SIERRA COUNTY PLANNING COMMISSION
MEETING AGENDA

January 24, 2019
10:00 AM

Chair: Mike Filippini
Vice Chair: Janet Baldridge
Richard DeVore
Irv Christensen
Liz Fisher

LOCATION: **Sierra County Courthouse**
Board of Supervisors Chambers
101 Courthouse Square
Downieville, CA 95936

The Sierra County Planning Commission welcomes you to its meetings which are regularly scheduled for the second Thursday following the first Tuesday of each month. Special meetings may be called from time to time and the meeting location, time, and date will be announced at the appropriate time as required by law.

Supporting documentation for meeting agenda matters are available for public review on-line at: www.sierracounty.ca.gov/agendacenter or at the Office of the County Planning Department located in the annex building directly across from the Sierra County Courthouse, Downieville, California, 95936, during regular business hours (M – F, 8:00am – 5:00pm).

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1. CALL TO ORDER/ROLLCALL

1.1 Oath of Office-Appointed Commissioners
Irving Christensen
Richard Devore

1.2 Appointment of New Officers
i) Chair
ii) Vice-Chair

2. APPROVAL OF AGENDA
January 24, 2019

3. APPROVAL OF MINUTES
August 30, 2018

4. CORRESPONDENCE

5. PUBLIC COMMENT OPPORTUNITY

At this time, the public has the opportunity to address the Commission concerning any item of interest not listed on the agenda. The Commission may not discuss or take any action on any item presented during the public comment period that is not on the agenda. The Commission may briefly respond to statement made or questions posed by members of the public. Upon recognition by the Chair, please state your name, county of residence, and subject matter. Discussion of any non-agenda items will be limited to three (3) minutes or such reasonable time as is granted by the Chair of the Commission.

6. WORKSHOPS

The Planning Commission allows time for guest presentations on matters of general or specific interest to the Commission or for conducting educational or technical workshops.

7. PUBLIC HEARINGS

The Planning Commission conducts all public hearings in accordance with its governing by-laws as approved by the Commission and in accordance with Sierra County Resolution 76-80 entitled "Rules of Conduct"

7.1 Plumas Sierra Rural Electric Co-op, Applicant and Landowner: Consideration of Zone Variance and Conditional Use Permit to install an 80' tall tower for wireless communication to improve broadband internet coverage in the Sierraville area. The tower will be located at an existing electrical substation located at 100 Wilson Lane, Sierraville, and identified as APN 013-090-035. The property is zoned A1-Agricultural (requiring a Conditional Use Permit), and the proposed tower would be located approx. 31' from the front property line (abutting Wilson Ln.)—requiring a 29' setback variance. Planning staff's preliminary environmental assessment: exempt under CEQA Guidelines Sections CCR 15303 (Class 3) and 15305 Class 5) Categorical Exemption.

7.2 Lucy Blake, Applicant and Landowner: Consideration of a zone variance to allow the change of occupancy and conversion of an existing 3000 sq. ft. Masonic Hall into two residential units. One 1800 sq. ft. single family residence and a 1200 sq. ft. attached accessory dwelling unit. The project site, identified as APN 015-022-004, is located at 205 Battelle Street, Sierraville. Planning staff's preliminary environmental assessment: exempt under CEQA Guidelines Sections CCR 15301 (Class 1) and 15303 (Class 3) Categorical Exemption.

7.3 County Initiated Zone Amendment: The project involves a County-Initiated Zone Amendment to re-zone nine (9) parcels identified by the Board of Supervisors as current priorities to bring each parcel's zoning into consistency with the General Plan. The properties identified as APN's 015-110-005; 015-033-003; 015-080-006; 015-080-014; 015-090-001; 008-200-008; 003-122-012; 002-160-072; and 004-270-006 are located in various areas of unincorporated Sierra County. Planning staff's preliminary environmental assessment: statutorily exempt under CEQA, PRC Section 21083.3(e) [rezoning consistent with GP for which an EIR was already certified]

8. BUSINESS REQUIRING ACTION

8.1 Request for Extension on Berry Virtue Vesting Tentative Map originally approved on January 15, 2009.

9. PLANNING DIRECTOR'S STAFF REPORTS

Brief announcements or brief reports by the Sierra County Planning Director on upcoming projects, county staff activities, upcoming workshop or training opportunities, or other items of interest to the Planning Commission.

10. PLANNING COMMISSIONERS' REPORTS

Brief announcements or brief reports by Planning Commission members on their activities or items of interest to Sierra County.

11. ADJOURNMENT

PC Agenda Item **7.1**

Planning Commission Staff Report

January 24, 2019 PC EXHIBIT 1

Project:	Plumas Sierra Rural Electric - Wireless Tower
PD File No.	1662
Staff Rec. No.:	**1197**
Request:	Conditional Use Permit and Zone Variance
Location:	100 Wilson Lane, Sierraville
APN:	013-090-035
Planner:	Brandon Pangman

Property Owner	**Applicant**
Plumas-Sierra Rural Electric Cooperative, Inc. 73233 State Route 70 Portola, CA 96122	Attn: Jeff Blagg Plumas-Sierra Rural Electric Cooperative, Inc. 73233 State Route 70 Portola, CA 96122

1. Staff Recommendation

Staff recommends that the Planning Commission find that a categorical exemption is appropriate under CEQA for this project, and *approve* the Conditional Use Permit (CUP) and Zone Variance (ZV) subject to the findings and conditions of approval contained in this staff report.

2. Project Description

The Applicant is requesting a:

- *Conditional Use Permit* (SCC §20.14 et seq.)
- *Zone Variance* (SCC §15.24 et seq.)

The applicant is requesting a Conditional Use Permit to allow the placement of an 80 ft. tall tri-footed metal tower for wireless communication to improve broadband internet coverage in the Sierraville area. The tower would be located on a 0.91 ac. parcel owned by the applicant utility company, adjacent to an existing electrical substation at 100 Wilson Lane, which is located approximately ½ mile west of the community of Sierraville and approximately 250 ft. north of State Highway 49/89. The property is zoned A1—Agricultural District, which requires a 60 ft. front yard setback. The zone variance would allow the tower to be placed approximately 31' from the front property line requiring a 29' setback variance. (See Appendices for maps and "mock up" photos of proposed tower.)

3. <u>Findings</u>:

3.1 General Plan & Zoning

(a) The project site is designated in the Sierra County General Plan for "Public Service" uses (ref. GP fig. 1-2 and fig. 1-16, as amended). General Plan policy 1-15 allows "public and quasi-public uses such as…utilities…" and does not prohibit wireless communication towers. The site is also designated in the General Plan as "Special Treatment Area—Scenic Corridor" which is described in the GP Visual Element policy 16-1d as being "500 ft. on either side of roadway centerline" of Highways 49 and 89 (excluding communities) across Sierra Valley. This land use designation has not been implemented in this area on the official Sierra County zoning map, so the regulations pertaining to the Scenic Highway Corridor (-SH) overlay zone do not apply to this project. Furthermore, the project site is not technically within the "valley floor" as mapped in the General Plan (fig. 1-16a). Placement of the proposed tower on land owned by the utility company, adjacent to a public right-of-way and with minimal interference with the allowable (agricultural) land uses and enjoyment of the neighboring property owners, is consistent with the purpose and intent of the General Plan policies for this area.

(b) The project site is zoned A1—Agricultural District, which lists "public utility buildings and uses" among allowable "conditional uses" (ref. Sierra County Code Section 15.12.160[c]). The proposed use is consistent with the zoning on the property only with the issuance of a Conditional Use Permit.

(c) The project site lies outside of the Scenic Highway Corridor (-SH) overlay zoning district, or other specially-mapped zoning overlay, combining district, Open Space, or special treatment area that would further restrict or prohibit such uses in this location. The project is located outside the FEMA-mapped Special Flood Hazard Area (Zone X; FIRM panel 06091C0425C), and is not located along known seismically active faults or other areas that may pose a heightened safety risk to people or property in the vicinity.

(d) The project will not create a significant visual, noise, or other nuisance for neighboring residents and uses beyond those customarily appurtenant to modern rural communities or agricultural uses. Furthermore, the project as proposed will not be incompatible with any other adopted or implemented General Plan goals or policies.

3.2 California Environmental Quality Act (CEQA)

(a) The project is eligible for a categorical exemption, class 3 under CEQA Guidelines (ref., Cal. Code of Regs. §15303; Pub. Resources Code §21080[b]9) in that the project consists of the construction or location of a limited number of small facilities or structures. The project is also eligible for a class 5 categorical exemption under CEQA Guidelines Section 15305, which applies to "minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including…setback variances not resulting in the creation of any new parcel."

(b) The project is not subject to an exception from using a categorical exemption, pursuant to CEQA Guidelines §15300.2.

(c) The project was routed to 36 commenting agencies between November 26 and December 10, 2018; and notification of the project and public hearing on the matter was provided to all potentially-affected neighbors (within at least 300' radius of the project site), as well as published in *The Mountain Messenger*, a local newspaper of general circulation, and posted in several public locations for two weeks, from January 10-24, 2019. Only one (1) comment of environmental concern was received: the Northeast Center of the California Historical Resources Information System, a repository of archaeological reports, which found no records of prehistoric or historic cultural resources on the project site, but did find record of five (5) recorded sites in the project vicinity (within a 1-mile radius). Because there was no record of the site having been previously surveyed, they recommended that "a professional archaeologist be contacted to conduct a cultural resources survey of the entire project area" and that "the project archaeologist will be able to offer recommendations for the preservation of or mitigation of effects on any cultural resources encountered as a result of field survey." However, based on the small footprint of the proposed tower, its proximity to an existing utility sub-station, the minimal ground disturbance potential for this project, the fact that it is eligible under State guidelines for a CEQA exemption from further environmental review, and in keeping with past practice by Sierra County for projects of this type and vicinity, the County finds that further consulting archaeological studies are not reasonably-proportionate to the scope of this proposed project or warranted in this case. Nonetheless, a standard condition of approval will be imposed that requires the permittee to stop work and contact the Sierra County Planning Department and a qualified archaeologist in the event that any potential prehistoric or historic artifacts are discovered during ground-disturbing activities in conjunction with this project.

(d) There is in the record of proceedings no fair argument based on substantial evidence that the project may have a potentially significant impact on the environment, or be injurious to fish or wildlife or their habitat.

(e) A Notice of Exemption will be filed with the County Clerk and State Clearinghouse.

3.3 Specific Findings for Entitlements

3.3.1 – Conditional Use Permit. Chapter 20.15(a) of the Sierra County Code provides that: "No conditional use permit shall be approved, unless the Planning commission first finds that:

1. The proposed use is consistent with all applicable provisions of this Part and any applicable provisions of other Parts of this code.

   Evidence: [per Applicant]: "The placement of this tower will help to provide high speed internet to the area, thus increasing social and economic advantages and enhance property values." The project is permitted in the A1—Agricultural Zoning District only with the approval of a Conditional Use Permit and, because of its proposed located, an approved Zone Variance.

2. The proposed use is consistent with applicable policies and requirements of the Sierra County General Plan, and any applicable community plan or specific plan, and any specific findings required by any of these plans are made.

Evidence: [per Applicant]: "See above."

3. The establishment, maintenance or operation of the proposed use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the county; except that a proposed use may be approved contrary to this finding where the granting authority determines that extenuating circumstances justify approval and enable the making of specific overriding findings.

   Evidence: [per Applicant]: "Upon completion, maintenance and operation will require minimal visits. Citizens' quality of life will improve being able to access the internet for homework, shopping, working, and streaming t.v. and movies."

4. The proposed project or use will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.

   Evidence: [per Applicant]: "[The] proposed small 80 ft. tower will "blend in" with all the other existing equipment PSREC has in its substation providing electricity to the people of Sierraville."

5. In a TPZ zone district, the establishment, maintenance and operation of the proposed use or building will not significantly detract from the use of the property for, or inhibit the growing and harvesting of timber.

   Evidence: Not applicable. The property is not zoned TPZ.

6. Any specific findings as required by the Zoning Ordinance.

   Evidence: [per Applicant]: "[The 80 ft. tower will require a variance due to height of the tower." (See below)

7. Such findings as required by California Environmental Quality Act (CEQA).

   Evidence: See findings under section 3.2 – California Environmental Quality Act, above.

8. The proposed use is consistent with, replaces or appropriately modifies any prior established relevant conditions of a previous entitlement, if applicable.

   Evidence: Not applicable. There are no prior entitlements on this property.

3.3.2 – Zone Variance. Chapter 15.24 of the Sierra County Code provides: "Variances may be granted to vary, or modify the strict application of any of the provisions of this part in cases in which there are practical difficulties and unnecessary hardships, so long as the variance does not have the effect of changing the land use district of the subject parcel…. The applicant shall provide adequate evidence showing" each of the following:

1. There are special circumstances or conditions applying to the subject property which make compliance with this ordinance difficult and a cause of hardship to and abridgement of a property right of the owners of said property.

   Evidence: The project site is a relatively small (0.91 ac.) parcel created in 1956 specifically for utility facilities, and is already occupied by a small electrical substation with transmission poles in the vicinity. The yard setbacks established for the A1-Agricultural zone create a hardship on this small, legal non-conforming parcel for structures and facilities unrelated to normally-permitted agricultural and residential uses. Furthermore, the current zoning (established in 1973) is not consistent with the Sierra County General Plan, which was updated 23 years later and recognized this site and its historical use for utility purposes by designating the parcel for "Public Service" uses. The fact that the zoning has not been amended to reflect this updated designation creates a unique hardship for the property owner in this area.

2. Such circumstances or conditions do not apply generally to other properties in the same land use district.

   Evidence: The subject parcel was created and has been used since 1956 exclusively for public utility purposes, which the current application proposes to expand. This renders it a 'legal non-conforming use' since the parcel was last zoned in 1973 as "Agricultural." The 1996 General Plan recognized the "Public Service" use of the property, but the property currently remains zoned (inconsistent with the General Plan) A1-Agricultural. No other properties in the vicinity experience this combination of inconsistent and non-conforming designations and uses. Furthermore, most properties in the Agricultural zone are much larger in size, including in the immediate vicinity; so meeting the yard setbacks are typically less of a hardship than on this less-than-1-acre parcel.

3. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.

   Evidence: [per applicant]: "The granting of this [zone variance] will allow PSREC to construct a communication tower on its property. The location was picked because of its proximity to PSREC monitoring equipment building [on the same site, adjacent to the proposed tower], and to give clearance to power lines and existing poles in and around the sub-station. An emphasis on employee and public safety was first and foremost when choosing this location."

4. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety, and general welfare.

Evidence: [per applicant]: "No other properties in [the] area are affected." Notice was provided to neighboring property owners within 300 ft. Only the owner of the vacant 210 ac. agricultural parcel to the west (W. Copren, Trustee; 013-090-033) contacted the Planning Department following notification of the proposed project—but he stated that he was not opposed to the project as proposed. The closest residence (N. Bass; APN 013-090-034) is approximately 300 ft. away; but the Planning Department has not received any comments or concerns expressed by this neighbor.

4. Summary

Planning staff has reviewed the applicant's request for a Conditional Use Permit and Zone Variance to construct an 80 ft. communications tower adjacent to their electrical substation within the front yard setback of the 0.91 ac. parcel. The project has been analyzed for compliance with the policies and goals of the Sierra County General Plan and Zoning Code, and with the California Environmental Quality Act. The project as proposed, together with the attached conditions of approval, ensure that the project will be compatible with the surrounding land uses, and is consistent with the intent and purpose of Chapter 20.14 et seq. of the Sierra County Code governing Conditional Use Permits; and that unique hardships exist and the granting of the variance will not significantly detract from the quiet enjoyment of neighboring property owners or interfere with permitted uses on adjacent properties.

Staff recommends approval of both entitlements as proposed, subject to the conditions of approval set forth in section 5, below.

5. Staff Recommendation

Staff recommends that the Planning Commission take the following action:

Pass a Resolution which adopts the Findings contained in this staff report, including a finding that a Categorical Exemption (Class 3 & 5) is appropriate under CEQA for this project; and approve the applications for a Conditional Use Permit and Zone Variance subject to the following **conditions:**

Conditions of Approval

1. The project approved by this action is for a Conditional Use Permit and a Zone Variance to install an 80-foot wireless communications tower and associated antenna equipment and facilities on APN 013-090-035, at 100 Wilson Lane, Sierraville, CA; as illustrated and described more particularly in the Planning Department Staff Report for file no. 1662 (and staff rec. no. 1197, dated January 24, 2019; cf, Appendix C). Deviations from the approved plans and project description shall be reviewed by the Sierra County Planning Director for substantial compliance and may require amendment by the appropriate hearing body. If there are any discrepancies between the approved plans and the conditions of approval, the conditions of approval shall supersede the approved plans.

[continued…]

2. This action does not relieve the applicant of the obligation to comply with all local, state or federal ordinances, statutes, regulations, and procedures.

3. Prior to commencing any work or installation of facilities, the applicant shall obtain a building permit from the Sierra County Building Department demonstrating consistency with the conditionally-approved entitlements, and compliance with the California Building Standards Codes and County regulations to ensure public health and safety.

4. Any balance of fees charged for the processing of this entitlement must be paid to any County agency involved in the processing of this application prior to the issuance of a building permit and installation of the proposed tower.

5. During any construction activity, in the event any paleontological or cultural artifacts, or unusual amounts of bone, stone, or shell are uncovered, all construction activity shall immediately stop and the permittee shall immediately notify the Sierra County Planning Department. Ground-disturbing activity shall cease until a qualified archeologist is consulted for proper evaluation and protocols for proper treatment of the resource are implemented.

6. Actual construction shall proceed under an approved building permit within nine (9) months and be completed within eighteen (18) months. Extensions may be granted by the Planning Director upon written request, timely submitted before expiration, demonstrating good cause and/or diligent progress toward completion of the project under an approved building permit. The project may be subject to review by the Planning Commission in two years (ref. SCC §15.24.080).

6. Recommended Motion

Should the Planning Commission agree with staff's recommendation, the following motion is suggested:

"I move that the Planning Commission find that a categorical exemption is appropriate under CEQA for this project, and approve the Conditional Use Permit and Zone Variance, subject to the findings and conditions of approval contained in staff rec. no. 1197."

7. <u>Attachments</u>:

Appendix A – General Plan Land Use Maps (countywide; and community of Sierraville; 3 pp.)

Appendix B – USGS Topo / Location Map

Appendix C – Applicant's Site Plan and Preliminary Design

Appendix D – Applicant's Sample "Mock up" photo rendering

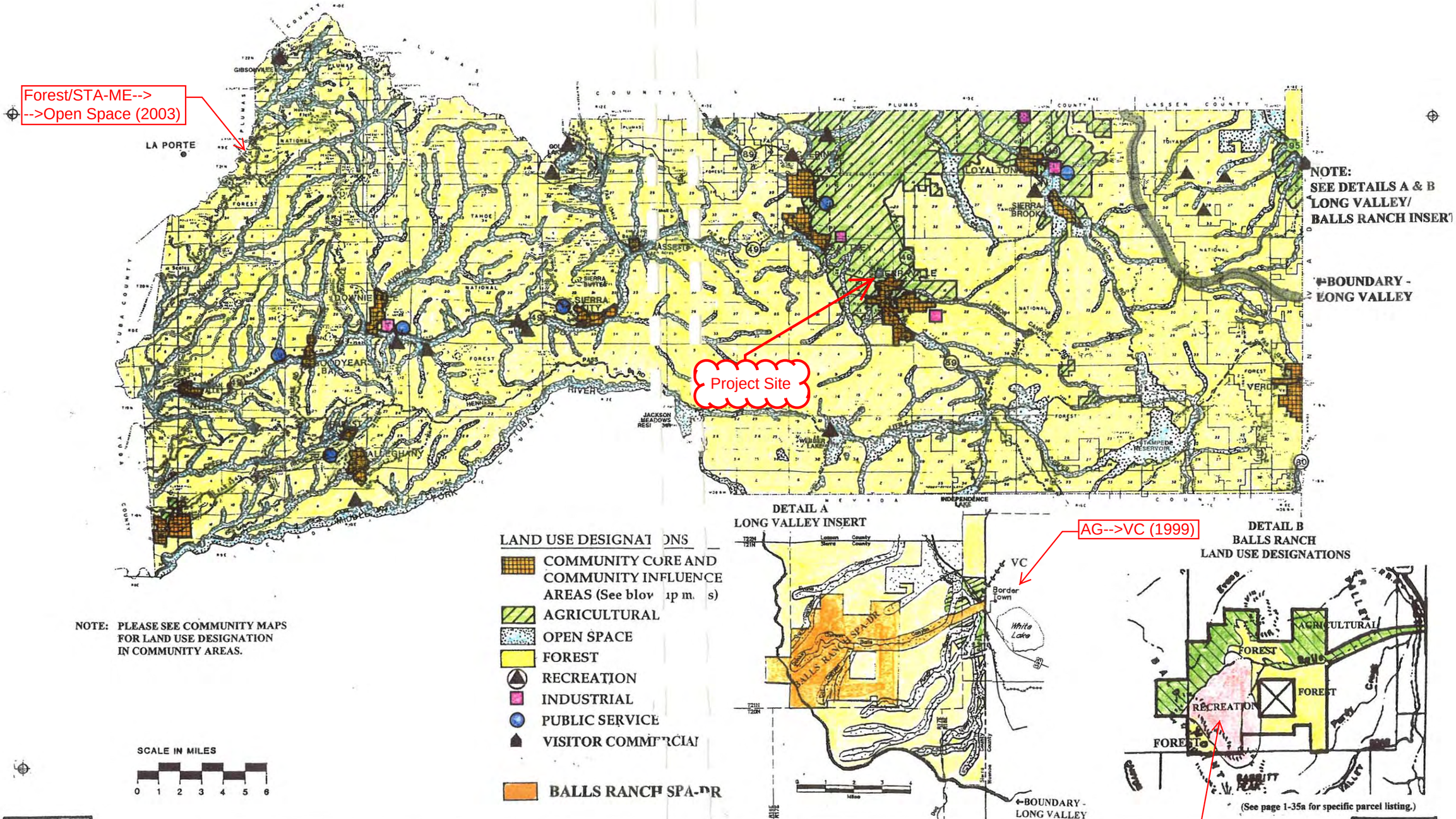
Appendix E – Record of Survey Map (Maps & Surveys, Book 9, Pages 14-15)

Appendix F – Parcel Deed with legal description

Appendix G – Commenting Agencies / Early Consultation Project Review Routing Sheet

Appendix H – Agency Comment: Northeast Center of the California Historical Resources Information System, letter dated November 30, 2018 (5 pp.)

