards) of this Title.
 - (3) The accessory dwelling unit is part of a conversion of a legally permitted residential accessory structure (e.g. garage, carport, covered parking structure, pool house, studio, etc.) or conversion of a portion of the primary dwelling.
 - (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.

- D. **Owner Occupancy.** State law suspends the County’s requirement for owner occupancy of one of the residential units on the property for accessory dwelling units permitted between January 1, 2020 and January 1, 2025, except in the case of junior accessory dwelling units.

After January 1, 2025, the property owner shall occupy one of the residential dwelling units. This subsection is explicitly intended to prohibit two rental units on lots zoned for one single-unit residential dwelling. A notice of restriction on the subject property that is signed and notarized by the property owner declaring this limitation shall be filed with the Department prior to issuance of the certificate of occupancy for the accessory dwelling unit.

1. **Exceptions.**

- a. Owner occupancy for one of the residential dwelling units on a lot shall not be required for nonprofit housing organizations, or beneficiaries of a special needs trust owning the property, or licensed Community Care Facilities, as defined in Article 8 (Glossary) of this Title.

ARTICLE 5 – PLANNING PERMIT PROCESSING

Section 16. Section 130.52.050 entitled “Temporary Mobile Home Permit” subsection F.3.b is amended as set forth below:

3. **Maximum Unit Size.** A temporary housing unit shall have a maximum floor area of 1,600 square feet, subject to the maximum coverage requirements of the zone;
 - a. Floor area shall be measured from the outside of the exterior walls to include all enclosed habitable space, such as living areas, hallways, stairwells, storage areas, and equipment rooms, but shall not include attached garages.
 - b. Conversion of a temporary manufactured home to a permanent accessory dwelling unit will be subject to the maximum floor area limitations for that specific use, as well as Section 18007 of the Health and Safety Code and all applicable development standards under Subsection 130.40.300.C (Accessory Dwelling Units) in Article 4 (Specific Use Regulations) of this Title.

ARTICLE 8 – GLOSSARY

Section 17. Section 130.80.020 entitled “Definitions of Specialized Terms and Phrases” is amended as set forth below:

Accessory Dwelling Unit (Use Type). 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.

Casita. See Section 130.40.150: Guest House, in Article 4: Specific Use Regulations, of this Title).

Efficiency Unit. See “Accessory Dwelling Unit”

Junior Accessory Dwelling Unit (Use Type). 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

Lodging Facilities (Use Type). Establishments primarily engaged in the provision of commercial lodging on a transient basis (30 days or less) to the general public. Lodging may include the incidental provision of food, drink, sales, and services for the convenience of overnight guests. Types of lodging are further defined as follows:

Bed and Breakfast Inn. Any residence that provides guest rooms, without individual kitchens, for paying guests, as a transient lodging facility, where the owner resides on-site. (See also subsection 130.40.170.D: Bed and Breakfast Inns, and Section 130.40.300: Accessory Dwelling Units in Article 4: Specific Use Regulations, of this Title).

Mobile/Manufactured Home Park (Use Type). Any site that is improved to accommodate two or more mobile/ manufactured homes used for residential purposes, on which the underlying land is rented or leased. This term excludes a single-unit residential lot on which a mobile/manufactured home is placed on a permanent foundation as either as a primary dwelling, accessory dwelling unit, or temporary mobile/manufactured home in compliance with Section 130.52.050 (Temporary Mobile Home Permit), in Article 5 (Planning Permit Processing) of this Title. It includes sites that were

converted from rental or lease to a subdivision, cooperative, or condominium complex. (See also Section 130.40.190: Mobile/Manufactured Homes, in Article 4: Specific Use Regulations, of this Title).

