



**City Manager’s Report**  
**February 28, 2017 City Council Meeting**  
**Prepared By: City Planner Andrew Painter**

**Item#: 12.2**

**Subject:** Adopt a Resolution of Intention (ROI 17-01) to initiate amendments to Title 10 (Zoning Ordinance) of the City Code regarding regulations of accessory (secondary) dwelling units within the City that are necessary to be consistent with state statutes adopted in 2016.

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**Background:** Since the early 1980s the State’s planning and zoning law has included language to encourage the creation of second-units while maintaining local flexibility for unique circumstances and conditions. This law has been amended over the years. In 2003, the law was amended to require local governments to approve second-units by ministerial building permit. During 2016 the law was further amended by the California legislature and signed by the Governor. These amendments were initiated through SB 1069 (Wieckowski), AB 2299 (Bloom), and AB 2406 (Thurmond) which is optional. The changes went into effect on January 1, 2017.

The 2016 changes to the law include:

- renaming them from “secondary dwelling units” to “accessory dwelling units” or ADU;
- allowing ADUs on any lot with a single-family home, but local ordinances can say where they will or won’t be permitted based on factors such as water and sewer services, traffic flow and public safety;
- allowing an ADU up to 1,200 square feet, but allows jurisdictions to impose lower limits and establish standards governing height, setback, lot coverage, landscaping and architectural review;
- reducing parking requirements to one space per unit and prohibits parking requirements if the ADU is within a half mile from public transit, is within a historic district, is part of an existing primary residence or existing accessory structure;
- requires local governments to ministerially approve an ADU within an existing residence or accessory structure located within a single-family residential zone;
- prohibits local governments from requiring a new or separate utility connection or impose a connection fee or capacity charge for ADUs that are contained within an existing residence or accessory structure. For a detached ADU the local government may charge such fees and require a separate connection.

Existing City Code, Section 10-4-12: Secondary Dwelling Units, contains the City’s development standards for the creation of secondary dwelling units within the City.

**Discussion:** It is the opinion of staff that changes are needed to bring the City’s secondary dwelling unit development standards into consistency recent changes in state law. SB 1069 precludes a local agency from having an ordinance that would preclude ADUs; and AB 2299 would render a local ordinance null and void if an existing ADU ordinance does not meet the bill’s requirements.

The City Council may initiate amendments to the Placerville Zoning Ordinance by Resolution of Intention or minute order, per Section 10-1-7(A-1) of City Code.

The requested resolution would direct staff to begin the process of amending the Zoning Ordinance. The draft ordinance would be available for public review and consideration by the Planning Commission at a noticed public hearing. The Commission would review and make recommendations for consideration by the City Council.

**Cost and Budget Impact:** Minimal. The cost of staff time to schedule hearings before the Planning Commission and City Council for consideration of proposed amendments to the City Code including staff report preparation and noticing.

**Recommendation:** Adopt a Resolution of Intention (ROI 17-01) to initiate amendments to Title 10 (Zoning Ordinance) of the City Ordinance Code regarding regulations of accessory (secondary) dwelling units within the City that are necessary to be consistent with state statutes adopted in 2016.

Reviewed by:



M. Cleve Morris, City Manager



Pierre Rivas, Development Services Director

Attachments:

1. Resolution of Intention 17-01
2. *Accessory Dwelling Unit Memorandum*, California HCD, December 2016