APPENDICES



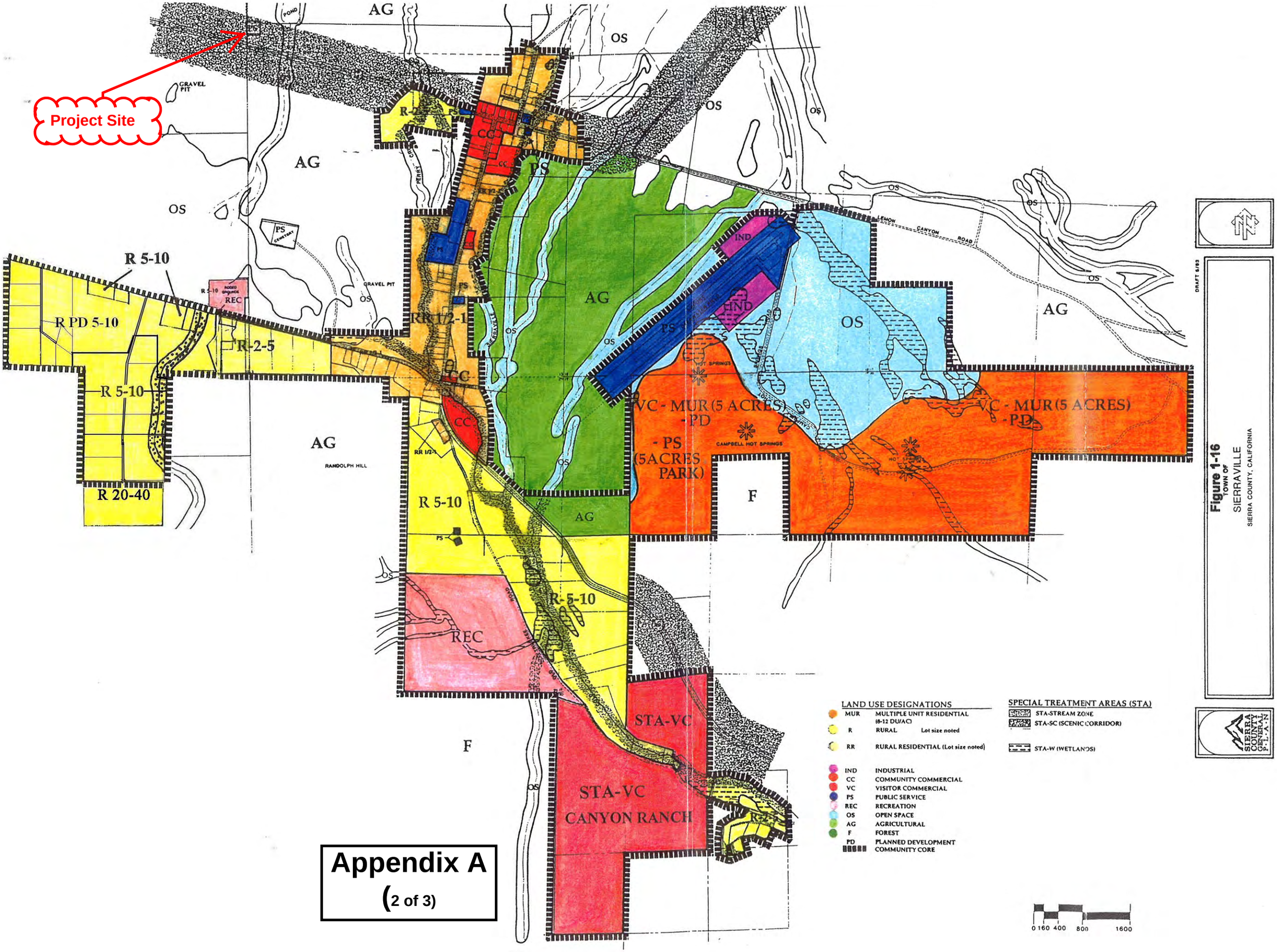
SIERRA COUNTY GENERAL P·L·A·N

Amendments:

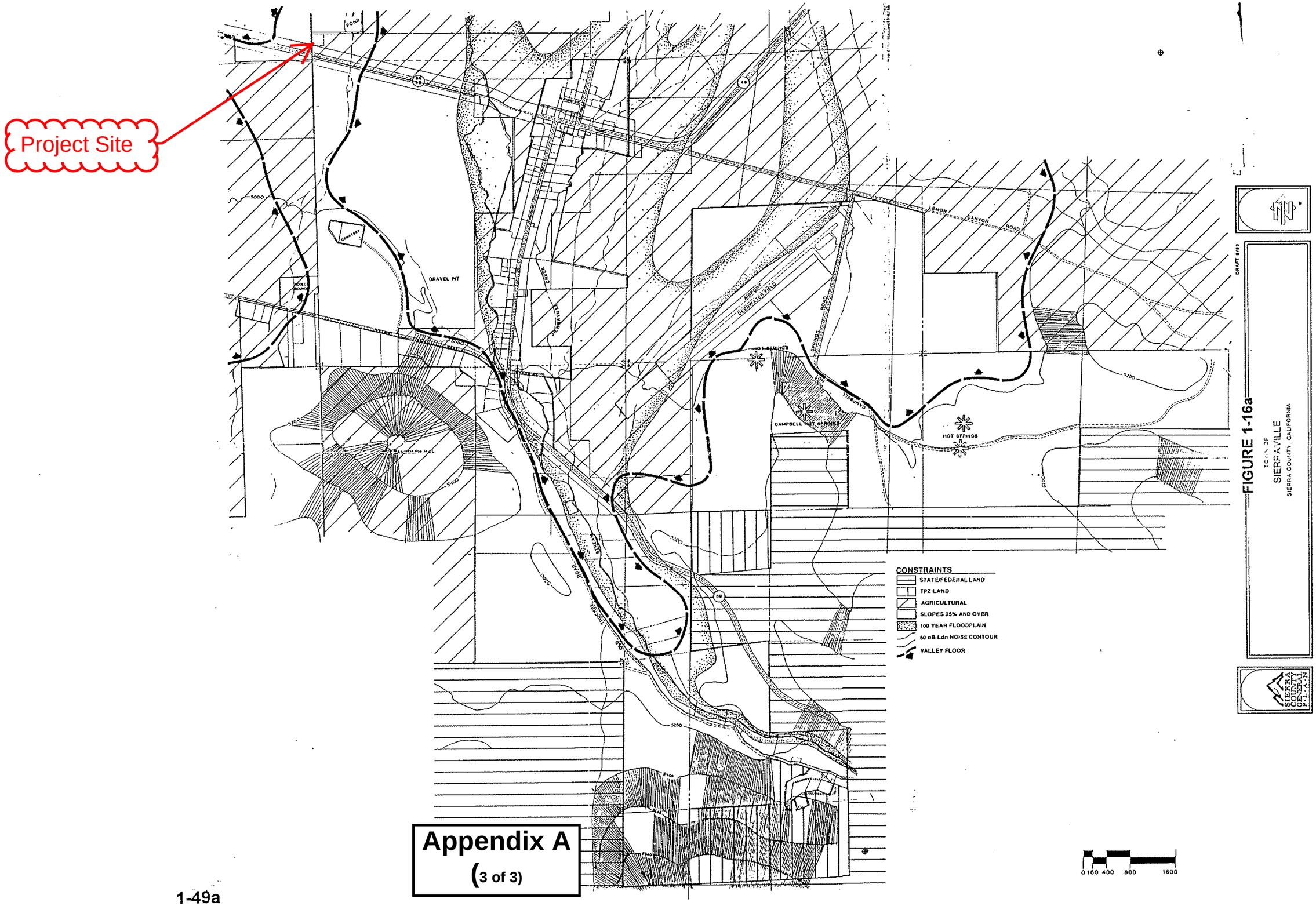
Res.# 97-203: Rec --> Forest (Long Valley Area)
Res.# 99-085: AG --> VC (Bordertown Area)
Res.# 03-208: Forest/STA-Mineral Extraction --> OS
(Gardner's Point/Pioneer Pit)

Figure 1-2
COUNTYWIDE LAND USE DESIGNATIONS
SIERRA COUNTY
CALIFORNIA

Appendix A
(1 of 3)

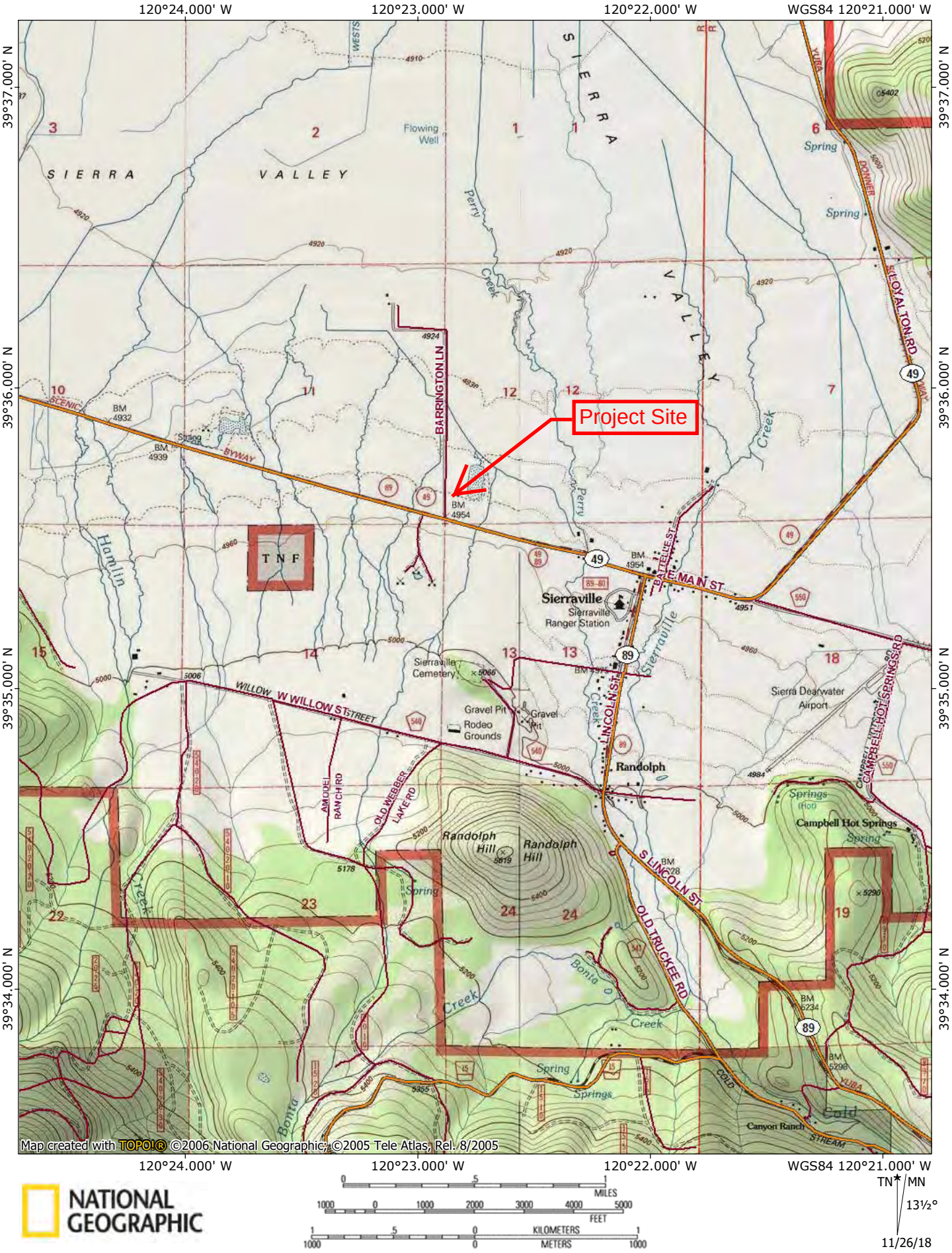


Appendix A
(2 of 3)



Appendix A
(3 of 3)

TOPO! map printed on 11/26/18 from "Untitled.tpo"

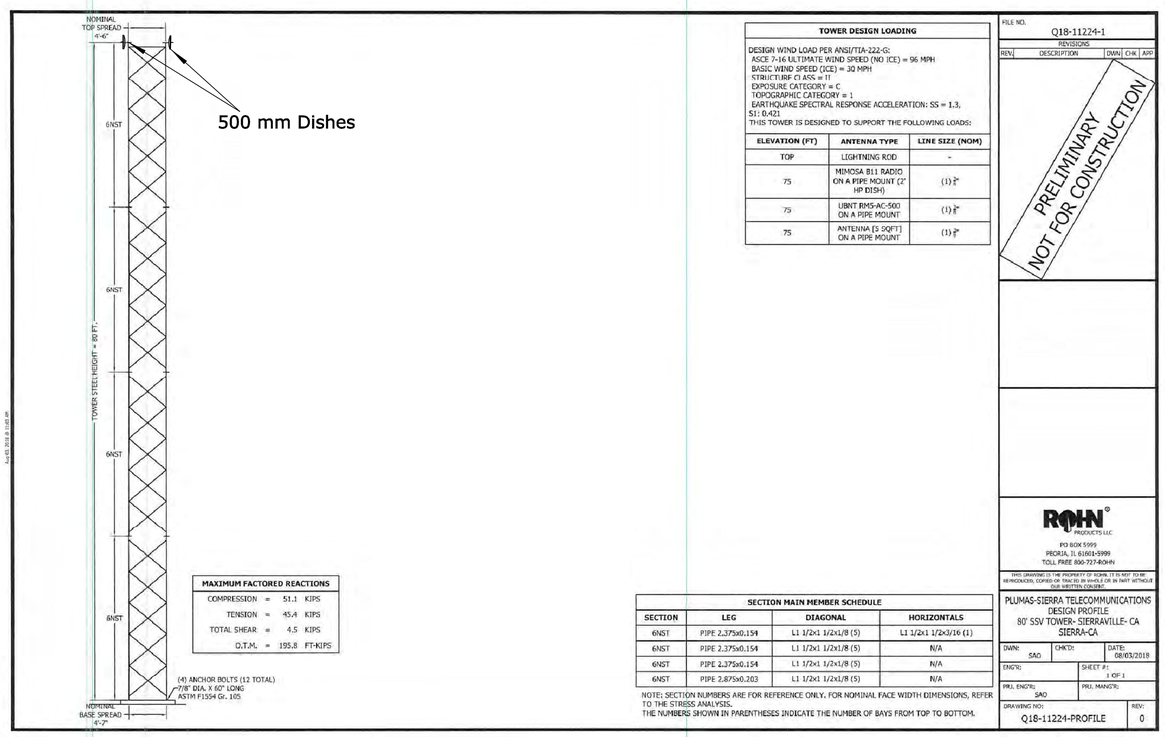


NATIONAL GEOGRAPHIC

Appendix B

TOWER RENDERING

VICINITY MAP



MAXIMUM FACTORED REACTIONS		
COMPRESSION =	51.1	KIPS
TENSION =	45.4	KIPS
TOTAL SHEAR =	4.5	KIPS
O.T.M. =	195.8	FT-KIPS

TOWER DESIGN LOADING
DESIGN WIND LOAD PER ANSI/TIA-222-G: ASCE 7-16 ULTIMATE WIND SPEED (NO ICE) = 96 MPH BASIC WIND SPEED (ICE) = 30 MPH STRUCTURE CLASS = II EXPOSURE CATEGORY = C TOPOGRAPHIC CATEGORY = 1 EARTHQUAKE SPECTRAL RESPONSE ACCELERATION: SS = 1.3, S1 = 0.421 THIS TOWER IS DESIGNED TO SUPPORT THE FOLLOWING LOADS:

ELEVATION (FT)	ANTENNA TYPE	LINE SIZE (NOM)
TOP	LIGHTNING ROD	-
75	MIMOSA B11 RADIO ON A PIPE MOUNT (2' HP DISH)	(1) 1/2"
75	UBNT RMS-AC-500 ON A PIPE MOUNT	(1) 1/2"
75	ANTENNA [5 SQFT] ON A PIPE MOUNT	(1) 1/2"

SECTION MAIN MEMBER SCHEDULE			
SECTION	LEG	DIAGONAL	HORIZONTALS
6NST	PIPE 2.375x0.154	L1 1/2x1 1/2x1/8 (5)	L1 1/2x1 1/2x3/16 (1)
6NST	PIPE 2.375x0.154	L1 1/2x1 1/2x1/8 (5)	N/A
6NST	PIPE 2.375x0.154	L1 1/2x1 1/2x1/8 (5)	N/A
6NST	PIPE 2.875x0.203	L1 1/2x1 1/2x1/8 (5)	N/A

NOTE: SECTION NUMBERS ARE FOR REFERENCE ONLY. FOR NOMINAL FACE WIDTH DIMENSIONS, REFER TO THE STRESS ANALYSIS.
THE NUMBERS SHOWN IN PARENTHESES INDICATE THE NUMBER OF BAYS FROM TOP TO BOTTOM.