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2021, by the following vote of said Board:

ATTEST

Ayes:

Kim Dawson

Clerk of the Board of Supervisors

By _____

Deputy Clerk

Noes:

Absent:

Chair, Board of Supervisors

APPROVED AS TO FORM

DAVID LIVINGSTON

COUNTY COUNSEL

By: _____

Title: _____

***.**
***.ord
00/00/00



ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDMENTS TO THE ACCESSORY DWELLING UNIT ORDINANCE AND RELATED ARTICLES OF TITLE 130 OF THE EL DORADO COUNTY ORDINANCE CODE

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

ARTICLE 1 – ZONING ORDINANCE APPLICABILITY

Section 1. Article 1 Table of Contents, Section 130.40.300 entitled “Secondary Dwellings” is amended as set forth below:

130.40.300 Accessory Dwelling Units

ARTICLE 2 - ZONES, ALLOWED USES, AND ZONING STANDARDS

Section 2. Table 130.21.020 entitled “Agricultural, Rural, and Resource Zone Districts Use Matrix” is amended as set forth below:

Table 130.21.020 – Agricultural, Rural, and Resource Zone Districts Use Matrix

LA: Limited Agricultural	P Allowed use						
PA: Planned Agricultural	A Administrative permit required (130.52.010)						
AG: Agricultural Grazing	TUP Temporary use permit required (130.52.060)						
RL: Rural Lands	CUP Conditional use permit required(130.52.021)						
FR: Forest Resource	MUP Minor use permit required (130.52.020)						
TPZ: Timber Production Zone	TMA Temporary mobile home permit (130.52.050)						
	— Use not allowed in zone						
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Guest House	P	P	P	P	P	—	130.40.150

Table 130.21.020 – Agricultural, Rural, and Resource Zone Districts Use Matrix

LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Allowed use A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional use permit required(130.52.021) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone						
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Temporary Mobile Home	TMA	TMA	TMA	TMA	TMA	—	130.40.190
Kennel, private ²	P	P	P	P	P	—	
Room Rental: One bedroom, only	P	P	P	P	P	—	
Accessory Dwelling Unit	P	P	P	P	P	CUP ⁶	130.40.060, 130.40.300
NOTES:							
¹ In FR and TPZ only, logging camps and sawmills may be allowed by CUP. ² Dogs used for herding or guardian purposes in commercial ranching or browsing operations are allowed by right subject to licensing requirements of the County Animal Services Division in compliance with Title 6 (Animals). ³ Subject to the issuance of an Administrative Permit, unless otherwise specified in Section 130.40.220 (Outdoor Retail Sales) in Article 4 (Specific Use Regulations) of this Title. ⁴ Or as permitted in Section 130.40.400 (Wineries) or Section 130.40.260 (Ranch Marketing) in Article 4 (Specific Use Regulations) of this Title. ⁵ Accessory to Off-highway or off road vehicle recreational uses. ⁶ Accessory Dwelling Unit allowed by right with CUP for primary dwelling unit.							

Section 3. Table 130.24.020 entitled “Residential Zone Use Matrix” is amended as set forth below:

Table 130.24.020 – Residential Zone Use Matrix

RM: Multi-unit Residential R1, R20K: Single-unit Residential R1A: One-acre Residential R2A: Two-acre Residential R3A: Three-acre Residential RE: Residential Estate	P Allowed use PD Planned Development Permit required (130.52.040) A Administrative Permit required (130.52.010) CUP Conditional Use Permit (130.52.021) MUP Minor use Permit required (130.52.020) TMA Temporary Mobile Home Permit required (130.52.050) TUP Temporary use permit required (130.52.060) — Use not allowed in zone						
USE TYPE	RM	R1, R20K	R1A	R2A	R3A	RE	Specific Use Reg.
Mobile/Manufactured Home Park	CUP	CUP	CUP	CUP	CUP	CUP	130.40.190 Also refer to adopted Mobile Home Park Design Standards (Resolution 198-2015)

