



Legislation Text

File #: 21-1556, **Version:** 1

HEARING: Staff recommends the Planning Commission conduct a public hearing 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 and 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.

BACKGROUND

A request to consider proposed Title 130 Zoning Ordinance Minor Amendments related to Secondary Dwelling units submitted by the County for consistency with Government Code Sections 65852.2 and 65852.22 (Project File OR19-0002). (Statutory Exemption consistent with Section 15282(h) of the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 21080.17 of the California Public Resources Code)**

The amendments include but are not limited to amendments to the Secondary Dwelling Ordinance (Section 130.40.300) hereafter called the Accessory Dwelling Unit Ordinance, and related sections in Title 130 (Zoning Ordinance) of the El Dorado County Ordinance Code for consistency with Government Code Sections 65852.2 and 65852.22. 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).

A Staff Report is attached.

CONTACT

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