FILE NO. Q18-11224-1

REVISIONS

REV.	DESCRIPTION	DWN	CHK	APP

PRELIMINARY NOT FOR CONSTRUCTION

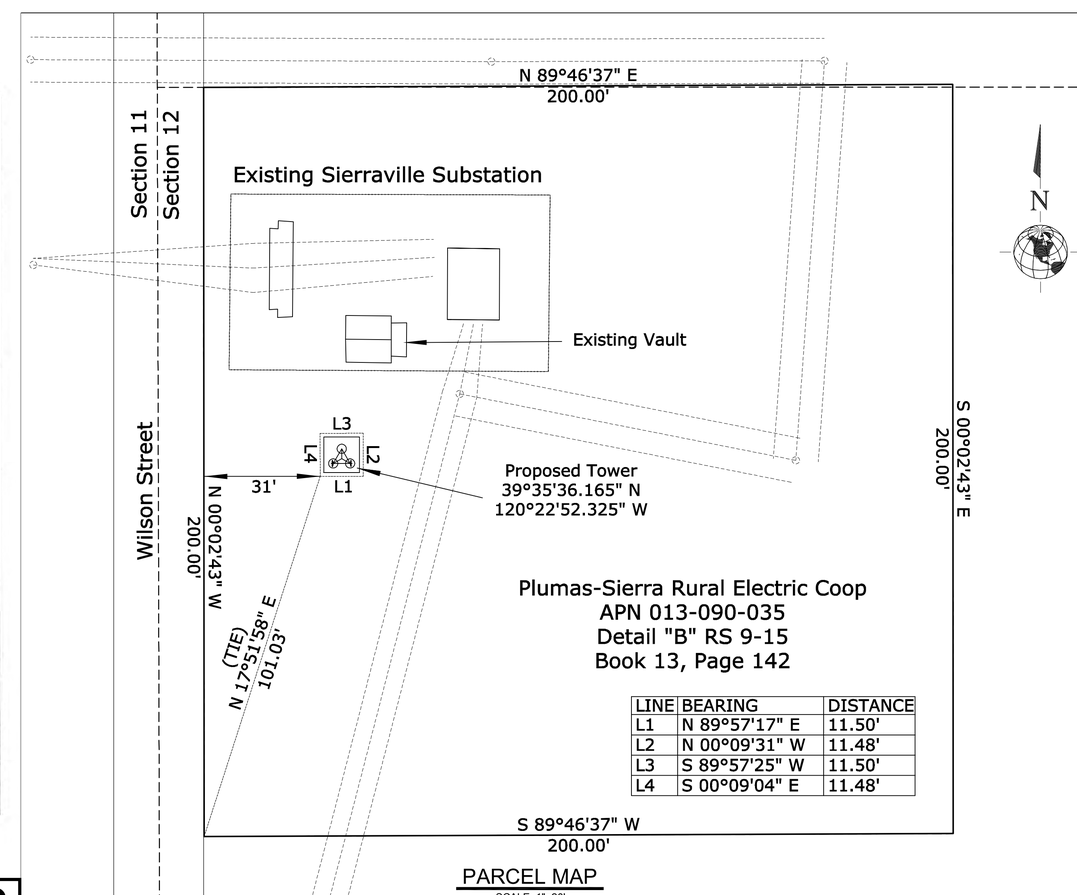
ROHN PRODUCTS LLC
PO BOX 5999
PEORIA, IL 61601-5999
TOLL FREE 800-727-ROHN

THIS DRAWING IS THE PROPERTY OF ROHN. IT IS NOT TO BE REPRODUCED, COPIED OR TRACED IN WHOLE OR IN PART WITHOUT OUR WRITTEN CONSENT.

PLUMAS-SIERRA TELECOMMUNICATIONS
DESIGN PROFILE
80' SSV TOWER- SIERRAVILLE- CA
SIERRA-CA

DWN: SAO | CHKD: | DATE: 08/03/2018
ENG'R: | SHEET #: 1 OF 1
PRJ. ENG'R: SAO | PRJ. MAN'R:
DRAWING NO: Q18-11224-PROFILE | REV: 0

TOWER DESIGN PROFILE



LINE	BEARING	DISTANCE
L1	N 89°57'17" E	11.50'
L2	N 00°09'31" W	11.48'
L3	S 89°57'25" W	11.50'
L4	S 00°09'04" E	11.48'

PARCEL MAP

SCALE: 1"=20'

Client

PST

Plumas Sierra
Telecommunications
73233 CA-70
Portola, CA 96122
Ph. (800) 555-2207

Engineer

TRI SAGE CONSULTING

Tri Sage Consulting
5418 Longley Lane
Reno, NV 89511
Ph. (775) 336-1300

REVISIONS

Rev.	Date	Description	By	Apvd.
0	9/27/2018	ISSUE FOR SIERRA COUNTY APPLICATION	RF	

Plumas Sierra Telecommunications
Sierraville Sub Communications Tower

Design Drawings
Communications Tower and Equipment Plan

Sierra County California

Sheet Title:	Site ROW
Project No:	PST_CP
Date:	9/28/18
Drawn by:	RF
Designed by:	PST
Checked by:	KLD
Horiz. scale:	NOTED
Vertical scale:	NOTED

SHEET

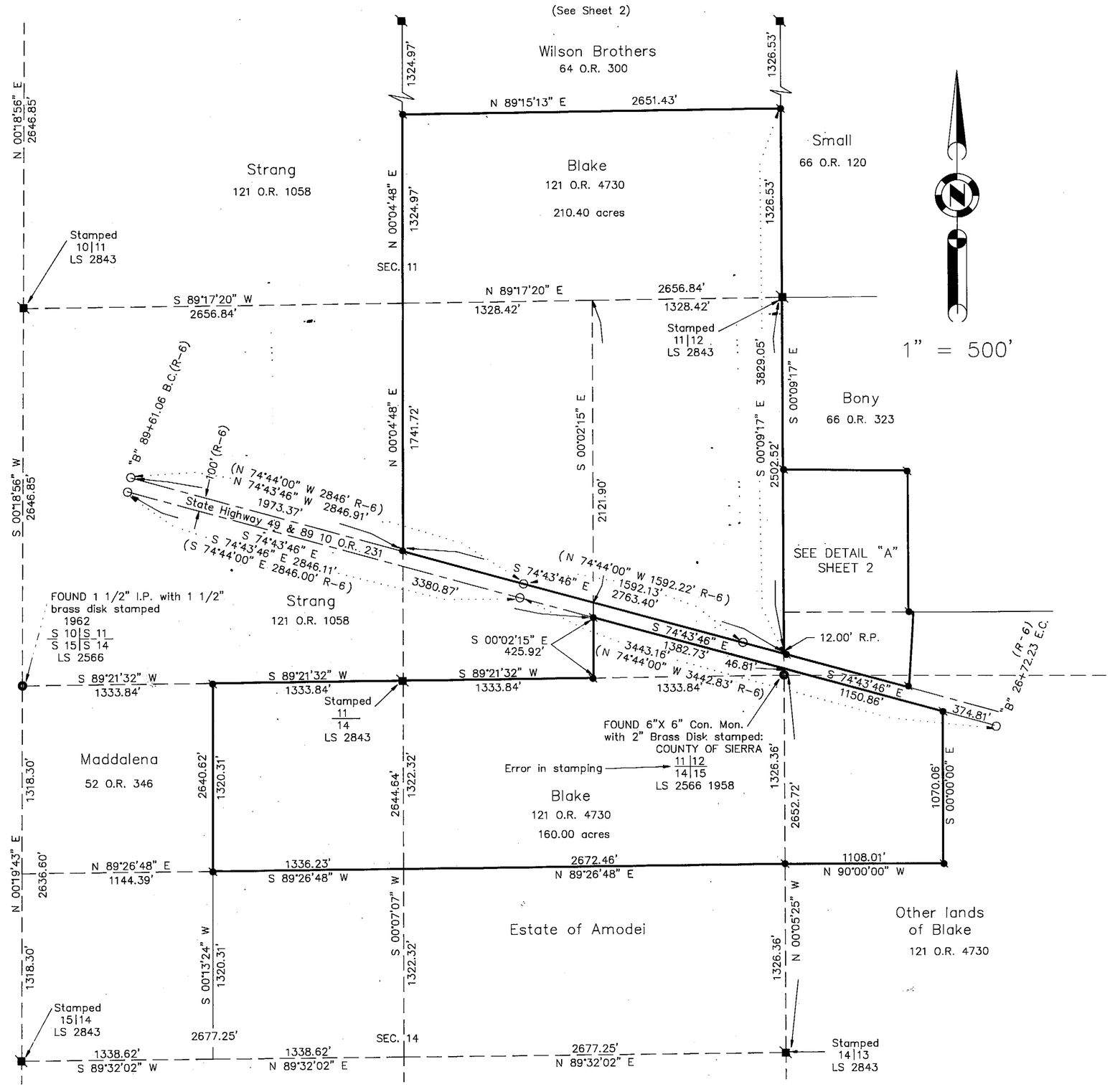
1 OF 1

Z:\PSREC PROJECTS\SIERRAVILLE COMM TOWER\SURVEY\PSREC TOWER SURVEY.DWG

Appendix C

Example

Appendix D



SURVEYOR'S STATEMENT

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Land Surveyor's Act at the request of Lucy Blake in October, 1989.

LICENSED LAND SURVEYOR — JOHN W. HAMBY L.S. 2843 Exp. 6-30-92 — STATE OF CALIFORNIA

John W. Hamby L.S. 2843

REGISTERED PROFESSIONAL ENGINEER — LARRY A. FITES No. 13225 Exp. 3-31-93 CIVIL — STATE OF CALIFORNIA

COUNTY SURVEYOR'S STATEMENT

This map has been examined in accordance with Section 66474 of the Land Surveyor's Act this 20th day of February, 1990.

SIERRA COUNTY SURVEYOR

COUNTY RECORDER'S STATEMENT

Filed this 25th day of October, ~~1989~~ 1990 at 10:43 A.m. in Book 9 of Maps and Surveys, at page 14, at the request of John W. Hamby.

Sandra Loving
County Recorder

Fee $8.00

File No. 106129

By Naomi Adams
Deputy

LEGEND

- FOUND or SET Point as described
- SET 5/8" Rebar & Aluminum Cap stamped as shown
- SET 5/8" Rebar & Aluminum Cap LS 2843
- FOUND Railroad spike for Highway Monument
- (R-6) RECORD per State Highway Plans on file in County Surveyor's Office
- ⊥ Nothing Found or Set

BASIS OF BEARINGS NOTE

The bearing of N 00°18'56" E for the West line of Section 11 as shown on the Parcel Map for Arthur M. Strang recorded in Book 8 of Maps and Surveys at Page 32, as found monumented, was taken as basis of bearings shown upon this map. Said bearings refer to the True meridian.

RECORD OF SURVEY for Lucy Blake

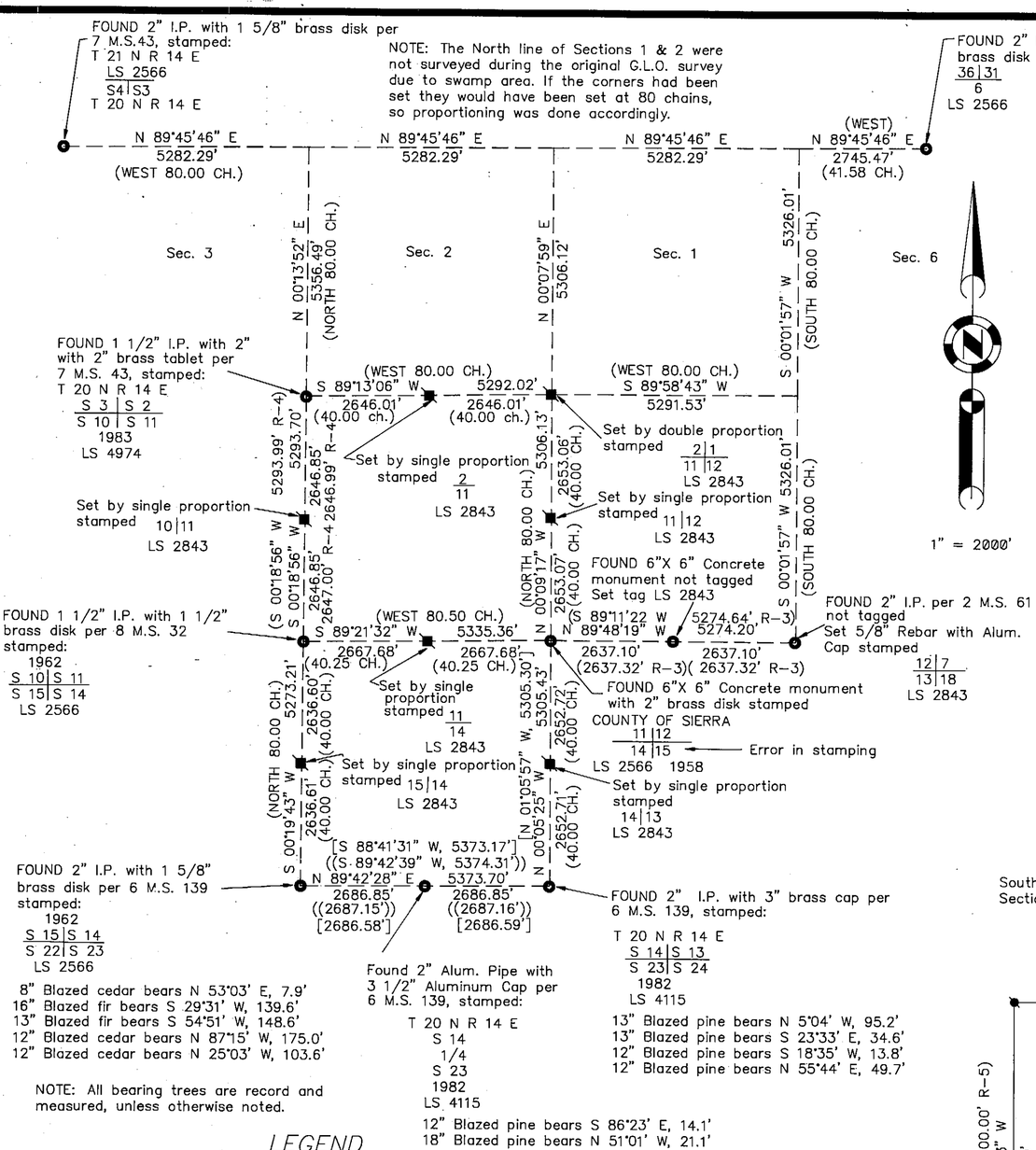
A portion of Sections 11, 12, 13 & 14
T. 20 N., R. 14 E., M.D.M.
SIERRA COUNTY — CALIFORNIA
Scale 1" = 500' October, 1989

HAMBY SURVEYING, INC.
P.O. Box 1209 ph.(916) 832-5571
PORTOLA, CA. 96122

89016C

Sheet 1 of 2

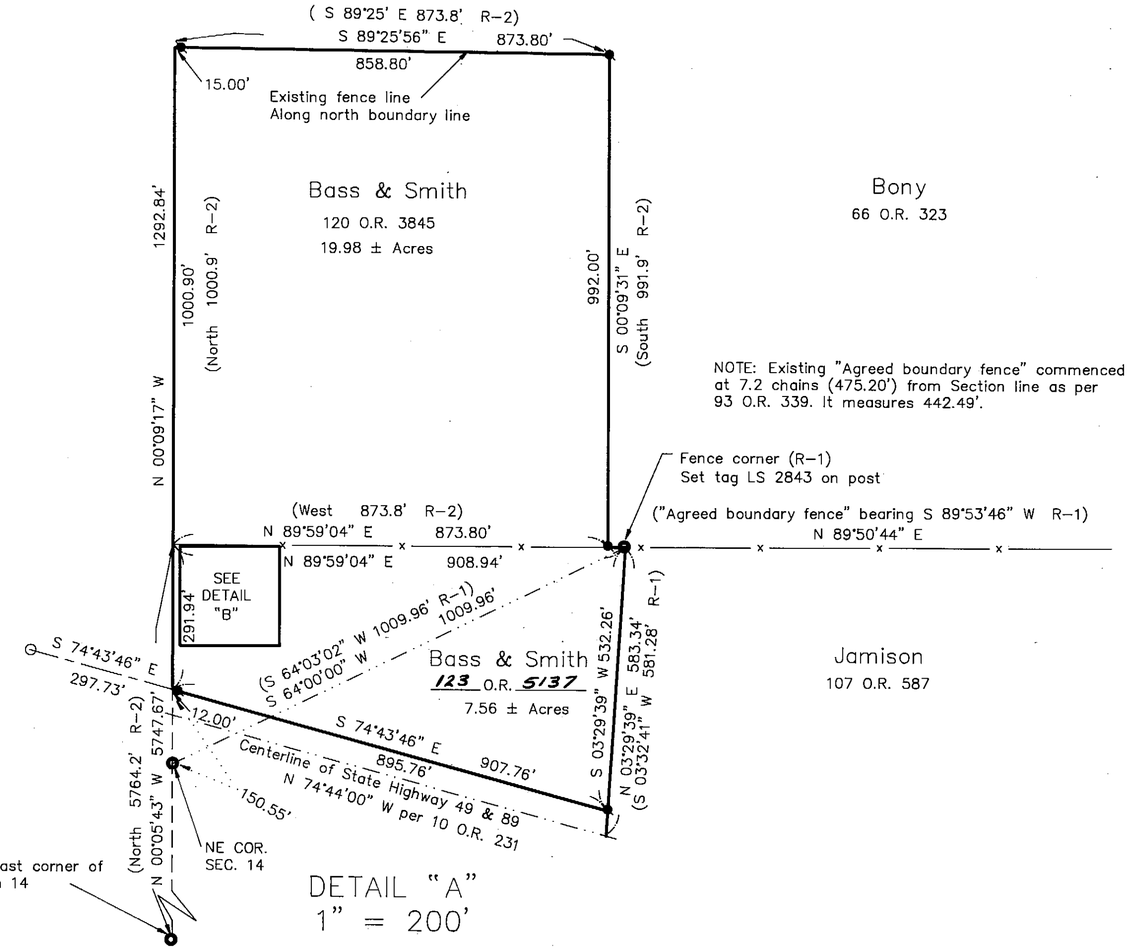
Appendix E
(1 of 2)

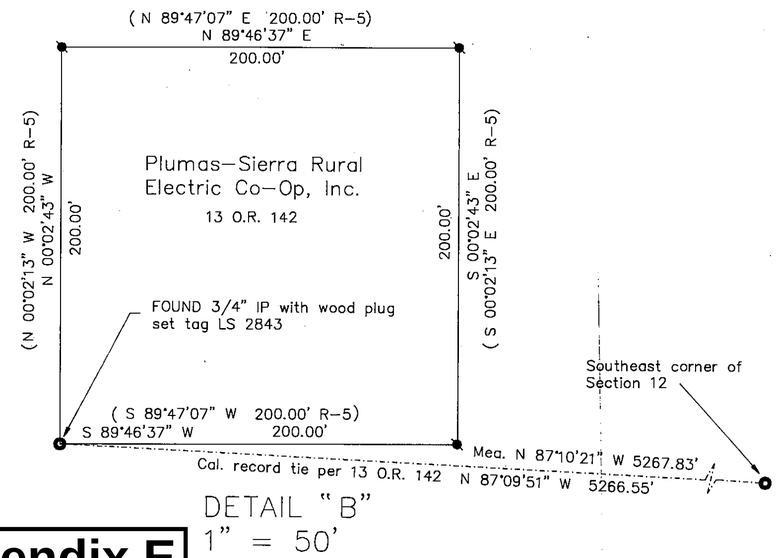


LEGEND

- FOUND or SET Point as described
- SET 5/8" Rebar & Aluminum Cap stamped as shown
- SET 5/8" Rebar & Aluminum Cap LS 2843
- FOUND Railroad spike for Highway Monument
- R-1 RECORD per 107 O.R. 587
- R-2 RECORD per 120 O.R. 3845
- R-3 RECORD per 2 M.S. 61
- R-4 RECORD per 8 M.S. 32
- R-5 RECORD per 13 O.R. 142
- ( ) RECORD per General Land Office
- (( )) RECORD per 6 M.S. 139
- [ ] RECORD per 2 M.S. 72

89016A





RECORD OF SURVEY for Lucy Blake

A portion of Sections 11, 12, 13 & 14
T. 20 N., R. 14 E., M.D.M.
Sierra County - California

HAMBY SURVEYING INC.
P.O. Box 1209
Portola, CA 96122
Ph. 916-832-5571

Sheet 2 of 2

Appendix E
(2 of 2)

GRANT DEED

GIFFORD WEBBER and EDITH WEBBER, husband and wife, grantors, hereby grant to PLUMAS-SIERRA RURAL ELECTRIC CO-OPERATIVE, INC., a corporation, duly organized and existing under and by virtue of the laws of the State of California, grantee, the following described real property situate in the County of Sierra, State of California:

Beginning at a point which bears North 84° 47' 28" west a distance of 8,081.21 feet from the section corner common to §§ 12 and 18, T 20 N, R 14 E, MDB & M, and §§ 7 and 18, T 20 N, R 15 E, MDB & M; thence running South 0° 02' 13" East a distance of 200.00 feet; thence South 89° 47' 07" West a distance of 200.00 feet; thence North 0° 02' 13" West a distance of 200.00 feet; thence North 89° 47' 07" East a distance of 200.00 feet to the point of beginning containing 0.919 of an acre, more or less, and being a part of the southwest quarter of the southwest quarter of § 12, T 20 N, R 15 E, MDB & M.