Table 130.24.020 – Residential Zone Use Matrix

RM: Multi-unit Residential R1, R20K: Single-unit Residential R1A: One-acre Residential R2A: Two-acre Residential R3A: Three-acre Residential RE: Residential Estate	P	Allowed use					
	PD	Planned Development Permit required (130.52.040)					
	A	Administrative Permit required (130.52.010)					
	CUP	Conditional Use Permit (130.52.021)					
	MUP	Minor use Permit required (130.52.020)					
	TMA	Temporary Mobile Home Permit required (130.52.050)					
	TUP	Temporary use permit required (130.52.060)					
	—	Use not allowed in zone					
USE TYPE							Specific Use Reg.
	RM	R1, R20K	R1A	R2A	R3A	RE	
Room Rental: One bedroom, only	P	P	P	P	P	P	
Accessory Dwelling Unit	P	P	P	P	P	P	130.40.300
Transitional Housing: Small (serving 6 or fewer)	P	P	P	P	P	P	130.40.360
Large (serving 7 or more)	CUP	CUP	CUP	CUP	CUP	CUP	

Section 4. Chapter 130.26 entitled “Meyers Area Plan (MAP) Zone” Table 130.26.050 entitled “Allowed, Conditional Uses, and Prohibited Uses” is amended as set forth below:

Table 130.26.050 – Allowed, 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	—	—	
Accessory Dwelling Unit	P	—	P	—	—	
<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>						

Section 5. Chapter 130.26 entitled “Meyers Area Plan (MAP) Zone”; Table 130.26.060 entitled “Meyers Area Plan Development Standards” is amended as set forth below:

Table 130.26.060 – Meyers Area Plan 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	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	NA	NA
	Accessory Dwelling Unit	NA	NA	(See Section 130.40.300)	NA	NA

Section 6. Chapter 130.26 entitled “Meyers Area Plan (MAP) Zone” Section 130.26.060 B is amended as set forth below:

:

- 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 this Title.

ARTICLE 3 – SITE PLANNING AND PROJECT DESIGN STANDARDS

Section 7. Table 130.35.030.1 entitled “Schedule of Off-Street Vehicle Parking Requirements” is amended as set forth below:

Table 130.35.030.1 – Schedule of Off-Street Vehicle Parking Requirements

USE TYPE	PARKING SPACE REQUIREMENTS
RESIDENTIAL	
Single dwelling unit, detached	2 per unit
Duplex, triplex	2 per unit
Multi-unit (apartments, townhouses, and condominiums): Studio/1 bedroom 2 or more bedrooms	1.5 per unit; 2 per unit (minimum 1 covered); plus Guest parking shall be provided for all multi-unit development in the amount of 1 per 4 dwelling units. ¹ Guest spaces shall be marked “Reserved for guests” or “Visitor parking”.

Table 130.35.030.1 – Schedule of Off-Street Vehicle Parking Requirements

USE TYPE	PARKING SPACE REQUIREMENTS
Mixed Use	See Section 130.40.180.C.6 (Mixed Use Development, Development Standards)
Rooming houses, fraternity/sorority housing, or clubs w/sleeping facilities	1 per bedroom; plus 1 per 8 beds.
Accessory dwelling unit	1 per unit May be in tandem with spaces required for primary residence. For exceptions, see Section 130.40.300.C.4.b (ADU Parking Exceptions)
Temporary mobile home	1 per bedroom, up to 2 maximum May be in tandem with spaces required for primary residence
Guest house	No additional spaces from that required for the primary residence.

ARTICLE 4 – SPECIFIC USE REGULATIONS

Section 8. Chapter 130.40 entitled “Specific Use Regulations” Table of Contents is amended as set forth below:

Sections:

130.40.300 Accessory Dwelling Units

Section 9. Section 130.40.030.D entitled “Residential Accessory Structures and Uses” subsection 6.b is amended as set forth below:

- 6. Accessory structures providing habitable space subject to the following:
 - b. A structure that is an accessory dwelling unit as defined in Article 8 (Glossary: see “Accessory Dwelling Unit”) of this Title, shall be subject to the requirements of Section 130.40.300 (Accessory Dwelling Units) in this Chapter.

Section 10. Section 130.40.060 entitled “Agricultural Preserves and Zones: Contracts, Criteria and Regulations” subsection C.3 is amended as set forth below:

- 3. **Residential Development.** In addition to a primary dwelling, one accessory dwelling unit shall be allowed within a Preserve.

Section 11. Section 130.40.170 entitled “Lodging Facilities” subsection C.1.c is amended as set forth below:

1. **Agricultural Homestays.**

- c. The property owner shall reside on-site.