Dated: 30 January 1956

Gifford D Webber
GIFFORD WEBBER

Edith M Webber
EDITH WEBBER

STATE OF CALIFORNIA }
COUNTY OF SIERRA } SS

On this 30th day of January, 1956, before me, the undersigned Notary Public, personally appeared GIFFORD WEBBER and EDITH WEBBER known to me to the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Notary Public

RECORDED AT REQUEST OF
Plumas-Sierra Rural Elec. Co-op, Inc.
Feb 17-1956
AT 25 MIN. PAST 1 P.M.
VOL. 13 PAGE 142
Official Records
SIERRA CO. CAL. RECORDS
RECORDER
DEPUTY
FEE 10
INDEXED

Appendix F

SIERRA COUNTY

Department of Planning and Building Inspection

Post Office Box 530
Downieville, California 95936

Tel (530) 289-3251
Fax (530) 289-2828

Early Consultation / Project Review Routing Sheet

Date: November 26, 2018
To: *Commenting Agencies*

County Departments

- ☒ County Assessor
- ☒ County Treasurer-Tax Collector
- ☐ County Counsel
- ☒ County Sheriff
- ☒ County Environmental Health Department
- ☒ County Surveyor-Engineer
- ☒ County Supervisor
- ☒ County Public Works Department
- ☒ County Fire Safe & Watershed Council
- ☒ County Fish and Game Commission
- ☒ County Historical Society

Federal Departments

- ☒ USFS—Forest Supervisor Office: _____Tahoe_____ National Forest
- ☒ USFS Sierraville District Ranger Office
- ☐ BLM—Regional Office:_____District
- ☐ US Army Corps of Engineers
- ☐ FEMA—NFIP - Region IX

AB 52 Tribes

- ☐ Washoe Tribe of Nevada & California
- ☐ T'Si-akim Maidu
- ☐ Greenville Rancheria of Maidu Indians
- ☐ United Auburn Indian Comm. /Auburn Rancheria

State Departments

- ☒ Dept. of Fish & Wildlife—Regional Office
- ☒ Dept. of Fish & Wildlife—Local Warden
- ☒ Dept. of Fish & Wildlife—Area Biologist
- ☐ State Reg. Water Quality Control Board—Lahontan Region
- ☐ State Reg. Water Quality Control Board—Central Valley Region
- ☒ California Public Utility Commission
- ☒ State Department of Forestry & Fire Protection (CalFire)
- ☐ Air Resources Board
- ☐ Department of Health Services
- ☒ Housing & Community Development
- ☐ Department of Conservation
- ☒ Energy Commission
- ☐ Department of Water Resources
- ☒ CalTrans-District Office-Planning & Project Review
- ☒ CalTrans-District 3 – Sierraville Yard
- ☒ Native American Heritage Commission
- ☐ State Office of Planning and Research
- ☐ State Water Board-Division of Drinking Water
- ☒ DWR - Sierra Valley Watermaster
- ☐ Other:_____

Other Agencies

- ☒ Sierra-Plumas Joint Unified School District
- ☒ City of Loyalton
- ☐ Sierra Brooks Homeowners Association
- ☒ Northern Sierra Air Quality Management
- ☒ Sierra Valley Resource Conservation
- ☐ Nevada County Resource Conservation
- ☒ Sierra Economic Development District
- ☒ Public Utility/Water/Waterworks District: SVPUD
- ☐ Sierra Brooks Water_____
- ☒ Fire Protection District: SCFPD#1
- ☒ Hospital or Health Care District: Eastern Plumas
- ☒ Sierra Valley Groundwater Management
- ☐ Long Valley Groundwater Management
- ☒ Contiguous County Planning Department: __Plumas County_____
- ☐ Liberty Utilities
- ☐ Pacific Gas & Electric Company
- ☒ Plumas Sierra Rural Electric Cooperative
- ☒ SBC/ATT-Serving Phone Communications
- ☐ Private or Public Water Company: _____
- ☒ NE Center of CA Historical Resources Information System
- ☐ Other:_____

Project Description

The following application has been submitted to the Sierra County Planning Department. The project is being sent to your agency for early review and comment. The purpose of this "early consultation/routing" is to identify any unforeseen issues or reasons why the project should not be "exempt" from CEQA, and/or to solicit review comments and recommended conditions of approval.

Application Number: **1662**

Application Title: **PSREC Wireless Tower—Conditional Use Permit & Zone Variance**

Assessor's Parcel Number(s): 013-090-035

Property Address/Location: 100 Wilson Lane, Sierraville, unincorporated Sierra County, CA

Project Description: Plumas Sierra Rural Electric Co-op proposes to install an 80' tall tower for wireless communication to improve broadband internet coverage in the Sierraville area. It would be located at an existing electrical substation on the east side of Wilson Lane (also formerly known as Barrington Ln), approx. 250' north of State Highway 49/89, and approx. ¾ mi. west of the community of Sierraville, CA. The property is zoned A1-Agricultural (requiring a Conditional Use Permit), and the proposed tower would be located approx. 31' from the front property line (abutting Wilson Ln.)—requiring a 29' setback variance. Location maps and site plan are attached. *Planning staff's preliminary environmental assessment: exempt under CEQA Guidelines Sections CCR 15303 (Class 3) and 15305 (Class 5 Categorical Exemption).*

Comments and Conditions

- If you have any questions regarding this project, or require additional information to evaluate and prepare comments or recommended conditions for the project, please send us a list of these requests **within two weeks**.
- Please send your comments and conditions to us no later than **December 10, 2018.** If we do not receive a response by this date, we will presume that your agency has "no comment." If you require additional time for review, please contact me at: (530) 289-3251 or bpangman@sierracounty.ca.gov.

Sincerely,
Brandon Pangman
Assistant Planning Director

_____
Signature, date

_____
Print Name and Title

_____
Print Agency

Comments are: ☐ Attached ☐ No comment

Appendix G

Northeast Center of the
California Historical Resources
Information System

BUTTE
GLENN
LASSEN
MODOC
PLUMAS
SHASTA
SIERRA
SISKIYOU
SUTTER
TEHAMA
TRINITY

123 West 6th Street, Suite 100
Chico CA 95928
Phone (530) 898-6256
neinfocntr@csuchico.edu

November 30, 2018

Sierra County Department of
Planning and Building Inspection
P.O. Box 530
Downieville, CA 95936
Attn: Ms. Kathy Whitlow

Received

DEC 6 2018

Sierra County Planning &
Building Departments

I.C. File # N18-1
Project Review

RE: PSREC Wireless Tower-Conditional Use Permit & Zone Variance/APN 013-090-035
T20N, R14E, Section 12 MDBM
USGS Sierraville 7.5' and Sierraville (1955) 15' quadrangles
0.91 acres (Sierra County)

Dear Ms. Whitlow,

In response to your request, a project review for the project cited above was conducted by examining the official maps and records for archaeological sites and surveys in Sierra County.

RESULTS:

Prehistoric Resources: According to our records, no sites of this type have been recorded within or adjacent to the project area. However, four sites of this type have been recorded in the 1-mile project vicinity consisting of the 'mut 'sim 'iheplu village site, lithic scatters, projectile points, projectile point fragments, cores, scrapers, manos, mano fragments, metate fragments, hammerstones, and a midden. The project is located in a boundary region utilized by Washoe and Nisenan populations. Unrecorded prehistoric cultural resources may be located in the project area.

Historic Resources: According to our records, no sites of this type have been recorded within or adjacent to the project area. However, one site of this type has been recorded in the 1-mile project vicinity consisting of the Sierraville Ranger Station (a New Deal Project property), government buildings, fences, corrals, and landscape architecture. Unrecorded historic cultural resources may be located in the project area.

The USGS Sierraville (1955) 15' quad map indicates that the project area is located in Sierra Valley and that structures are located within the project area; a road is located adjacent to the project area; and the Tahoe National Forest, Sierraville, Highway 49, a cemetery, gravel pits, streams, canals, roads, and and structures are located within the general project vicinity.

A copy of the GLO plat map (1863) depicting a road and fences in the project vicinity is enclosed. Additionally, a copy of the historic Sierraville (1890) quad map depicting the fairgrounds and a road adjacent to the project area is also enclosed. Finally, the Sierraville (Sierra Valley) Historic District is listed on the California Inventory of Historic Resources (1976).

Previous Archaeological Investigations: According to our records, the project area has not been previously surveyed for cultural resources.

Literature Search: The official records and maps for archaeological sites and surveys in Sierra County were reviewed. Also reviewed: **National Register of Historic Places - Listed properties and Determined Eligible Properties** (2012), **California Register of Historical Resources** (2012), **California Points of Historical Interest** (2009), **California Investigation of Historic Resources** (1976), **California Historical Landmarks** (2012), **Gold Districts of California – Bulletin 193** (2005), **Historic Spots in California – Fifth Edition** (2002), **Handbook of North American Indians, Vol. 8, California** (1978), and **Directory of Properties in the Historic Property Data File for Sierra County** (2012).

RECOMMENDATIONS:

Based upon the above information and the local topography, and regional history, the project is located in an area considered to be sensitive for prehistoric, protohistoric, and historic cultural resources. Washoe and Nisenan populations used the local region for seasonal and/or permanent settlement, as well as for the gathering of plants, roots, seeds, domestic materials, and hunting seasonal game. Historically, Euro-Americans utilized the region for summer cattle ranching, farming, timber, and transportation opportunities.

Therefore, because the project area has not been previously surveyed, we recommend that a professional archaeologist be contacted to conduct a cultural resources survey of the entire project area. The consultant can offer recommendations for avoidance and protection of any newly identified resources. In addition, any existing structures should be evaluated for potential historical significance. The project archaeologist will be able to offer recommendations for the preservation of or mitigation of effects on any cultural resources encountered as a result of field survey. A list of qualified consultants is available online at www.chrisinfo.org.

The project archaeologist should also contact the appropriate local Native American representatives for information regarding traditional cultural properties that may be located within project boundaries for which we have no records. The Native American Heritage Commission should be contacted at (916) 373-3710 for information regarding Native American representatives in the vicinity of the project.

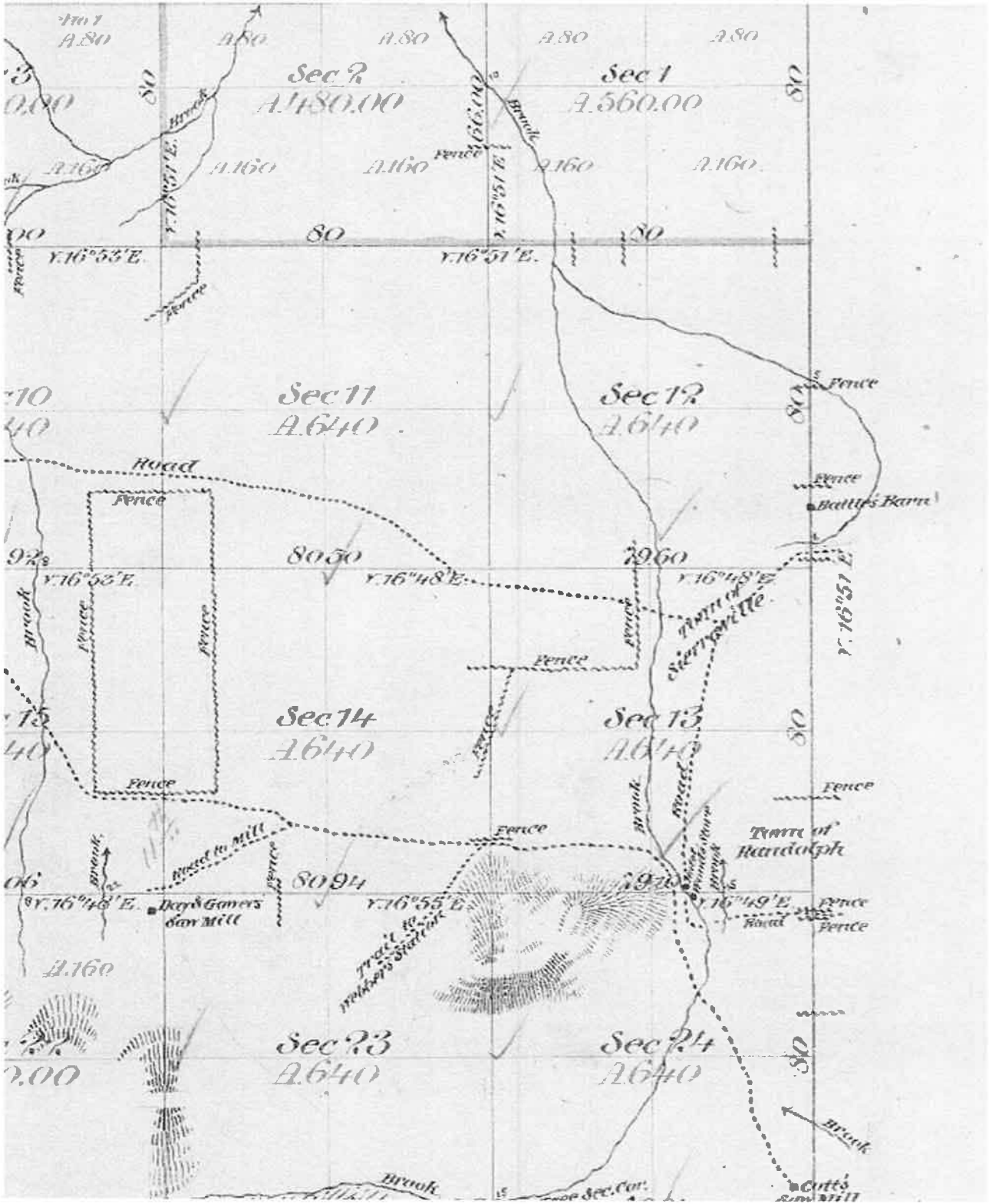
During any phase of parcel development, if any potential prehistoric, protohistoric, and/or historic cultural resources are encountered, all work should cease in the area of the find pending an examination of the site and materials by the project archaeologist. This request to cease work in the area of a potential cultural resource find is intended for accidental discoveries made during construction activities, and is not intended as a substitute for the recommended cultural resources survey.

The fee for this project review is $75.30 (1 hour of Project Review Time @ $75.00 per hour, plus 2 copies @ $0.15 per copy). An invoice will follow from the CSUC Research Foundation for billing purposes. Thank you for your dedication preserving Sierra County's and California's irreplaceable cultural heritage, and please feel free to contact us if you have any questions or need any further information or assistance.

Sincerely,

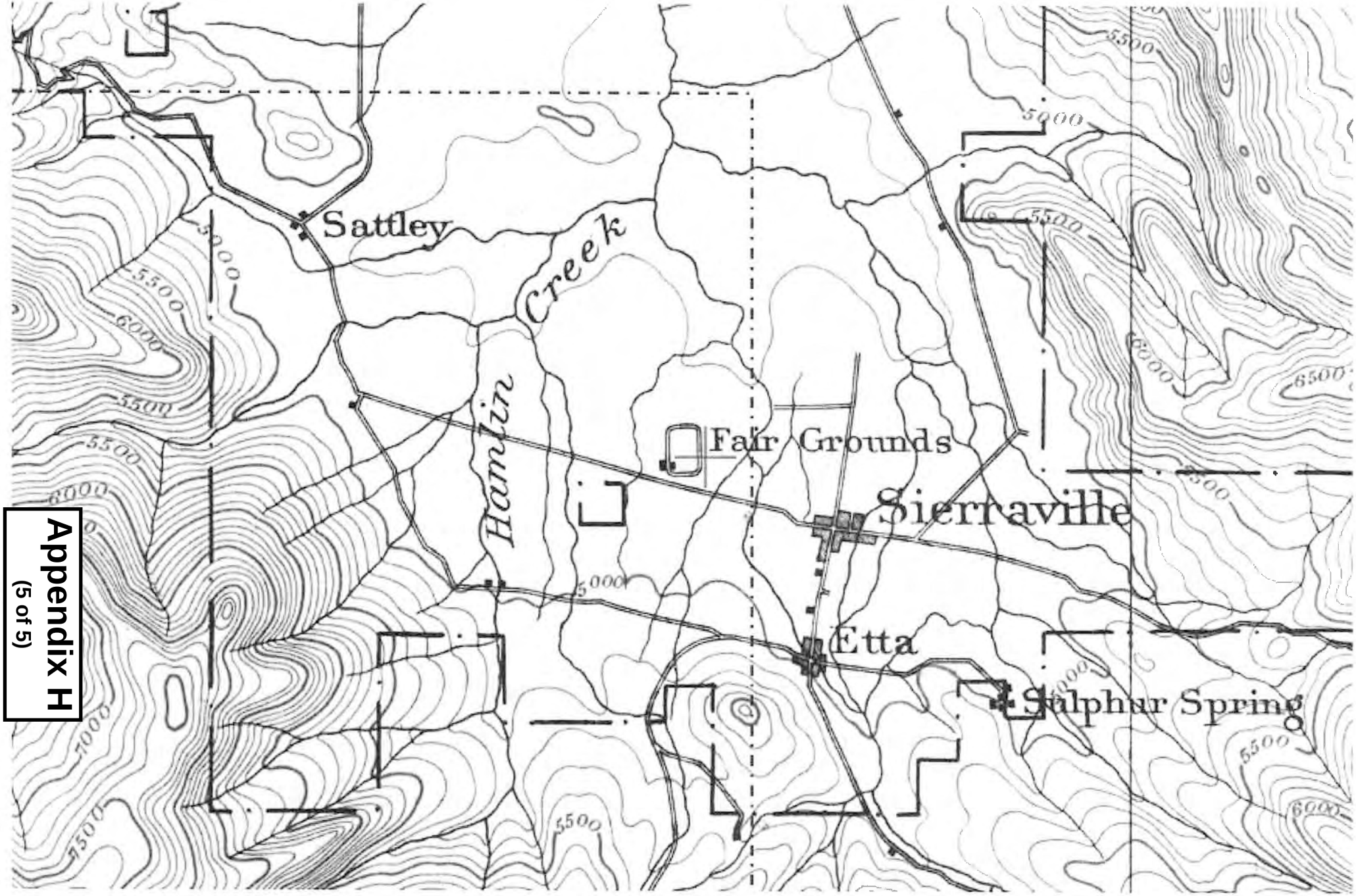
Adrienne Springsteen
Research Associate

Appendix H
(3 of 5)



GLO Plat Map (1863)
T20N, R14E, Section 12
MDBM

Appendix H
(4 of 5)



Sierraville (1890)

Appendix H
(5 of 5)

Planning Commission Staff Report
January 24, 2019 PC EXHIBIT 1

Project: Blake Zone Variance
PD File No.: 1663
Staff Rec. No.: **1198**
Request: Zone Variance
Location: 205 Battelle Street, Sierraville
APN: 015-022-004
Planner: Brandon Pangman

Property Owner	**Applicant**
Lucy Blake	Lucy Blake
564 Santa Rita Ave.	564 Santa Rita Ave.
Palo Alto, CA 94301	Palo Alto, CA 94301

1. Staff Recommendation

Staff recommends that the Planning Commission *approve* the application, subject to the findings and conditions of approval contained in this report.

2. Project Description & Background

The Applicant is requesting a:

- *Zone Variance* – expand max. size of attached second dwelling unit, and 100% reduction in the front yard setback for detached garage

The project proposes to do an extensive remodel of the old Sierraville Masonic Hall, converting it to a single family residence, plus an "attached" second dwelling unit (and expanding the onsite septic system as necessary and constructing two (2) detached accessory garage buildings). The existing building sits on a 0.39 ac. parcel in the R1 (Residential One Family) zoning district, but its historical use and occupancy (up to the present) has been an "assembly hall" (Group A-3 occupancy under the California Building Code), which renders the current building a "legal non-conforming use" pursuant to Sierra County Zoning Code Section 15.40.010 (relevant code sections attached in Appendices G - I). The entire parcel also sits within the FEMA "100 year" floodplain (ref. Appendix C).

While there is not an entitlement issue with the proposed change of occupancy (from A-3 to R-3) in either the Building Codes or Zoning Code, the plans proposed both an 1800 sq.ft. primary residence *and* a 1200 sq.ft. attached second dwelling unit. Sierra County Zoning Code Section 15.10.030(D)(1) limits the size of

second dwelling units on parcels less than one (1) acre to only 640 sq.ft. Complicating matters, due to the affordable housing crisis throughout California, recent changes in State law have strongly urged local agencies to *encourage* the construction of accessory dwelling units wherever possible, and limit restrictions on their development (see Appendix J). One of those recent legislative changes, AB 2299 (Bloom; 2016) somewhat confusingly allows that a county must ministerially approve an accessory dwelling unit that is created by expanding the floor space of an existing, single family dwelling, and "The increased floor area of the unit does not exceed 50% of the existing living area, with a maximum increase in floor area of 1,200 square feet" (ref. Appendix J, p. 7). For this particular project, the Planning Department interpreted this provision to *not* apply to the Blake project, since the building is not an "existing single family dwelling" but is instead an older Masonic Hall that is proposed to be remodeled into a residence.

[Please note: as used throughout this discussion the County's use of the term "second dwelling unit" [SDU] and the State's more recent adoption of the term "accessory dwelling unit" [ADU] are synonymous.]