Section 12. Section 130.40.170 entitled “Lodging Facilities” subsections D.2 and D.3 are amended as set forth below:

D. **Bed and Breakfast Inns** (*Adopted 4/29/08*)

1. Bed and breakfast inns shall be considered an expanded home occupation in residential and agricultural zones and a compatible use in commercial zones.
2. The bed and breakfast inn may provide up to a maximum of 20 guestrooms, which shall be contained within the primary and accessory dwelling units and guest house only, in compliance with the development standards of the applicable residential or agricultural zones.
3. The property owner shall reside on-site.

Section 13. Section 130.40.190 entitled “Mobile/Manufactured Homes” subsection B.1 is amended as set forth below:

B. Permit Requirements.

1. **Residential Dwellings.** In all zones that permit detached, single-unit residential or multi-family dwellings by right, the permanent placement of a mobile/manufactured home as primary and/or accessory dwelling unit shall be allowed.

Section 14. Section 130.40.190 entitled “Mobile/Manufactured Homes” subsection B.3.b is amended as set forth below:

B. Permit Requirements.

3. **Hardship Purposes.**

- b. To provide caretaker assistance to the elderly or disabled homeowner(s) in their personal care and/or protection of their property. The elderly or disabled homeowner(s) must reside on site. Under this Section, “elderly” shall mean a person 62 years of age or older.

Section 15. Section 130.40.300 entitled “Secondary Dwellings” is amended as set forth below:

130.40.300 Accessory Dwelling Units

- A. This Section implements California Government Code Section 65852.2 et seq. regarding accessory dwelling units (ADUs) and California Government Code Section 65852.22 et seq regarding junior accessory dwelling units, to provide affordable housing alternatives, and to protect the public health, safety, and welfare of residents of El Dorado County. To the extent that the County has adopted less restrictive requirements for ADUs than the requirements set forth in state law for the development of ADUs, the less restrictive requirements shall apply
- B. **Applicability.** In all zones that permit single-family or multi-family residential development, the expansion of the primary dwelling or the construction of a new structure for the purpose of creating an accessory dwelling unit or a junior accessory dwelling unit is allowed by right, subject to the provisions of this Section. The accessory dwelling unit may be rented separate from the primary residence for a term of not less than 30 consecutive calendar days, but may not be sold or otherwise conveyed separate from the primary residence except as provided for in Government Code Section 65852.26.
- C. **Development Standards.** The following development standards shall apply to all accessory dwelling units:
 1. **Maximum Floor Area.** The floor area of an accessory dwelling unit shall be measured from the outside of the exterior walls including all enclosed habitable or potentially

habitable space, such as living areas, hallways, stairwells, attics, basements, storage areas, and equipment rooms, but excluding the measurements of an attached garage. The maximum floor area allowed for detached accessory dwellings shall be subject to Table 130.40.300.1 (Maximum Floor Area for Detached Accessory Dwelling Units) below in this Section. An attached accessory dwelling unit shall not exceed 50 percent of the square footage of the primary dwelling. For purposes of this Section, an accessory dwelling unit fully enclosed within a primary dwelling shall be considered as an attached unit. Conversion of accessory structures are not subject to the floor area maximums listed in Table 130.40.300.1.

Table 130.40.300.1 – Maximum Floor Area for Detached Accessory Dwelling Units

Lot Area	Maximum floor area
Up to 9,999 sq ft	850 sq ft*
10,000 – 19,999 sq ft	850 sq ft*
20,000 sq ft to less than 1 acre	1,200 sq ft
1 acre or greater	1,600 sq ft
* Up to 1,000 sq ft for units that contain more than one bedroom. (Government Code Section 65852.2 subsection (c)(2)(B)).	

2. General Development Requirements.

a. An accessory dwelling unit shall conform to the parking, height, setback, landscape, architectural review, maximum size of a unit as described in this Title, and standards that prevent adverse impacts on any real property listed in the California Register of Historic Resources. Accessory dwelling units may be attached to, or located within, the living area of the proposed or existing primary dwelling or existing multi-family dwelling, attached to or located within, an attached garage, or conversion of storage area, or an accessory structure, as defined, or detached from the proposed or existing primary dwelling or existing multi-family dwelling and located on the same lot as the proposed or existing primary dwelling or existing multi-family dwelling. A setback more than four feet from the side and rear lot lines shall not be required for an accessory dwelling unit, unless otherwise required for fire and safety, public utility or drainage easements, or other recorded easements. The County may 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.

No setback shall be required for an existing living area or legally permitted 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.

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

c. A maximum of one attached or detached accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if the following apply:

(1) The 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 structure (See Subsection 140.30.400, 3.a). An expansion beyond the physical dimensions of the existing structure shall be limited to accommodating ingress and egress.

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

(3) The accessory dwelling unit meets the criteria specific to zones that permit multi-family residential use.

(4) The side and rear setbacks are sufficient for fire and safety, public utility or drainage easements, or other recorded easements.

d. A junior accessory dwelling (JADU) unit shall be created entirely within the single-family dwelling footprint and comply with the requirements subject to the provisions of this Section and Government Code Section 65852.22. The expansion of up to 150 square feet beyond the same physical dimensions as the existing structure to accommodating ingress and egress does not pertain to JADUs.

3. **Specific Development Requirements.**

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)

Accessory dwelling units also include the following categories, more fully described in the following subsection:

1. Attached: The unit is attached to the primary structure
2. Detached: The unit is separated from the primary structure
3. Converted Existing Space: Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary dwelling or multi-family dwelling that is converted into an independent living unit

4. Junior Accessory Dwelling Unit (JADU): A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family dwelling
5. Accessory dwelling units in Multi-family or Mixed-Use Zones

a. **Attached Dwellings.**

- (1) An attached accessory dwelling unit shall share a common wall with the primary dwelling or attached garage. The common wall or portion thereof shall measure a minimum of 10 linear feet on the horizontal plane of the shared surface, to be considered an attached dwelling.
- (2) An enclosed accessory dwelling unit resulting from conversion of a portion of a primary dwelling shall be fully contained within an existing or proposed primary dwelling and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure limited to accommodating ingress and egress
- (3) In order for the primary dwelling to maintain its single-unit residential character, the entrance to an attached accessory dwelling unit shall not be located on the same building face as the entrance to the primary dwelling unless separate entrances to both the primary and accessory dwelling unit are off of a shared entrance, provided that this requirement does not prevent creation of the ADU.

b. **Detached Dwellings.**

A detached accessory dwelling unit shall be located on the same lot as the proposed or existing primary dwelling unit or multi-dwelling structure. The maximum floor area allowed for new construction detached accessory dwelling units shall be subject to Table 130.40.300.1 (Maximum Floor Area for Detached Accessory Dwelling Units) above. The conversion of an existing detached accessory structure is not subject to the Floor Area Table provisions. A setback of no more than four feet from the side and rear lot lines shall be required for a detached accessory dwelling unit, unless otherwise required for fire and safety, public utility or drainage easements, or other recorded easements.

c. **Converted Existing Space**

- (1) Any legally permitted residential accessory structure (e.g. garage, pool house, cabana, artist studio, barn, workshop etc.) may be converted to an accessory dwelling unit, subject to local building code and zoning provisions of this Title. No setback shall be required for conversion of an existing living area or legally permitted accessory structure or a structure constructed in the same location and to the same dimensions as an existing legally permitted structure.
- (2) The conversion of an existing accessory structure or a portion of the existing primary dwelling to an accessory dwelling unit is not subject to floor area provisions in Table 130.40.300.1 of this Section. For example,

an existing 3,000 square foot barn converted to an accessory dwelling unit would not be subject to the floor area limitations, height, setback, architectural review, landscape, or other development standards other than compliance with building standards for permanent dwellings. These types of conversions to accessory dwelling units are also eligible for a 150 square foot expansion limited to accommodating ingress and egress. However, expansion of an accessory structure to create an ADU beyond 150 square feet would be subject to the floor area maximums outlined in Table 130.40.300.1 of this Section.