It should be noted, too, that originally the applicant proposed an even larger second unit; but during a pre-application meeting with the Planning Department she and her architect were informed that the Planning Department could not support a variance request for a second unit that is larger than 1200 square feet (since that is the maximum number both provided in State law for ADUs when a local ordinance has not been adopted, *and* the maximum size provided in Sierra County's current ordinance on "Second Dwelling Units and Guest Houses" (SCC 15.10.030; Ord. 1002, eff. 7/17/2008). The preliminary plans were modified by the architect to accommodate this number (see plans in Appendix E).

In addition, Mrs. Blake desires to provide detached accessory garages for each dwelling unit. The small size of the parcel does not permit enough space for the existing building, the requisite leach area (which must be expanded to accommodate the new use), *and* two (2) new accessory structures—without encroaching into the yard setbacks required under SCC 15.12.080(G). The applicant requests a variance in the front yard setback from 20 feet down to zero (0) feet to accommodate another small garage for the occupants, and still allow sufficient space and setbacks from the proposed new leach field area next to the main building.

In the interest of time (this report is already late!) we have attached a plethora of relevant maps, materials, plans, code sections, and comment letters—and Planning staff will more fully explain and answer questions during the public hearing on the matter.

3. <u>Findings</u>

Legal findings in support of the variance(s) are contained within the application materials, found in Appendix F.

California Environmental Quality Act (CEQA) [ref., SCC §38.05 et.seq.]

> *<u>Finding</u>:* The proposal will not have a significant adverse impact on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA).

Evidence: The project was routed to twenty-four (24) commenting agencies between January 4, 2019 and January 18, 2019 (*cf*, Appendix K to Staff Rec. no. 1198). No comments of environmental concern were received, however comments were received by three local agencies (Sierra County Engineer, Sierra County Environmental Health Department, and Sierraville Public Utilities District) concerning requisite infrastructure improvements and design considerations associated with the proposed change of use from an "assembly" occupancy to a "residential" occupancy, which are all ministerial in nature. Notification of the project was sent to all neighboring property owners within at least 300 ft. of the property, and a public hearing notice for the project was duly posted and published in the *Mountain Messenger*, a local newspaper of general circulation, beginning January 10, 2019 (two weeks in advance of the public hearing). No other comments of concern have been received by the Planning Department. Based on the County's preliminary investigations; analysis of the project features and relevant laws and regulations; comments received; and the whole record, there is no fair argument based on substantial evidence in the record that the project has the potential to cause a significant adverse impact on the environment.

This project is eligible for a Categorical Exemption under Section 15301 (Class 1) and 15303 (Class 3) of CEQA Guidelines, in that the project consists of reconstruction of an existing structure; and construction or location of small accessory structures to a single family residence on an existing legal parcel in a residential zone (ref. 14-CCR-15303[e]).

This project is also eligible for a Categorical Exemption under Section 15305 (Class 5) of CEQA Guidelines, in that the project consists of a minor alteration in land use limitations in an area with an average slope of less than 20%, and does not result in any change in land use or density. Specifically, the proposal involves a setback variance that does not result in the creation of any new parcels. The project merely consists of a reduction in a front yard setback to allow the installation of an accessory garage on an existing level building pad on a parcel zoned for single family residential uses, and will not impact sensitive resources or the environment.

Furthermore, this project is not subject to any of the 'exceptions' listed in CEQA Guidelines section 15300.2 which would preclude the use of a categorical exemption.

4. Staff Recommendation

Staff recommends that the Planning Commission adopt a resolution, taking the following actions:

1. Adopt the Analysis and Findings contained in this staff report and the appendices.

2. Find that a Categorical Exemption (Classes 1, 3 & 5) is appropriate under CEQA for this project.

3. Approve the zone variance(s) as presented in the application, subject to the following recommended conditions of approval:

Conditions of Approval

1) The entitlement approved by this action is for a zoning variance from the square footage limitations on an attached second dwelling unit (from 640 sq.ft. to 1200 sq.ft.), and a reduction in the front yard setback requirement (from 20 ft. down to 0 ft.) for a detached accessory garage, as illustrated in Planning Staff Report and Recommendation No. 1198 for File 1663, dated January 24, 2019, for the property located at 205 Battelle Street in Sierraville (APN 015-022-004-0); and as represented in the proposed plans attached as Appendix E to that staff report. Deviations from the approved plans shall be reviewed by the County for substantial compliance and may require amendment by the Planning Commission. If there are any discrepancies between the approved site plan and the conditions of approval, the conditions of approval shall supersede the approved site plans.

2) This action does not relieve the applicant of the obligation to comply with all local ordinances, or state or federal statutes, regulations, and procedures. The entitlement associated with this project ("zone variance") is conditioned upon conformance with all permit requirements of all federal, state or local agencies with jurisdiction over any aspect of the project. Prior to beginning construction or remodeling of the building that is the subject of this entitlement, the applicant shall apply to the County for a building permit, and demonstrate full compliance with all relevant engineering and regulatory requirements under County ordinances, including Floodplain Management regulations.

3) In conjunction with the building permit to change the occupancy of the building and remodel, applicant shall submit a soil testing report and design for the proposed onsite wastewater treatment system (OWTS) satisfactory to the Sierra County Environmental Health Department and demonstrating that it is capable of handling the proposed waste flow.

4) Prior to issuance of a building permit or commencement of any demolition or remodeling activity, the applicant shall submit to the Planning Department a report by a qualified archaeologist assessing the historical significance of the former Mason Hall and making recommendations for its preservation as a historical resource (if applicable); or else clearly representing that the structure is not eligible for listing or historical preservation, and that the proposed remodel is acceptable from a regulatory standpoint.

5) Applicant shall pay all appropriate application processing and development fees charged by the County pertaining to this project.

6) Actual construction shall proceed under an approved building permit within nine (9) months and be completed within eighteen (18) months. Extensions may be granted by the Planning Director upon written request, timely submitted before expiration, demonstrating good cause and/or diligent progress toward completion of the project

under an approved building permit. The project may be subject to review by the Planning Commission in two years (ref. SCC §15.24.080).

5. Recommended Motion

Should the Planning Commission agree with staff's recommendation, the following motion is suggested:

"I move that the Planning Commission adopt the findings provided by staff and the applicant; find that the project is categorically exempt from CEQA; and approve the Blake zone variances subject to the conditions of approval contained in Staff Rec. no. 1198."

6. Attachments:

Appendix A – General Plan Land Use Map (Fig. 1-16; project location shown)

Appendix B – Zoning Map

Appendix C – FEMA Flood Insurance Rate Map

Appendix D – Google Earth Aerial Map

Appendix E – Preliminary Project Plans (Site Plan & Building Elevations)

Appendix F – Application with Findings

Appendix G – Sierra County Zoning Code Section 15.12.080: R1 District

Appendix H – Sierra County Zoning Code Section 15.40.010: Non-conforming Uses

Appendix I – Sierra County Zoning Code Section 15.10.030: Second Dwelling Units & Guest Houses

Appendix J – State Housing & Community Development Memo on ADUs

Appendix K – Preliminary routing/commenting agencies circulation (cover sheet)

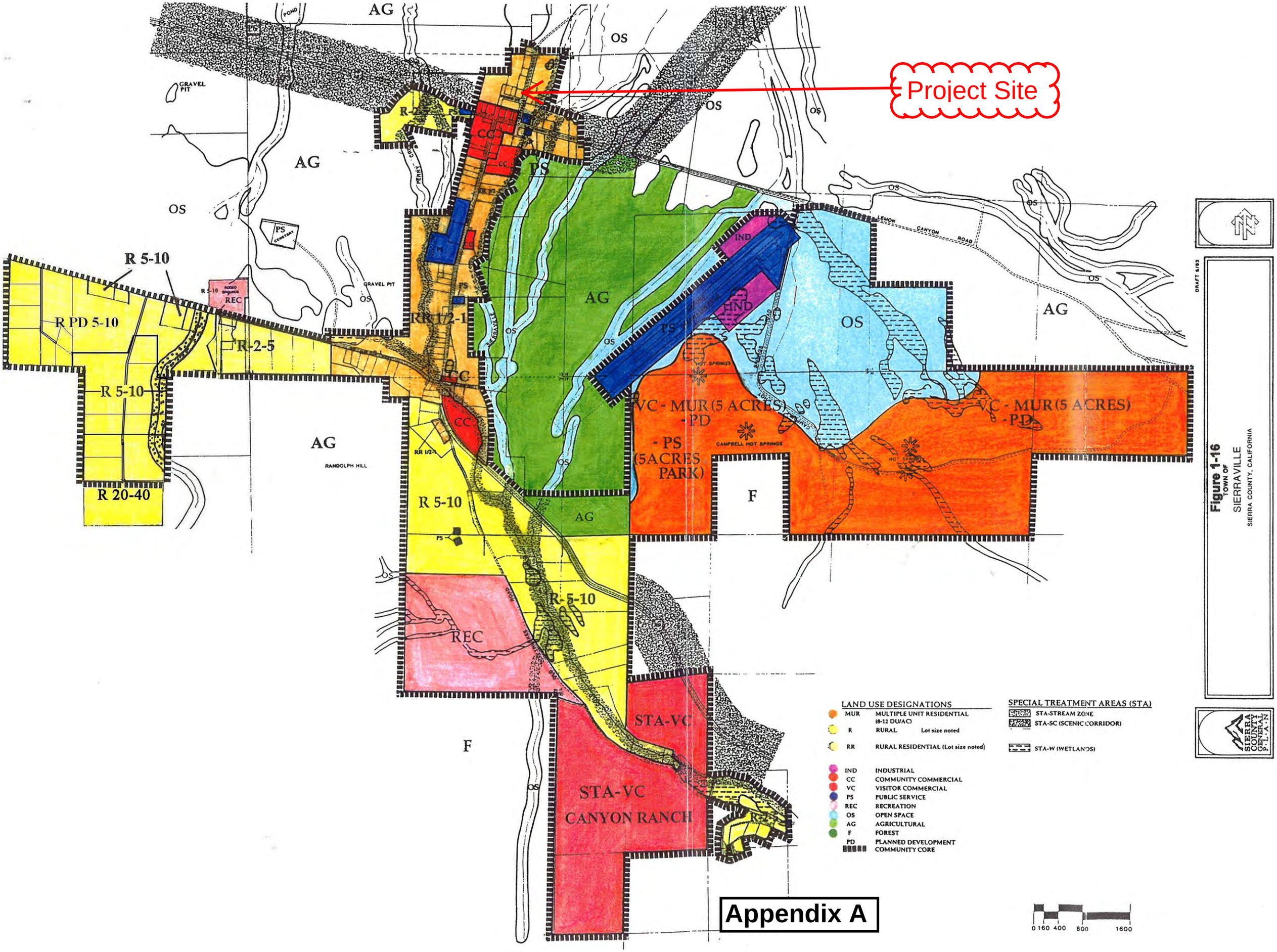
Appendix L – Agency Comment: Sierra County Engineer

Appendix M – Agency Comment: Sierra County Environmental Health Department

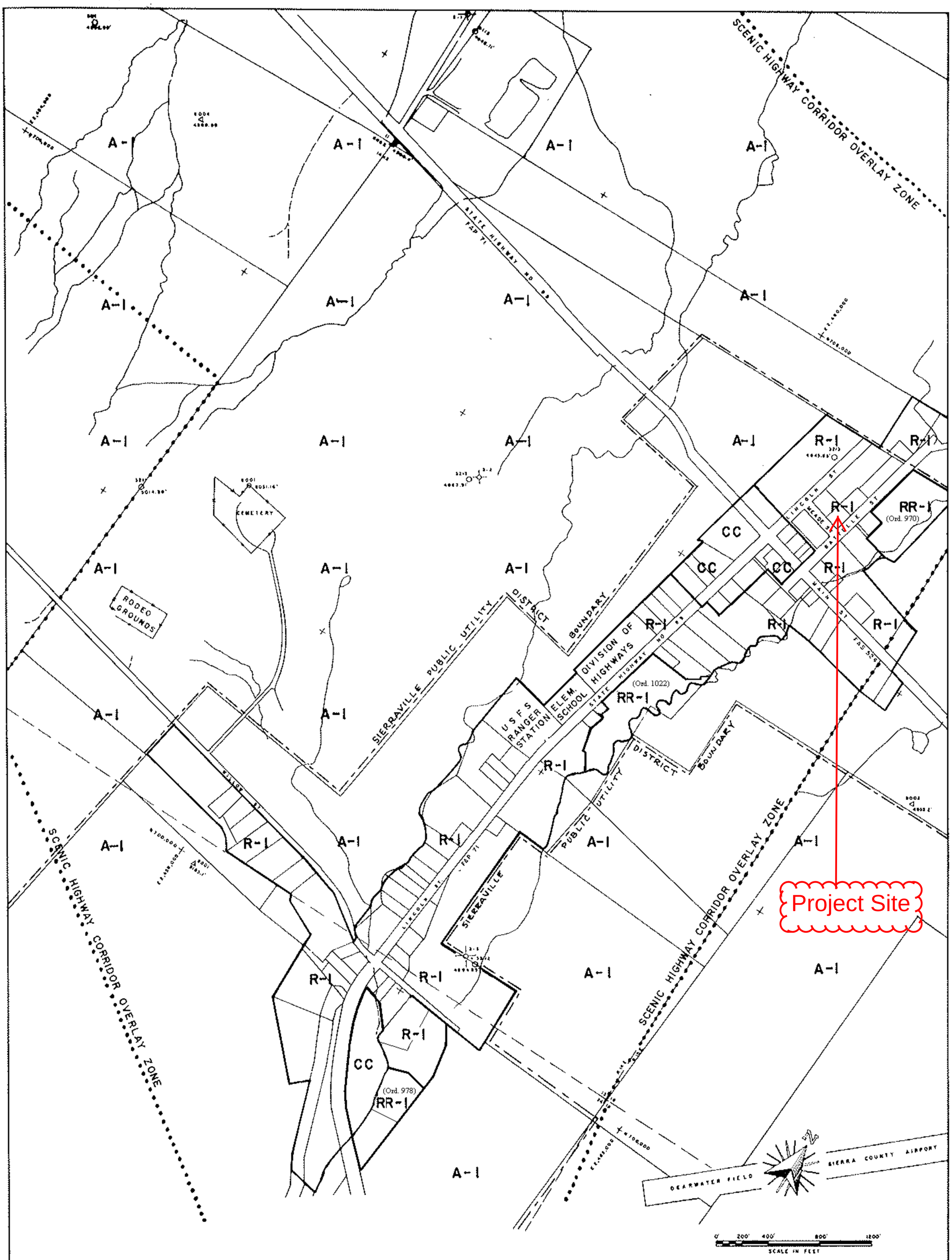
Appendix N – Agency Comment: Sierraville Public Utilities District

Appendix O – Public Comment (neighbor): Rick Maddalena (dated 1/20/2019)

APPENDICES


Project Site
AG
OS
GRAVEL PIT
POND
PS
CC
R-2
RR 1/2-1
R 5-10
R PD 5-10
R-2-5
REC
R 20-40
RANDOLPH HILL
IND
LEMON CANYON ROAD
VC - MUR (5 ACRES) -PD
- PS (5ACRES PARK)
CAMPBELL HOT SPRINGS
F
R-5-10
STA-VC
STA-VC CANYON RANCH
LAND USE DESIGNATIONS
MUR MULTIPLE UNIT RESIDENTIAL (8-12 DU/AC)
R RURAL Lot size noted
RR RURAL RESIDENTIAL (Lot size noted)
IND INDUSTRIAL
CC COMMUNITY COMMERCIAL
VC VISITOR COMMERCIAL
PS PUBLIC SERVICE
REC RECREATION
OS OPEN SPACE
AG AGRICULTURAL
F FOREST
PD PLANNED DEVELOPMENT
COMMUNITY CORE
SPECIAL TREATMENT AREAS (STA)
STA-STREAM ZONE
STA-SC (SCENIC CORRIDOR)
STA-W (WETLANDS)
0 160 400 800 1600
DRAFT 6/93
Figure 1-16
TOWN OF
SIERRAVILLE
SIERRA COUNTY, CALIFORNIA
SIERRA COUNTY GENERAL PLAN

Appendix A



RR-1 RURAL RESIDENTIAL DISTRICT 1 Ac. per Unit

R-1 RESIDENTIAL ONE FAMILY

CC COMMUNITY COMMERCIAL

A-1 AGRICULTURE

••• SCENIC HIGHWAY CORRIDOR (SC) OVERLAY ZONE

Appendix B

AUGUST, 2010

~~APRIL, 1971~~

ZONING PLAN
SIERRAVILLE

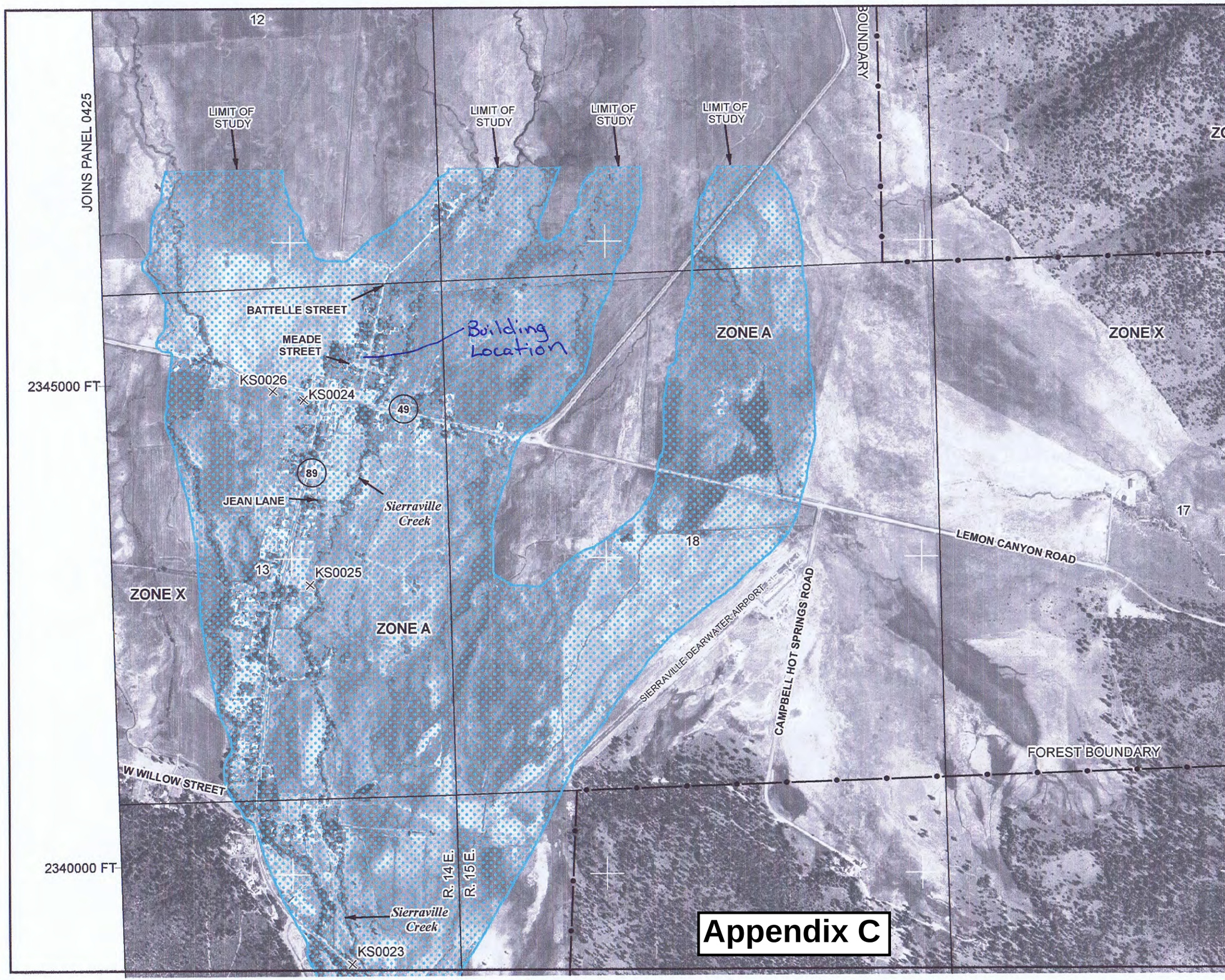
SIERRA COUNTY, CALIFORNIA

SIERRA COUNTY PLANNING COMMISSION

HARRY HALATYN, AIP, ASLA
PLANNING CONSULTANT
LANDSCAPE ARCHITECT

THE PREPARATION OF THIS MAP WAS FINANCED IN PART THROUGH AN URBAN PLANNING GRANT FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER THE PROVISIONS OF SECTION 701 OF THE HOUSING ACT OF 1954, AS AMENDED, AND THROUGH THE AUSPICES OF THE COUNCIL ON INTERGOVERNMENTAL RELATIONS, STATE OF CALIFORNIA

PLATE 26



Appendix C

MAP SCALE 1" = 1000'

500 0 1000 2000 FEET

METERS

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0430C

FIRM

FLOOD INSURANCE RATE MAP

SIERRA COUNTY, CALIFORNIA
AND INCORPORATED AREAS

PANEL 430 OF 725

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
SIERRA COUNTY	060630	0430	C

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
06091C0430C

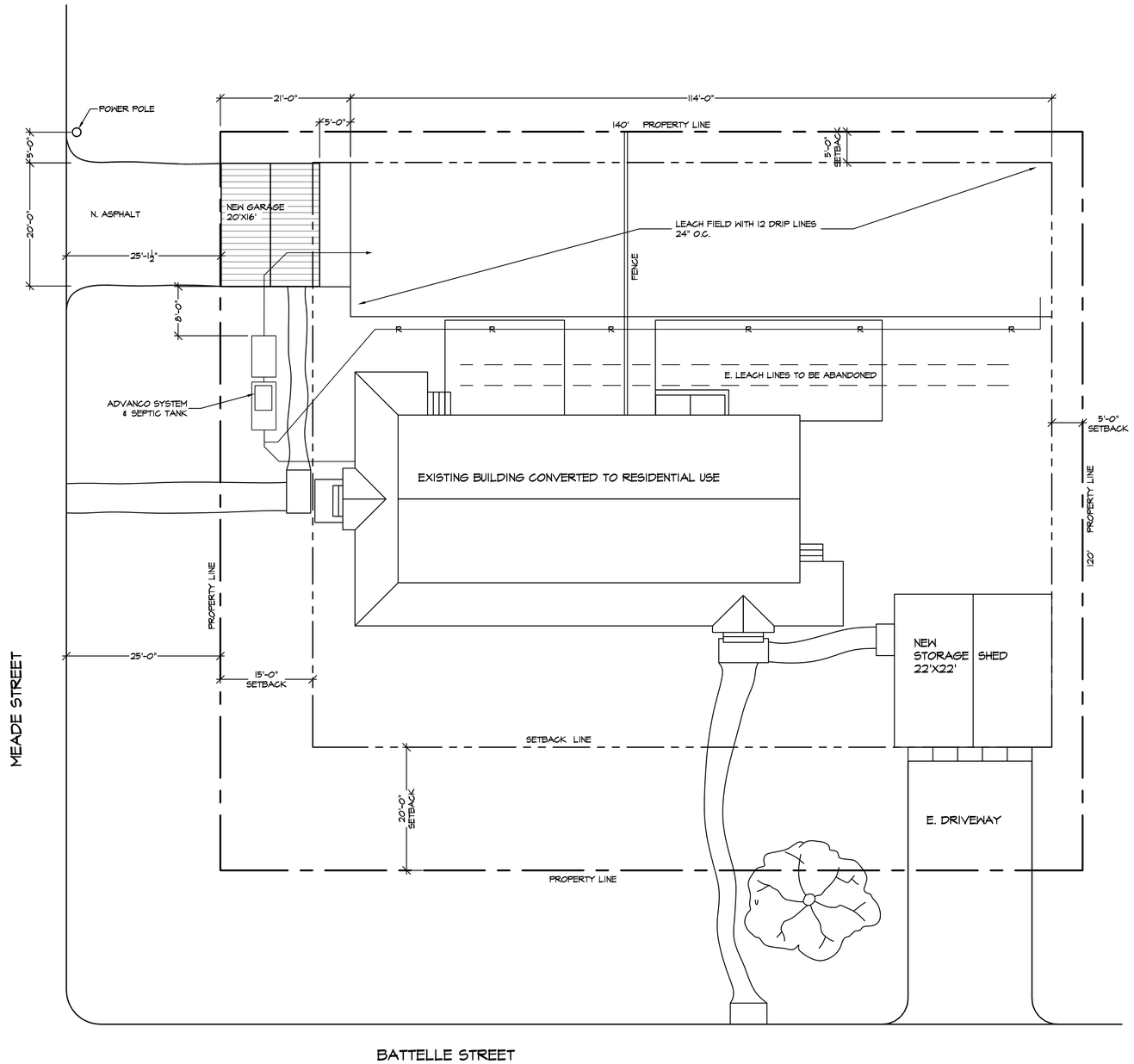
MAP REVISED
FEBRUARY 2, 2012

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

205 Battelle St
Mead St
Meade St
89
Golden Chain Hwy
Firehouse Ln
Battelle St
Lincoln St
Jean
Google Earth
© 2018 Google
N
800 ft

Appendix D



PROPSED DEVELOPMENT SITE PLAN

SCALE: 1"=10'

Appendix E

(1 of 5)

DRAWING INDEX

1 TITLE SHEET/SITE PLAN
2 1st FLOOR
3 2nd FLOOR
4 ELEVATIONS
5 ELEVATIONS

Job #

PROPOSED RESIDENCE WITH SECOND UNIT
205 Battelle Street
Sierraville, CA 96126

STAMP

No.	Issue Revision/	Date

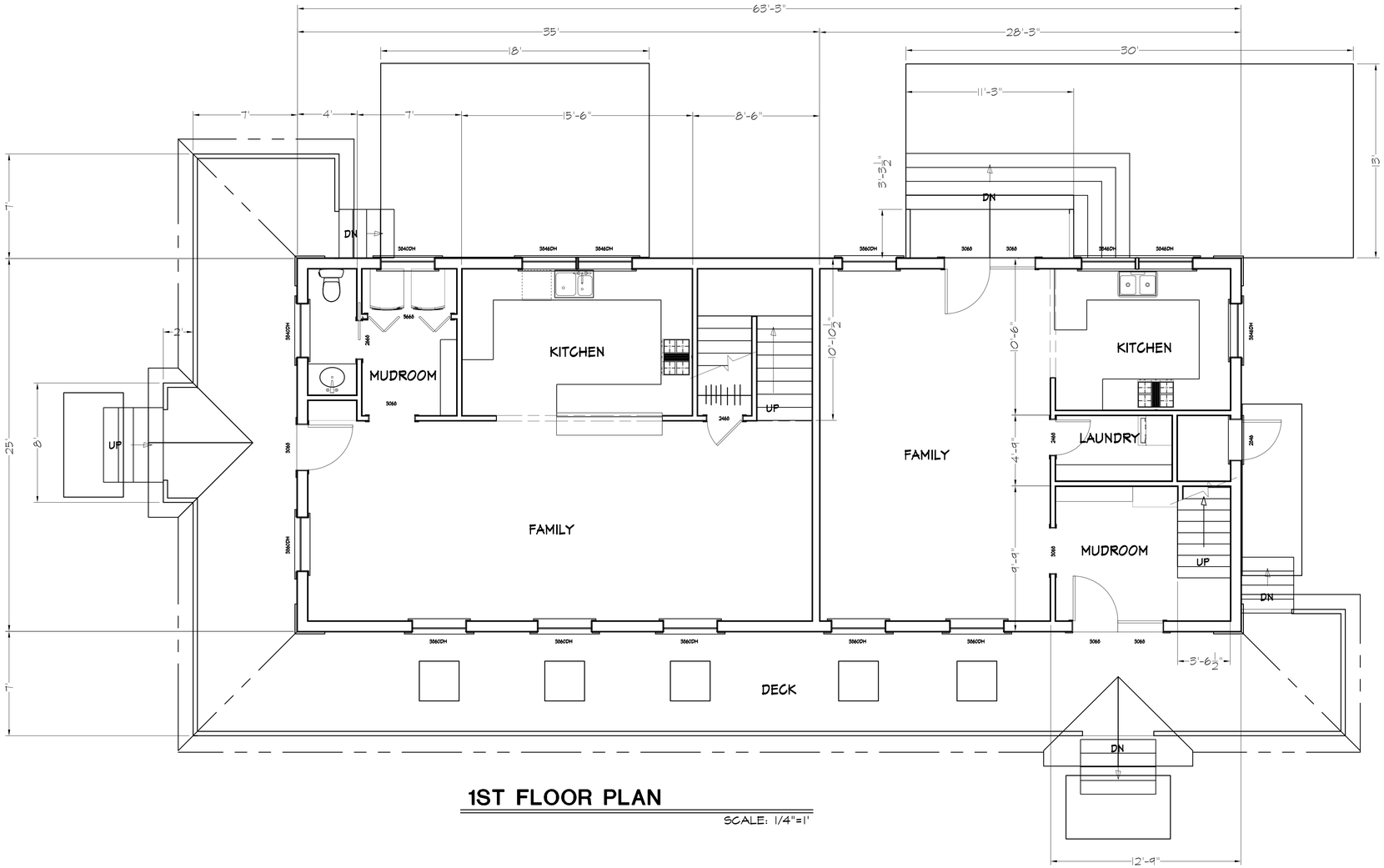
Owner Address
Lucy Blake
PO Box 326
Sierraville, CA 96126

Firm Name and Address
Bruce E. Boyd
Architects & Planners
17894 Tyler Foote Road
Nevada City, CA 95959
(530) 265-5280
beboyd@mac.com

Key Plan

Drawing

Sheet



1ST FLOOR PLAN

SCALE: 1/4"=1'

Appendix E

(2 of 5)

Job #

PROPOSED RESIDENCE WITH SECOND UNIT

205 Battelle Street
Sierraville, CA 96126

STAMP

No.	Issue Revision/	Date

Owner Address

Lucy Blake
PO Box 326
Sierraville, CA 96126

Firm Name and Address

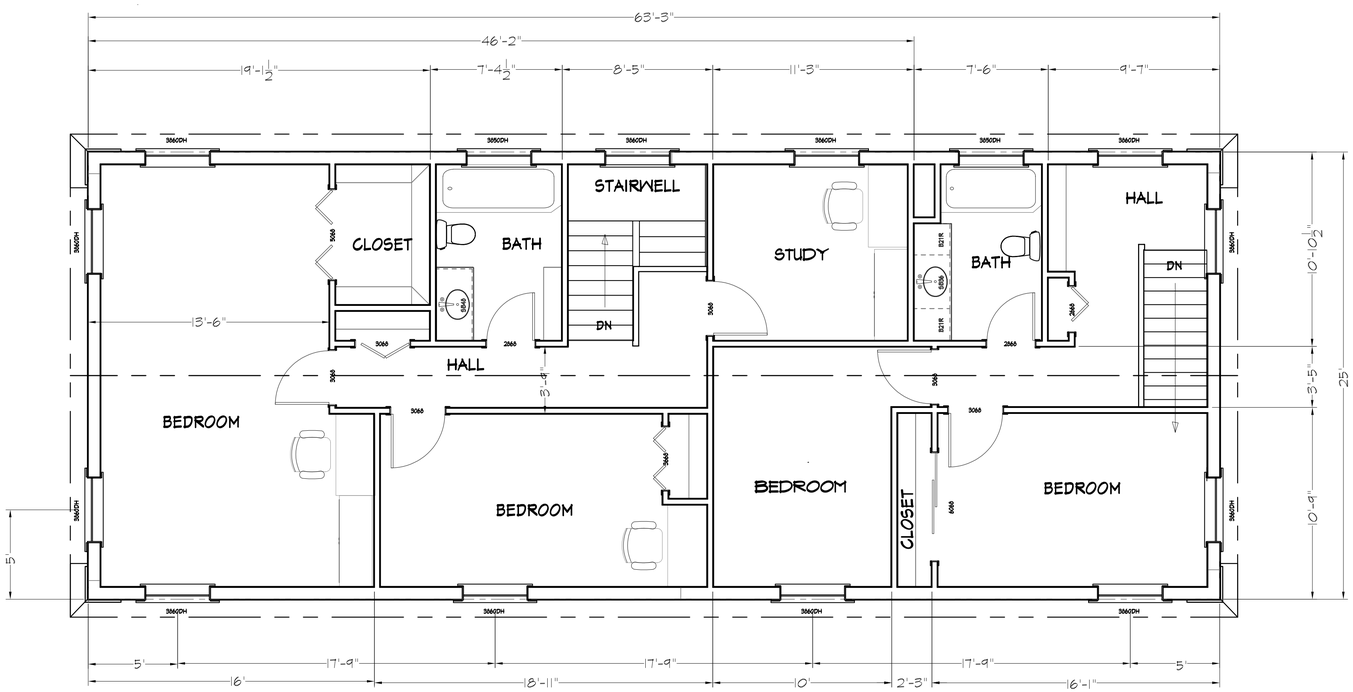
Bruce E. Boyd
Architects & Planners
17894 Tyler Foote Road
Nevada City, CA 95959
(530) 265-5280
beboyd@mac.com

Key Plan

Drawing

Sheet

2



LIVING AREA
1500 sq ft

2ND FLOOR PLAN

SCALE: 1/4"=1'

Appendix E

(3 of 5)

Job #

PROPOSED RESIDENCE WITH SECOND UNIT
205 Battelle Street
Sierraville, CA 96126

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PO Box 326
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Firm Name and Address
Bruce E. Boyd
Architects & Planners
17894 Tyler Foote Road
Nevada City, CA 95959
(530) 265-5280
beboyd@mac.com

Key Plan

Drawing

Sheet
3

EAST ELEVATION

SCALE: 1/4"=1'

SOUTH ELEVATION

SCALE: 1/4"=1'

Appendix E

(4 of 5)

Job #

PROPOSED RESIDENCE WITH SECOND UNIT

205 Battelle Street
Sierraville, CA 96126

STAMP

No.	Issue Revision/	Date

Owner Address

Lucy Blake
PO Box 326
Sierraville, CA 96126

Firm Name and Address

Bruce E. Boyd
Architects & Planners
17894 Tyler Foote Road
Nevada City, CA 95959
(530) 265-5280
beboyd@mac.com

Key Plan

Drawing

Sheet

4

WEST ELEVATION

SCALE: 1/4"=1'

NORTH ELEVATION

SCALE: 1/4"=1'

Appendix E

(5 of 5)

Job #

PROPOSED RESIDENCE WITH SECOND UNIT

205 Battelle Street
Sierraville, CA 96126

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Owner Address

Lucy Blake
PO Box 326
Sierraville, CA 96126

Firm Name and Address

Bruce E. Boyd
Architects & Planners
17894 Tyler Foote Road
Nevada City, CA 95959
(530) 265-5280
beboyd@mac.com

Key Plan

Drawing

Sheet

5

P/C Hearing Date:_____
B/S Hearing Date:_____

File No. 16623
Date Rec. 11/19/18

Department of Planning and Building Inspection
P.O. Box 530
Downieville, CA 95936
(530) 289-3251
Fax (530) 289-2828
planning@sierracounty.ca.gov

ZONE VARIANCE APPLICATION

(Sierra County Code Section 15.24)

The County's land use regulations (zoning), contain standards that have been established to provide orderly community development. These standards include building setbacks from property lines and water courses, lot coverage standards, and other site development requirements. Variances from the terms of the zoning regulations are set up in order to allow reasonable development on lots that have unique hardships.

A variance is a method by which a property owner may seek relief from the strict terms of a comprehensive zoning ordinance. A variance is a permit issued to a landowner by an administrative agency, the Planning Commission, to construct a structure or carry on an activity in a manner not otherwise permitted under the zoning regulations. The justification for a variance is that the owner would otherwise suffer unique hardship under the general zoning regulations because a particular parcel of land is different from others to which the regulation applies due to size, shape, topography or location.

A variance cannot be granted to allow a use that is not already permitted within the zoning district, or to provide relief from a self-induced hardship, or solely based upon economic hardship. A variance must also be consistent with the County's General Plan. Variances sanction deviations from regulations applicable to such physical standards as lot sizes, floor area ratios for buildings, and off street parking requirements. The concept is not that the basic zoning provision is being changed, but that the property owner is allowed to use the property in a manner basically consistent with the established regulations with such minor variations that will place the property in parity with other properties in the same zoning designation.

ZV Application / File No. _____

APPLICANT: Lucy Blake PHONE: 650-391-5812

ADDRESS: 564 Santa Rita Ave. Palo Alto CA 94301

E-MAIL ADDRESS: lucyblake@me.com

STATUS OF APPLICANT INTEREST IN PROPERTY: Owner

OWNER: Same as above PHONE: _____

SITUS ADDRESS (Physical address of subject parcel): 205 Battelle Street, Sierraville CA 96126

ASSESSOR PARCEL NUMBER(s): 015-022-004

LEGAL DESCRIPTION OF PROPERTY INVOLVED (attach map): See attached map and Grant Deed

EXISTING ZONING DISTRICT: R-1

EXISTING GENERAL PLAN LAND USE DESIGNATION: RR -1/2 - 1 ac.

PROVISIONS OF COUNTY ORDINANCE FROM WHICH ZONING VARIANCE IS BEING SOUGHT (Section No.): Section 15.10.30 (d) to allow an attached second dwelling unit of 1,200 SF on a parcel less than 1 acre

FULLY DESCRIBE THE PROPOSED PROJECT : See the attached Project Narrative

A **PLOT PLAN** must be submitted with the application showing the following information and be sufficiently detailed to illustrate existing conditions, the nature of the variance requested, and the proposed development or use requiring the variance. At a minimum, the plot plan must illustrate:

a) Property boundary lines, easements, and accurate setback distances from each.

b) Ground plans showing locations of all existing and proposed structures, well and septic disposal areas on premises, and on adjacent properties (within 100 feet).

c) All water features, drainages, and wet meadow areas; as well as steep slopes and other physical constraints that may potentially impact development of property. Include setback distances from each (existing and proposed).

d) 100-year floodplain boundary, if applicable.

e) Elevations of proposed buildings, alterations, or improvements in detail.

Plot plan/map need not be prepared by a licensed surveyor, however it should be legibly drawn and accurate, with scale clearly indicated.

Provide three (3) full-size legible copies and at least one copy no larger than 11"x17", or an electronic copy reducible to that scale, which may be reproduced to facilitate routing to commenting agencies.

FINDINGS AND EVIDENCE. Variances are constitutional safety valves to permit adjustments when strict application of a general regulation would produce a unique hardship. The applicant must present statements of fact (written evidence) to the Planning Commission supporting the following legal standards. *The application may be denied action if the following information and written evidence is not presented with this application.* PLEASE PROVIDE EVIDENCE:

1. That there are special circumstances or conditions applying to the subject property which make compliance with this ordinance difficult and a cause of hardship to and abridgement of a property right of the owners of said property.

See attached narrative

_____

_____

_____

_____

_____

_____

2. That such circumstances or conditions do not apply generally to other properties in the same land use district.

See attached narrative

3. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.

See attached narrative

4. That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety, and general welfare.

See attached narrative

ZV Application / File No. _____

APPLICATION CHECK LIST

___X___ Completed Application Form, signed by all vested property owners

___X___ Plot Plan (2 copies full size, and to scale)

___X___ Completed "Preliminary Environmental Questionnaire"

___X___ One (1) copy of Sierra County's "Indemnification Agreement". Must be returned with original signatures, including signatures by all vested property owners. Photocopies, faxes or electronic/scanned images will not be accepted.

___X___ Appropriate fees approved by the latest Board of Supervisor's Resolution

Initial review fee: $100.00 [Project fee to be determined]

The above information and statements have been read, and written findings and evidence are certified by the undersigned to be correct. Applicant hereby certifies that he/she intends to proceed with actual construction within nine (9) months of filing of the application (ref. SCC §15.24.020[e]).

_____ 11/15/2018
Signature of Applicant Date

_____
Signature of Landowner Date
(if different from Applicant)

PLEASE NOTE: Submittal of an application does not imply application acceptance. Your application cannot be considered complete until all necessary information is submitted, which may include additional data, maps, pictures, or reports to supplement the above information. In addition, a deposit of the estimated processing costs (to be determined, but usually $1000.00 for most zone variances) is required before the application begins formal processing. If it is determined that your application is not complete, you will be notified of the deficiencies within thirty (30) days.

If it is determined to be complete, it will be reviewed by staff, duly processed under the requirements of the California Environmental Quality Act (CEQA) and other local, state and federal regulations as necessary, and scheduled for a public hearing at the earliest possible date. Under no circumstance will an application be heard sooner than three weeks following the determination of completeness. Some applications will take much longer.

THE FOLLOWING NARRATIVE INCLUDES RESPONSES TO NUMBERED ITEMS IN THE APPLICATION FOR A ZONE VARIANCE REQUEST

PROJECT DESCRIPTION

The proposed project consists of the complete renovation and remodeling of the existing Masonic Lodge at 205 Battelle Street in Sierraville into a single-family residence with an attached accessory dwelling unit. The building has sat vacant and unused since the Masons last used it in the late 1990's. It sits on a 16,000 square foot lot that was created from two smaller parcels to accommodate the large Masonic Lodge.