- (3) Accessory dwelling units created under this subsection shall not be required to provide replacement parking. Moreover, these units shall not be required to correct any existing or created nonconformity as a condition for ministerial approval.

d. Junior Accessory Dwelling Unit

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. JADUs are not allowed in accessory structures. The JADU shall comply with the following standards:

- (1) Owner occupancy is required in the single-family dwelling in which the JADU is located, either in the remaining portion of the primary dwelling or the newly created JADU. Owner occupancy is not required for nonprofit housing organizations, or beneficiaries of special needs trust owning the property or licensed Community Care Facilities, as defined in Article 8 (Glossary) of this Title;
- (2) Only one JADU may to be constructed within the walls of the proposed or existing single-family dwelling;
- (3) No additional parking is required for a JADU;
- (4) Deed Restriction: A deed restriction shall be filed with the Planning and Building Department prior to obtaining a building permit for a JADU stating that:
 - a) The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit;
 - b) A separate exterior entry from the main entrance to the proposed or existing single-family dwelling shall be provided to serve a junior accessory dwelling unit;
 - c) The junior accessory dwelling unit shall include an efficiency kitchen, which shall include all of the following:

- (1)A cooking facility with appliances; and

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

d) Owner occupancy is required in the single-family dwelling in which the JADU is located. Owner occupancy is not required for nonprofit housing organizations, or beneficiaries of special needs trust owning the property or licensed Community Care Facilities, as defined in Article 8 (Glossary) of this Title.

(5). The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.

e. **Multi-family or Mixed-Use Residential Use**

(1) For the purposes of state accessory dwelling unit (ADU) law, a structure with two or more attached dwellings on a single lot is considered a multi-family dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multi-family dwellings for the purposes of state ADU law.

(2) Accessory dwelling units are only allowed within the portions of existing multi-family 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 and local building standards for permanent dwellings.

(3) Multi-family structures may add at least one accessory dwelling unit within the non-livable space of an existing multi-family structure or up to 25% of the existing units (example: an eight-unit multi-family dwelling structure would be allowed two accessory dwelling units).

(4) In zones that permit multi-family residential use with existing multi-family dwelling structures, not more than two detached accessory dwelling units may be located on the same lot and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

4. **Parking.** Parking requirements for accessory dwelling units shall not exceed one parking space per unit. Parking shall comply with the requirements under Table 130.35.030.1 (Schedule of Off-Street Vehicle Parking Requirements) in Chapter 130.35 (Parking and Loading) in Article 3 (Site Planning and Project Design Standards) of this Title with certain exceptions listed below. Off-street parking space(s) may be permitted in setback areas or in tandem with the parking spaces required for the primary dwelling unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site, fire, or safety restrictions.

- a. **Conversion of Existing Parking Structure.** Replacement parking may be located in any configuration on the same parcel as the accessory dwelling unit, but is not required when a legally permitted 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.
- b. **Exceptions.** Off-street parking spaces shall not be required in any of the following circumstances:
 - (1) The accessory dwelling unit is located within one-half mile walking distance of public transit. “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.
 - (2) The accessory dwelling unit is located within a Design Review – Historic (-DH) Combining Zone as described in Section 130.27.060 (Design Review – Historic [-DH] Combining Zone) in Article 2 (Zones, Allowed Uses and Zoning Standards) of this Title.
 - (3) The accessory dwelling unit is part of a conversion of a legally permitted residential accessory structure (e.g. garage, carport, covered parking structure, pool house, studio, etc.) or conversion of a portion of the primary dwelling.
 - (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.

D. **Owner Occupancy.** State law suspends the County’s requirement for owner occupancy of one of the residential units on the property for accessory dwelling units permitted between January 1, 2020 and January 1, 2025, except in the case of junior accessory dwelling units.

After January 1, 2025, the property owner shall occupy one of the residential dwelling units. This subsection is explicitly intended to prohibit two rental units on lots zoned for one single-unit residential dwelling. A notice of restriction on the subject property that is signed and notarized by the property owner declaring this limitation shall be filed with the Department prior to issuance of the certificate of occupancy for the accessory dwelling unit.