The current owner and applicant purchased the building in 2016 with the goal of restoring and re-purposing one of the largest historic structures in Sierraville. After exploring options, it became clear that the best and most compatible use for the structure was to convert it to residential use. Residential use is compatible with the surrounding neighborhood, the existing zoning (R-1) and General Plan designation (RR-11/2-1 acre).

The biggest challenge to renovating the building for any purpose is its enormous size (3,000 square feet) and degraded condition. Built in the early 1900's, the structure sits on its original log foundation. The building needs to be lifted and set on a new concrete foundation so the first floor is above the required flood plain elevation. The framing and roof structure need to be re-engineered and strengthened to meet load requirements. The interior needs to be upgraded to meet current codes, and the plumbing, heating and electrical systems totally replaced.

The cost of renovating the Masonic Lodge into a single-family residence will price the project out of the range of young families interested in living in Sierraville. To address this challenge, and make better use of the building's wonderful potential as a living space, the owner plans to incorporate a second unit into the current building. This configuration will allow the Masonic Lodge to meet the needs of one extended family (with two or three generations living under one roof) or two families (with one family leasing space from the other).

The renovation of the Masonic Lodge will transform a dark, empty edifice into a new source of life for the neighborhood. It will also create much-needed new housing for families wishing to move into our community.

1. FINDINGS AND EVIDENCE

The special circumstances and conditions related to this project, structure and parcel have been outlined above. These constraints make compliance with the current ordinance an undue hardship on the applicant and do not serve the interests of the County by encouraging a wide variety and form of housing within established neighborhoods and towns.

The following findings and evidence clearly applies to this project and the granting of this variance:

1 The lot size, location, and configuration of the existing structure limit the development choices and granting this variance will not substantially change the character and quality of the property.

2 Renovating the Masonic Lodge building so that it brings new residents to Sierraville is of general interest to the community and the county.

3 Eliminating a non-conforming use within the R-1 zoning will enhance the character of the neighborhood.

4 Granting this variance will bring this project into conformance with State Law regarding the application of ADU standards for attached secondary dwelling units equally in all residential zoning districts.

5 Granting this variance will bring this project into conformance with new State Laws allowing attached accessory dwelling units up to 1,200 square feet as long as the unit does not exceed 50% of the livable space of the existing residence within all R1 zoning.

6 The creation of a second dwelling unit within the shell of the existing structure will not increase the lot coverage or put additional burden on public utilities, roads, or on-street parking.

7 The creation of an attached ADU will not alter the character of the existing lot use, structure or neighborhood from that anticipated by the county's residential zoning designation.

8 The creation of an attached ADU will make it economically feasible to remodel the existing structure into a residence and allow this non-conforming use to become consistent with current zoning and the current General Plan designation.

2. ZONE VARIANCE REQUEST

To repurpose the Masonic Lodge for re-use as a residence in conformance with the neighborhood zoning, the applicant is requesting a zone variance to allow for the creation of a 1,200 SF second dwelling unit within the structure. The Masonic Lodge sits on a 16,000 square foot lot.

The Sierra County's Second Dwelling Unit ordinance allows attached second dwelling units of under 640 square feet on lots under one acre and attached second dwelling units of up to 1,200 square feet on parcels larger than one acre.

The requested variance is essential to the successful renovation of the Masonic Lodge, given the buildings considerable size and its deteriorated condition after over a century of use. A second dwelling unit of 640 square feet would be too small to accommodate a family or to add materially to the economic viability of this challenging renovation project. Given the pressing need for additional housing in Sierra County, and the unique opportunity this project presents to

both add to the housing stock and renovate a prized but dilapidated historical structure, granting this variance is clearly in the community interest.

It is worth noting that current State law specifically states that all regulations pertaining to additional dwelling units (ADU's) within existing structures must be applied consistently on parcels of 8,000 SF or larger and in all residential zoning districts (SB 1069). State law further states that the ADU must not exceed 50% of the existing living area and not be larger than 1,200 SF of habitable space (AB 2299). In short, State law clearly allows for an additional dwelling unit in the 3,000 square foot Masonic Lodge of up to 1,200 square feet.

3. SPECIAL CIRCUMSTANCES AND CONDITIONS

As requested, we note the following circumstances and conditions regarding this particular project that do not generally apply to other properties in this land use district:

A. The Masonic Lodge sits on a relatively large, 16,000 square foot corner parcel (double lot) in a neighborhood of 6,000 to 10,000 square foot parcels.

B. The Masonic Lodge is part of Sierraville's history and deserves to be renovated and reused after so many years of neglect and decay.

C. Current septic system regulations will not allow the continued use of the existing leach field when the building is converted to residential use. A new and very extensive leach field limits any ability to site a detached second unit on the property.

D. The Masonic Lodge is almost certainly the largest two-story building in the neighborhood. Using the building as a single 3,000 square foot residence would not conform to the size and scale of other homes in the neighborhood and would price the building out of the range of home prices in the neighborhood.

E. The Masonic Lodge occupies a very visible and central location in the neighborhood. Its current condition -- empty, dark and dilapidated -- detracts from the quality and vitality of the neighborhood. Renovating the Masonic Lodge, and giving it new life as a home for one or two families, will benefit the entire community, economically, socially and aesthetically.

4. PROPERTY RIGHTS

Notwithstanding the Masonic Lodge's historic use as a community hall, Sierra County decided to zone the building R-1, with the clear intention that the building -- or the lot it sits on -- be re-purposed for residential use. The new owner of the building respects that decision, and seeks to implement a project that is wholly consistent with it. That being said, as discussed elsewhere in this application, the economic challenges associated with renovating the Masonic Lodge are enormous. It would clearly be much less costly to demolish the building and build a new home on the site from the ground up. However, additional development costs related to septic systems

and other State mandated energy conservation measures might prevent even the construction of a single-family home on this site.

The county should facilitate the implementation of its own vision for this property by granting this zoning variance. The applicant's project will create much-needed new housing and re-purpose a historic building for new life. The applicant is already taking a substantial personal financial risk by taking on this challenging project. Retrofitting the Masonic Lodge for residential use would not be financially viable without the creation of an additional dwelling unit in the building. The additional unit creates income potential for the future owner, and is key to the renovation's viability.

5. GRANTING OF VARIANCE

This variance request will allow the project to conform to the County General Plan and Zoning. The establishment of two dwelling units on this parcel furthers County goals toward family oriented and affordable housing as outlined in Section 15.10.030 (a). It preserves the character of the neighborhood by maintaining the siting, footprint, and mass of the existing structure. Further, restoring this significant building to use will enhance the health and safety of the neighborhood.

The granting of this variance is also in conformance with new State Laws related to Accessory Dwelling units:

The preparation, adoption, amendment and implementation of local ADU ordinances must be carried out consistent with Government Code Section 65852.150:

(a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California's housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

File No. _____
Date Rec. _____

Department of Planning and Building Inspection
P.O. Box 530
Downieville, CA 95936
(530) 289-3251
Fax (530) 289-2828
Email: planning@sierracounty.ca.gov

ENVIRONMENTAL QUESTIONNAIRE

Answer all questions that are applicable.

I. GENERAL

1. Project name Battelle Street Residence Address: 205 N. Battelle, Sierraville CA 96126
   Project site area 0.38 acres, or 16,000 square feet
   Land use description General Plan/Community Plan RR 1/2-1 Zoning R-1

2. Any other public agencies whose approved is required?
   None

3. Project description in detail, including the number of units or gross floor area proposed, site area in acres/square feet (PLN)
   Conversion of existing Masonic Lodge Building to single family residence with an attached accessory dwelling unit. Total parcel area: 16,000SF, total building area: 3.096SF. Primary residence area: 1,890SF, ADU: 1196SF Lot coverage: 20%. Includes garage, storage building, and off-street paved parking.

4. Describe existing uses and facilities onsite (buildings, wells, septic systems, parking, etc) Previous use as Masonic Lodge with septic system, public water supply and off-street parking

5. Is adjacent property in common ownership? ☐ yes ☒ no
   If yes, indicate acreage_____ and Assessor's Parcel Number(s)_____

6. Indicate all historic uses of the property to its first known use and show areas of such use on site plan (ie. animal enclosures, livestock dipping areas, family cemetary plots, chemical mixing structures, clandestine drug labs or dumpsites, fuel tanks, crop areas, mining shafts, buildings, processing areas, storage, hazardous waste, spoils piles, etc.):
   a. Residential uses? ☐ yes ☒ no
   If yes, describe uses:_____

   b. Commercial agriculture uses? ☐ yes ☒ no
   If yes, what types of uses have occurred? ☐ animal husbandry ☐ crops ☒ other
   Describe use, era/decade, associated pesticides, herbicides, or other hazardous materials storage or use:_____

   c. Mining uses? ☐ yes ☒ no
   If yes, describe types, features, and any related uses:_____

Appendix F

d. Physical hazards (i.e. mine adit, air shaft, etc)? ☐ yes ☒ no

If yes, describe hazards:

e. Commercial uses? ☒ yes ☐ no

If yes, describe types, any related uses and is there sufficient parking?: Public assembly and clubhouse as Masonic Lodge

7. Is any portion of the site under a Williamson Act contract? ☐ yes ☒ no

If yes, indicate contract name and number:

II. GEOLOGY & SOILS

1. Have you observed any building or soil settlement, landslides, slumps, faults, steep areas, rock falls, mud flows, avalanches or other natural hazards on this property or in the nearby surrounding area? ☐ yes ☒ no

   If yes, describe

2. How many cubic yards of material will be moved onsite? 15 cy

   How many cubic yards of material will be imported? 50 cy

   How many cubic yards of material will be exported? 0

   Describe material sources or disposal sites, transport methods and haul routes: Local sand and gravel for septic system

3. What is the maximum proposed height and slope of any excavation/cut? footings to 18" and leach field to 2' below grade

   What is the maximum proposed height and slope of any fill? N/A

4. Are retaining walls proposed? ☐ yes ☒ no

   If yes, identify location, type, height, etc

5. Is there a potential for any blasting during construction? ☐ yes ☒ no

   If yes, explain

6. How much of the area is to be disturbed by grading activities? 20%

7. Would the project result in the direct or indirect discharge of sediment into any lakes or streams? ☐ yes ☒ no

   If yes, explain

8. Are there any known natural economic resources such as sand, gravel, building stone, road base rock, or mineral deposits on the property? ☐ yes ☒ no

   If yes, describe

9. Are any frontage or offsite road and/or drainage improvements proposed or required? ☐ yes ☒ no

   If yes, explain and show on site plan

10. What are the current California Department of Conservation Farmland categories for the property? (Access the CA Important Farmland Finder application on the web at http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx or call 916-324-0859 for assistance) N/A

    How many acres of each category?

III. DRAINAGE, HYDROLOGY & WATER QUALITY

1. Is there a body of water (lake, pond, stream, canal, etc.) within or on the boundaries of the property? ☐ yes ☒ no If yes, name the body of water here and show location on site plan:

2. If answer to the above is yes, would water be diverted from or into this water body? ☐ yes ☐ no

   If yes, does applicant have an appropriative or riparian water right? ☐ yes ☐ no

3. Where is the nearest off-site body of water such as a waterway, river, stream, pond, lake, canal, irrigation ditch, or year-round drainage-way? Include name, if applicable There is a County maintained drainage ditch along side Battelee Street

4. What percentage of the project site is presently covered by impervious surfaces? 16%
What percentage of the project site will be covered by impervious surfaces after development? 20%

5. Would any run-off of water from the project enter any offsite canal/stream or watershed drainage? ☒ yes ☐ no
If yes, describe All surface water runs to existing drainage ditch

6. Is stormwater run-off currently being intercepted by an upstream and/or onsite canal? ☒ yes ☐ no
If yes, describe Existing drainage ditch system in Sierraville intercepts most stormwater runoff

7. Will there be discharge to surface water of wastewaters other than storm water run-off? ☐ yes ☒ no
If yes, a) what materials will be present in the discharge?
b) what contaminants will be contained in storm water run-off?

8. Would the project result in the physical alteration of a body of water? ☐ yes ☒ no
If yes, how?

9. Will drainage from this project cause or exacerbate any downstream flooding condition? ☐ yes ☒ no
If yes, explain:

10. Are any improvements (streets, building sites, earthwork, etc) proposed within the limits of the 100-year floodplain?
☒ yes ☐ no See Hazard Report
If yes, accurately identify the location of the future, fully developed, unmitigated 100-year floodplain on the site plan.

11. Are any areas of the property subject to flooding or inundation? ☒ yes ☐ no see Hazard Report
If yes, accurately identify the location on the site plan.

12. Would the project alter any on or off site drainage channels or patterns? ☐ yes ☒ no
If yes, explain
a. How will drainage be discharged to offsite project boundaries? Rainwater from Building will be piped to drainage ditch

b. Are downstream improvements required to upgrade, replace, or mitigate existing facilities? ☐ yes ☒ no
If yes, explain

c. Will grading be required for drainage conveyance, either in right of way or on private property? ☐ yes ☒ no
If yes, describe

13. What specific temporary and permanent Best Management Practice (BMP) measures will be provided? Concrete washout containment, erosion control

IV. VEGETATION AND WILDLIFE

All projects disturbing wetlands, streams, vernal pools, or marshes are required to notify the U.S. Army Corps of Engineers and federal permits may be required prior to land disturbance activities. In addition, consultation with the California Department of Fish and Game, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and/or the Central Valley Regional Water Quality Control Board may be required depending on the types of vegetation and wildlife resources affected by project-related activities.

1. Identify the vegetation communities occurring on the project site

____% alpine	____% orchard/vineyard
____% coniferous forest	____% perennial stream
____% freshwater wetland/marsh	____% pond-stock pond
100 % grassland (dry pasture)	____% rice

_____% hardwood woodland
_____% intermittent stream
_____% riparian (stream zone) woodland
_____% irrigated pasture
_____% row crop
_____% scrub/chaparral
_____% vernal pool
_____% meadow (above 3000 ft)

2. Estimate how many individual trees of 6-inches diameter or larger would be removed by the ultimate development of this project as proposed: none

   If oak trees (Quercus sp.) are present, estimate how many individual oak trees 5 inches diameter or larger would be removed by ultimate development of this project as proposed. N/A

3. Estimate the percentage of all existing trees that would be removed by the project as proposed 0%

4. Have any biological surveys been conducted on the property? ☐ yes ☒ no

   If yes, give date of the survey(s) and attach a copy of the survey(s)_____

5. List any known endangered species of plants or animals (as defined in Section 15380 a-d of the California Environmental Quality Act Guidelines) found in the project area none

6. What changes to the existing vegetative communities will the project cause as proposed? Minor domestic landscaping

V. FIRE PROTECTION

1. How distant are the nearest fire protection facilities? A fire hydrant is located across Meade Street about 100' away. The Fire Station is about .5 mi away.

2. What is the nearest emergency source of water for fire protection purposes? Describe the source and location: Fire Hydrant owned and operated by the Sierraville Public Utility District

3. What additional fire hazard and fire protection service needs would the project create? None

   What facilities are proposed with this project? None

4. For single access projects, what is the distance from the project to the nearest through road? Fronts a County road

   Does the fire district require an emergency vehicle access road? ☐ yes ☒ no

   If yes, show on the project grading plans and site plan.

5. Are there offsite access limitations that might limit fire truck accessibility (ie. steep grades, poor road alignment or surfacing, substandard bridges, etc.)? ☐ yes ☒ no

   If yes, describe:_____

VI. NOISE

Project sites near a major source of noise, and projects which will result in increased noise, may require a detailed noise study prior to environmental determination.

1. Is the project near a major source of noise? ☐ yes ☒ no

   If yes, name the source(s): _____

2. What noise would result from this project, both during and after construction? Construction related work derived noise during construction during daylight hours.

3. If noises attenuation measure (ie. berms, walls, special construction) are proposed, please attach noise study, describe measures and include on the site plan and in cross-sectional details.

VII. AIR QUALITY

Specific air quality studies may be required by the Northern Sierra Air Quality Management Distrtict (NSAQMD). It is suggested that applicants with residential projects containing 20 or more units, industrial, or commercial projects contact the NSAQMD before proceeding.

1. Are there any sources of air pollution within the vicinity of the project? ☐ yes ☒ no
   If yes, name the source(s):_____
2. At full buildout of the project, what are the quantities of air pollutants in terms of vehicle and stationary sources (ie. woodstove emissions, etc.)? Include short-term (construction) impacts: Negligible. No woodstoves will be on site
3. Are there any sensitive receptors of air pollution located within one quarter mile of the project (ie. schools, hospitals, etc.)?
   ☐ yes ☒ no
   If yes, describe_____
   Will the project generate any toxic/hazardous emissions? ☐ yes ☒ no
   If yes, describe_____
4. What specific mobile/stationary source mitigation measures, if any, are proposed to reduce the air quality impact(s) of the project? Quantify any emission reductions and corresponding beneficial air quality impacts on a local/regional scale.
   This project is within walking distance of downtown Sierraville
5. Will there be any land clearing of vegetation for this project? ☒ yes ☐ no
   If yes, how will vegetation be disposed? Leach field sod will be removed, stockpile and then put back in place

VIII. WATER SUPPLY

1. Define purpose of water currently used on-site Domestic use only
2. Define existing water source and its location on-site Metered water from Sierraville PUD
3. List water sources (provider or system) proposed and their projected peak water usage in gallons per day:
   Domestic Sierraville PUD peak gallons/day 400
   Irrigation N/A peak gallons/day___
   Fire Protection N/A peak gallons/day_____
4. Is the project site located within a public domestic water district? ☒ yes ☐ no
5. Will there be public water supply for domestic use? ☐ yes ☐ no Sierraville PUD
   If yes, provide district name here_
   If no, and the water main is in close proximity, please discuss why not_____
   If no, give the distance to the closest public water main_____feet
6. Will there be groundwater for domestic or other uses? ☐ yes ☒ no
   If yes, what is the projected daily peak groundwater usage?_____
7. Are there any wells, drilled or hand-dug, on the site? ☐ yes ☒ no
   If yes, describe approximate year well was constructed, depth, annular seal, yield, contaminants, etc_____
   Show existing and proposed well sites and label type of well on the site plan.
8. Will the project potentially impact the surrounding area's use of agricultural water? ☐ yes ☒ no
   If yes, describe_____

IX. AESTHETICS

1. Describe adjacent land use and explain how the proposed project is consistent/compatible with these uses and densities
   Parcel is set within an existing R-1 zone. Project is consistent with zoning
2. Is the proposed project consistent/compatible with adjacent architectural styles? ☒ yes ☐ no
   If no, explain_____

3. Would aesthetic features of the project (such as architecture, height, color, etc.) be subject to review? ☐ yes ☒ no If yes, by whom (i.e. HOA, ARC)? _____

4. Describe signs and lighting associated with the project: None

5. Is landscaping proposed? ☐ yes ☒ no
   If yes, provide a conceptual landscape plan to describe and indicate types and location of plants.

X. ARCHAEOLOGY/HISTORY

1. What is the nearest historic site, state historic monument, national register district, or archaeological site?
   Sierraville School historic site, 305 S. Lincoln Street, Sierraville CA
2. How far away is it? 1 mi.
3. Are there any historical, archaeological or culturally significant features on the site (i.e. old foundations, structures, Native American habitation sites, etc.)? ☒ yes ☐ no
   If yes, explain Existing building housed the local Masonic Lodge built in 1900's
4. Are there any Tribal lands, sites or artifacts known or believed to be on the site?" _

XI. SEWAGE

1. How much wastewater is presently produced daily? 0
2. How is sewage presently disposed of at the site? Septic system
3. How much wastewater will be produced daily after the project? _____
4. What is the proposed method of sewage disposal? Raised bed pumped system with pre-treatment
5. Is there a plan to protect groundwater from wastewater discharges? ☒ yes ☐ no
   If yes, attach a draft of this plan.
6. List all unusual wastewater characteristics of the project N/A
   What special treatment processes are proposed for these unusual wastes? Advanco pre-treatment system

   Will pre-treatment of wastewater be available? ☒ yes ☐ no
   If yes, attach a description of pre- treatment processes and monitoring system.
7. During the wettest time of the year, is the groundwater level less than 8 feet below the surface of the ground onsite?
   ☒ yes ☐ no
   If no, explain Groundwater level was determined during septic system investigation as 3' below grade
8. Is this project located within a sewer district? ☐ yes ☒ no
   If yes, provide the district name here: _____
9. Is there sewer in the area? ☐ yes ☒ no
   If yes, what is the distance to the nearest sewer line? _____
10. Will the project be trenching offsite to connect to sewer? ☐ yes ☒ no
    If yes, describe distance and impacts to roadways, adjacent properties, etc. _____

XII. HAZARDOUS MATERIALS

"Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, or any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment (i.e. oils, lubricants, and fuels).