~~The accessory dwelling unit or junior accessory dwelling unit may be rented separate from the primary dwelling for a term of not less than 30 consecutive calendar days, but may not be sold or otherwise conveyed separate from the primary dwelling except as in accordance with Government Code Section 65852.26.~~

1. **Exceptions.**

- a. Owner occupancy for one of the residential dwelling units on a lot shall not be required for nonprofit housing organizations, or beneficiaries of a special needs trust owning the property, or licensed Community Care Facilities, as defined in Article 8 (Glossary) of this Title.

ARTICLE 5 – PLANNING PERMIT PROCESSING

Section 16. Section 130.52.050 entitled “Temporary Mobile Home Permit” subsection F.3.b is amended as set forth below:

3. **Maximum Unit Size.** A temporary housing unit shall have a maximum floor area of 1,600 square feet, subject to the maximum coverage requirements of the zone;
 - a. Floor area shall be measured from the outside of the exterior walls to include all enclosed habitable space, such as living areas, hallways, stairwells, storage areas, and equipment rooms, but shall not include attached garages.
 - b. Conversion of a temporary manufactured home to a permanent accessory dwelling unit will be subject to the maximum floor area limitations for that specific use, as well as Section 18007 of the Health and Safety Code and all applicable development standards under Subsection 130.40.300.C (Accessory Dwelling Units) in Article 4 (Specific Use Regulations) of this Title.

ARTICLE 8 – GLOSSARY

Section 17. Section 130.80.020 entitled “Definitions of Specialized Terms and Phrases” is amended as set forth below:

Accessory Dwelling Unit (Use Type). 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.

Casita. See Section 130.40.150: Guest House, in Article 4: Specific Use Regulations, of this Title).

Efficiency Unit. See “Accessory Dwelling Unit”

Junior Accessory Dwelling Unit (Use Type). 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

Lodging Facilities (Use Type). Establishments primarily engaged in the provision of commercial lodging on a transient basis (30 days or less) to the general public. Lodging may include the incidental provision of food, drink, sales, and services for the convenience of overnight guests. Types of lodging are further defined as follows:

Bed and Breakfast Inn. Any residence that provides guest rooms, without individual kitchens, for paying guests, as a transient lodging facility, where the owner resides on-site. (See also subsection 130.40.170.D: Bed and Breakfast Inns, and Section 130.40.300: Accessory Dwelling Units in Article 4: Specific Use Regulations, of this Title).

Mobile/Manufactured Home Park (Use Type). Any site that is improved to accommodate two or more mobile/ manufactured homes used for residential purposes, on which the underlying land is rented or leased. This term excludes a single-unit residential lot on which a mobile/manufactured home is placed on a permanent foundation as either as a primary dwelling, accessory dwelling unit, or temporary mobile/manufactured home in compliance with Section 130.52.050 (Temporary Mobile Home Permit), in Article 5 (Planning Permit Processing) of this Title. It includes sites that were

converted from rental or lease to a subdivision, cooperative, or condominium complex. (See also Section 130.40.190: Mobile/Manufactured Homes, in Article 4: Specific Use Regulations, of this Title).

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2021, by the following vote of said Board:

ATTEST

Kim Dawson

Clerk of the Board of Supervisors

Ayes:

By _____

Deputy Clerk

Noes:

Absent:

Chair, Board of Supervisors

APPROVED AS TO FORM

DAVID LIVINGSTON

COUNTY COUNSEL

By: _____

Title: _____

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”

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

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

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 January 1, 2025 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”

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

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.

- 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) 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 ~~contains~~ that contains an existing single-family dwelling. No additional standards, other than those provided in this ~~subdivision or subdivision~~ 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 ADUs ~~accessory dwelling unit~~ shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(e)~~ (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.

~~(d)~~ (c) A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second-accessory dwelling~~ 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 sf	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)(vi)
YES	(Local building code requirements that apply to detached dwellings are met, as appropriate.	65852.2(a)(1)(D)(vii)
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