1. a. Has the site ever stored or used hazardous materials, including pesticides and herbicides? ☐ yes ☒ no
If yes, describe_____

b. Are these materials stored in underground tanks? ☐ yes ☒ no

If yes, contact the Department of Environmental Health at 530-993-6702 for additional requirements.

2. Will the proposed project involve the handling, storage or transportation of hazardous materials? ☐ yes ☒ no
If yes, will it involve the handling, storage, or transportation at any one time of more than 55 gallons, 500 pounds, or 200 cubic feet (at standard temperature and pressure) of a product or formulation containing hazardous materials?
☐ yes ☐ no
If yes, describe_____

XIII. SOLID WASTE

1. What types of solid waste will be produced? Typical residential amounts
How much?_____ How will it be disposed of? Taken to Transfer Station

XIV. PUBLIC AND EMERGENCY SERVICES

1. Identify those entities which serve the project with gas, electricity, telephone and water _____
LPG by private company, water by Sierraville PUD, electricity by Plumas Sierra Rural Electric Cooperative, tel: ATT

XV. PARKS & RECREATION

1. How close is the project to the nearest public park or recreation area? approx. 5 miles to nearest National Forest
Name the area_____
2. Describe any onsite recreational facilities proposed as part of the project N/A
3. How does this project propose to provide park and recreation facilities to the community? N/A

XVI. SOCIAL IMPACT

1. How many new residents will the project generate? 2 - 4
2. Will the project displace or require relocation of any residential units? ☐ yes ☒ no
If yes, explain_____
3. What changes in character of the neighborhood (surrounding uses such as pastures, farmland, residential) would the project cause? None. It would reduce traffic related to the use as a Masonic Lodge
4. Would the project create job opportunities? ☒ yes ☐ no
If yes, explain Construction Jobs and perhaps attract some work at home folks
5. Would the project destroy job opportunities? ☐ yes ☒ no
If yes, explain_____
6. Will the proposed development displace any currently productive use, including agricultural livestock grazing?
☐ yes ☒ no
If yes, describe_____
7. Are there any Federal funds helping to finance your project? ☐ yes ☒ no

If yes, you may have to comply with NEPA, the National Environmental Policy Act

XVII. TRANSPORTATION/CIRCULATION

1. Does the proposed project front on a County road or State Highway? ☒ yes ☐ no
   If yes, what is the name of the road? N. Battelle Street

   If no, what is the name of the private access road and nearest cross-street?_____

2. Would any non-auto traffic, not related to construction activities, result from the project (trucks, trains, etc.)?
   ☐ yes ☒ no
   If yes, describe type and volume _____
3. Will new roadway/driveway access onto County roads be constructed with the project? ☒ yes ☐ no
   If yes, are the access points proposed in a location in which would provide sufficient sight distance along the roadway for safe entering and exiting vehicles? One additional driveway with excellent sight lines
4. Describe any proposed improvements to County roads and/or State Highways (i.e. frontage improvements, bike lanes, curb, sidewalk): None
5. Would any form of transit be used for traffic to/from the project site? ☐ yes ☒ no
   If yes, show proposed transit stop locations on site plan.
6. How much additional traffic is the project expected to generate? What are the expected peak hours of traffic to be caused by the development (i.e. Churches on Sundays, 8:00am-1:00pm; Offices on Mondays through Fridays, 8:00-9:00am, and 4:00-6:00pm)? None
7. What bikeway, pedestrian, equestrian, or transit facilities are proposed with the project?
   Residents can use the street to walk to downtown Sierraville. There is no through traffic

XVIII. CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

First Name Lynn Last Name BLAKE

Signature Date: 11/18/2018

Work Phone (650) 391-5812 Cell Phone (650) 391-5812

Email Address lynnblake@me.com

Planning in conjunction w/ Bruce Boyd, Architect.

Appendix F

SIERRA COUNTY ZONING CODE

15.12.080 R1 Residential One Family District

(a) Purpose and Intent: To stabilize and protect the residential characteristics of the zone and to promote and encourage a suitable environment for family life.

(b) Permitted Uses: One single family dwelling per lot or parcel.

(c) Accessory Uses: Rooming and boarding of not more than two (2) persons. Household pets not to exceed two (2) in number. Private garage, garden houses, workshops and play houses customarily appurtenant to a permitted use subject to special requirements.

(d) Conditional Uses: Public and quasi-public uses of a recreational, educational, religious, cultural or public service type, but not including corporation yards, storage or repair yards, warehouses, and similar uses. Communications equipment buildings. All uses subject to the issuance of a use permit.

(e) Height Limitation: Two stories not to exceed 35 feet.

(f) Minimum Area, Width and Open Space: 8,000 square feet when connected to an approved public water system and sewerage system; 10,000 square feet when connected to an approved public water system and individual sewerage disposal system; one acre when an individual private well and an individual sewerage disposal system is used. Lot or parcel width of sixty (60) feet. Sixty percent (60%) of lot or parcel shall be open and clear of structures.

(g) Minimum Yards: Front yard, 20 feet; Side yard, 5 feet, 15 feet on street side of corner lot; Rear yard, 25 feet.

(h) Parking: One off-street parking space for each dwelling or housing unit or guest house and adequate parking facilities for use requiring a use permit under special section.

(Ord. 409, eff. 7/5/73, prior Section 86107-86115)

Appendix G

SIERRA COUNTY ZONING CODE

CHAPTER 15.40 NON-CONFORMANCE

15.40.010 Non-Conforming Uses

(a) The lawful use of land or buildings existing at the effective date of the original Sierra County Zoning Ordinances 370, 371, 378, 401, this part, or any amendments hereto, although such does not conform with the provisions hereof may be continued, unless otherwise restricted but if the non-conforming use is discontinued for a period of one year, any future use shall be in conformity with the provisions of this part, unless and until a special use permit shall first have been secured.

(b) The non-conforming use of any land or building shall not be expanded or extended in any way, and shall not be changed except to bring said use of land or building into conformity with this part or other County ordinances.

(c) Where automobile parking space in connection with a non-conforming building or use does not meet the requirements of this part, said building or use may be altered to provide such additional required automobile parking space.

(d) No building in existence at the effective date of this part which is not conforming with the regulations herein and which is damaged or partially destroyed by fire, explosion or similar cause to an extent greater than fifty (50%) percent of its value shall be repaired, reconstructed, moved or altered except in conformity with the provisions of this part; provided, however, that the building may be rebuilt to a total floor area not exceeding the building destroyed, provided a special use permit shall first have been secured.

(e) The non-conforming use of a portion of a parcel of land or a group of buildings for rent may be extended to cover the entire parcel, provided a special use permit shall first have been secured.

(f) The provisions of this section shall apply to uses of property or to buildings which may become non-conforming by reason of amendment or supplement to this part or the land use plan maps.

(Ord. 409, eff. 7/5/73, prior Section 86215)

Appendix H

SIERRA COUNTY ZONING CODE

PART 15 – ZONING

Chapter 10 – Specific Land Use Requirements and Standards

15.10.030 Secondary Dwelling Units and Guest Houses

(a) Purpose and Intent: The purpose of this section is to provide a variety of housing options that are subordinate to the primary allowable use on a parcel to provide rental housing; to provide affordable housing; to provide a means for the care of elderly or disabled family members; to meet the needs of renters in various income classifications; and to make better use of the existing inventory of residential lot stock and infrastructure by allowing the creation of secondary dwelling units and guest houses.

(b) Definitions: The following definitions shall apply to secondary dwelling units and guest houses as used in this section:

1. Secondary Dwelling Units: A detached (no common walls) or attached (at least one common wall) dwelling unit which provides complete, independent living facilities for one or more persons. A secondary dwelling shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel upon which the primary residential unit is located.

2. Guest House: A detached (no common wall) living quarter, clearly subordinate and incidental to the primary residential use, not separately rented, let, or leased whether any compensation be direct or indirect, containing sleeping and sanitation facilities but not including any cooking or kitchen facilities, including but not limited to a sink, dishwasher, a cooking stove, an oven, or any other appliance installed for the purpose of food preparation cooking or eating.

(c) Applicable Zoning Districts: Secondary dwelling units shall be allowed in the single family residential (R-1), residential one and two family (R-2), rural residential (RR), and open space residential (OS) zoning districts. Guest houses shall be allowed in all zoning districts, subject to the requirements in this and other sections of the Zoning Code.

(d) Parcel Size and Square Footage Limitations: The following legal parcel size qualifications and limitations to square footage allowed are as follows:

1. Legal parcels less than one (1) acre: An existing residential unit may be altered or expanded to include an attached secondary dwelling unit not to exceed 640 square feet of floor area in size. Detached secondary dwelling units and guest houses are not allowed on parcels of less than one (1) acre, excepting however that second dwelling units and guest houses up to 640 square feet are allowed on parcels of less than one acre if located above an existing or proposed garage, unless such garage is located within that zoning district's front yard setback.

2. Legal parcels one (1) acre or greater: Attached or detached secondary dwelling units may be constructed. Secondary dwelling units are limited to 1200 square feet of floor area in size. Guest houses are allowed, not to exceed 640 square feet of floor area in size.

(e) Standards and Requirements: The following listing of standards and requirements shall apply to secondary dwelling units and guest houses as noted.

1. Detached secondary dwelling units shall be situated, as measured from the primary residence, within a radius of 150 feet for parcels ranging from one (1) to 4.99 acres; 300 feet for parcels ranging in size from five (5) acres to twenty (20) acres; and, 500 feet for parcels in excess of twenty acres. Guest houses shall be within a distance not exceeding fifty (50) feet as measured from a primary residence.

2. Secondary dwelling unit and guest houses shall conform to all required property line setbacks.

3. Secondary dwelling units constructed on parcels in excess of one acre may employ a separate septic system for the unit, subject to review and approval of the County Health Department.

4. Secondary dwelling units and guest houses shall be consistent with the architectural style of the primary residence on the parcel.

5. Secondary dwelling units and guest houses may be constructed as a second floor over an existing or proposed garage serving the primary residential use on a parcel, subject to the requirements of Section (d)1 above.

6. Only one (1) secondary dwelling unit or guest house shall be allowed to be constructed on a legal parcel, regardless of parcel size.

7. Guest houses shall only be allowed if there exists a legal, primary single family residence on the parcel. A "legal" primary single family residence is one that meets County zoning, building, and health requirements in effect at the time of its construction.

8. Secondary dwelling units and guest houses shall be accessed by the primary driveway providing access to the primary residence in existence on the property. Separate driveways and access encroachments shall not be permitted to access these uses.

9. Floor area calculations to determine compliance with square footage requirements shall be measured from exterior walls. Square footage calculations shall not include outdoor decks, covered porches, stairways, landings, and other like features. Outdoor covered or uncovered areas including but not limited to decks, covered porches, stairs, landings, entry ways, and like architectural features shall be allowed on a secondary dwelling unit or guest house provided that such architectural features occupy no greater than twenty-five percent (25%) of the allowable floor area of the secondary dwelling unit, or guest house.

10. Off-street parking shall be identified and provided on a parcel proposed for a secondary dwelling unit or guest house and a minimum of one (1) space shall be required for each second dwelling unit and guest house including the primary residence.

11. If applicable, for property subject to valid deed restrictions, a proposed secondary dwelling unit or guest house shall be demonstrated to be in compliance with any recorded CCRs or deed restrictions.

12. Secondary dwelling units shall not be allowed on dead end roadways or cul-de-sacs that exceed California Department of Forestry and Fire Protection, Section 4290 requirements. Compliance for all fire clearances shall apply to permits issued for secondary dwelling units and guest houses.

13. Secondary dwelling units detached from the primary dwelling may have an attached garage or carport that does not exceed 480 square feet. Alternatively, a detached

garage/carport shall be permitted provided that the structure is located within twenty (20) feet of the secondary dwelling unit and the carport or garage contains no additional living or habitable space. This section shall not be construed to limit or otherwise restrict a garage or carport that may be constructed to support the primary single family residence or a single carport/garage constructed to accommodate both the primary single family residence and the secondary dwelling unit on the property.

14. No construction shall be attached to a secondary dwelling unit or guest house in excess of the maximum square footage allowed except for outdoor areas as specified herein.

15. Potable water supply, disposal and treatment of sewage, and sanitation requirements shall conform to the requirements of the County Health Department.

16. Utility installations serving second dwelling units shall be separately metered for utilities and provided through underground service.

17. Secondary dwelling units and guest houses shall not be provided through the use of travel trailers, fifth wheels, mobile homes, campers, yurts, tents, or other non-conventional facilities. This section shall not be constructed to restrict the use of manufactured or modular housing.

(f) Special Requirements:

1. Secondary dwelling units may be prohibited in site specific zoning that is associated with a planned development, master plan, or comprehensive subdivision review including but not limited to adoption of "Site Performance Combining" (SP) District overlay zoning ordinance as upon making findings required by Government Code Section 65852.2(c).

(Ord. 1002, eff. 7/17/08, prior 997)

Courtesy of Karen Chapple, UC Berkeley

California Department of Housing and Community Development

Where Foundations Begin

Accessory Dwelling Unit Memorandum

December 2016

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Understanding Accessory Dwelling Units and Their Importance

Courtesy of Karen Chapple, UC Berkeley

California's housing production is not keeping pace with demand. In the last decade less than half of the needed housing was built. This lack of housing is impacting affordability with average housing costs in California exceeding the rest of the nation. As affordability becomes more problematic, people drive longer distances between a home that is affordable and where they work, or double up to share space, both of which reduces quality of life and produces negative environmental impacts.

Beyond traditional market-rate construction and government subsidized production and preservation there are alternative housing models and emerging trends that can contribute to addressing home supply and affordability in California. One such example gaining popularity are Accessory Dwelling Units (ADUs) (also referred to as second units, in-law units, or granny flats).

What is an ADU

An ADU is a secondary dwelling unit with complete independent living facilities for one or more persons and generally takes three forms:

- *Detached*: The unit is separated from the primary structure
- *Attached*: The unit is attached to the primary structure
- *Repurposed Existing Space*: Space (e.g., master bedroom) within the primary residence is converted into an independent living unit
- *Junior Accessory Dwelling Units*: Similar to repurposed space with various streamlining measures

ADUs offer benefits that address common development barriers such as affordability and environmental quality. ADUs are an affordable type of home to construct in California because they do not require paying for land, major new infrastructure, structured parking, or elevators. ADUs are built with cost-effective one- or two-story wood frame construction, which is significantly less costly than homes in new multifamily infill buildings. ADUs can provide as much living space as the new apartments and condominiums being built in new infill buildings and serve very well for couples, small families, friends, young people, and seniors.

ADUs are a different form of housing that can help California meet its diverse housing needs. Young professionals and students desire to live in areas close to jobs, amenities, and schools. The problem with high-opportunity areas is that space is limited. There is a shortage of affordable units and the units that are available can be out of reach for many people. To address the needs of individuals or small families seeking living quarters in high opportunity areas, homeowners can construct an ADU on their lot or convert an underutilized part of their home like a garage

into a junior ADU. This flexibility benefits not just people renting the space, but the homeowner as well, who can receive an extra monthly rent income.

ADUs give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care and helping extended families to be near one another while maintaining privacy.

Relaxed regulations and the cost to build an ADU make it a very feasible affordable housing option. A UC Berkeley study noted that one unit of affordable housing in the Bay Area costs about $500,000 to develop whereas an ADU can range anywhere up to $200,000 on the expensive end in high housing cost areas.

ADUs are a critical form of infill-development that can be affordable and offer important housing choices within existing neighborhoods. ADUs are a powerful type of housing unit because they allow for different uses, and serve different populations ranging from students and young professionals to young families, people with disabilities and senior citizens. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education and services for many Californians.

Summary of Recent Changes to ADU Laws

Courtesy of Karen Chapple, UC Berkeley

The California legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in single family and multifamily zones provides additional rental housing and are an essential component in addressing housing needs in California. Over the years, ADU law has been revised to improve its effectiveness such as recent changes in 2003 to require ministerial approval. In 2017, changes to ADU laws will further reduce barriers, better streamline approval and expand capacity to accommodate the development of ADUs.

ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, friends, students, the elderly, in-home health care providers, the disabled, and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

Within this context, the Department has prepared this guidance to assist local governments in encouraging the development of ADUs. Please see Attachment 1 for the complete statutory changes. The following is a brief summary of the changes for each bill.

SB 1069 (Wieckowski)

S.B. 1069 (Chapter 720, Statutes of 2016) made several changes to address barriers to the development of ADUs and expanded capacity for their development. The following is a brief summary of provisions that go into effect January 1, 2017.

Parking

SB 1069 reduces parking requirements to one space per bedroom or unit. The legislation authorizes off street parking to be tandem or in setback areas unless specific findings such as fire and life safety conditions are made. SB 1069 also prohibits parking requirements if the ADU meets any of the following:

- Is within a half mile from public transit.
- Is within an architecturally and historically significant historic district.
- Is part of an existing primary residence or an existing accessory structure.
- Is in an area where on-street parking permits are required, but not offered to the occupant of the ADU.
- Is located within one block of a car share area.

Fees

SB 1069 provides that ADUs shall not be considered new residential uses for the purpose of calculating utility connection fees or capacity charges, including water and sewer service. The bill prohibits a local agency from requiring an ADU applicant to install a new or separate utility connection or impose a related connection fee or capacity charge for ADUs that are contained within an existing residence or accessory structure. For attached and detached ADUs, this fee or charge must be proportionate to the burden of the unit on the water or sewer system and may not exceed the reasonable cost of providing the service.

Fire Requirements

SB 1069 provides that fire sprinklers shall not be required in an accessory unit if they are not required in the primary residence.

ADUs within Existing Space

Local governments must ministerially approve an application to create within a single family residential zone one ADU per single family lot if the unit is:

- contained within an existing residence or accessory structure.
- has independent exterior access from the existing residence.
- has side and rear setbacks that are sufficient for fire safety.

These provisions apply within all single family residential zones and ADUs within existing space must be allowed in all of these zones. No additional parking or other development standards can be applied except for building code requirements.

No Total Prohibition

SB 1069 prohibits a local government from adopting an ordinance that precludes ADUs.

AB 2299 (Bloom)

Generally, AB 2299 (Chapter 735, Statutes of 2016) requires a local government (beginning January 1, 2017) to ministerially approve ADUs if the unit complies with certain parking requirements, the maximum allowable size of an attached ADU, and setback requirements, as follows:

- The unit is not intended for sale separate from the primary residence and may be rented.
- The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.
- The unit is either attached to an existing dwelling or located within the living area of the existing dwelling or detached and on the same lot.
- The increased floor area of the unit does not exceed 50% of the existing living area, with a maximum increase in floor area of 1,200 square feet.
- The total area of floorspace for a detached accessory dwelling unit does not exceed 1,200 square feet.
- No passageway can be required.
- No setback can be required from an existing garage that is converted to an ADU.

- Compliance with local building code requirements.
- Approval by the local health officer where private sewage disposal system is being used.

Impact on Existing Accessory Dwelling Unit Ordinances

AB 2299 provides that any existing ADU ordinance that does not meet the bill's requirements is null and void upon the date the bill becomes effective. In such cases, a jurisdiction must approve accessory dwelling units based on Government Code Section 65852.2 until the jurisdiction adopts a compliant ordinance.

AB 2406 (Thurmond)

AB 2406 (Chapter 755, Statutes of 2016) creates more flexibility for housing options by authorizing local governments to permit junior accessory dwelling units (JADU) through an ordinance. The bill defines JADUs to be a unit that cannot exceed 500 square feet and must be completely contained within the space of an existing residential structure. In addition, the bill requires specified components for a local JADU ordinance. Adoption of a JADU ordinance is optional.

Required Components

The ordinance authorized by AB 2406 must include the following requirements:

- Limit to one JADU per residential lot zoned for single-family residences with a single-family residence already built on the lot.
- The single-family residence in which the JADU is created or JADU must be occupied by the owner of the residence.
- The owner must record a deed restriction stating that the JADU cannot be sold separately from the single-family residence and restricting the JADU to the size limitations and other requirements of the JADU ordinance.
- The JADU must be located entirely within the existing structure of the single-family residence and JADU have its own separate entrance.
- The JADU must include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. No gas or 220V circuits are allowed.
- The JADU may share a bath with the primary residence or have its own bath.

Prohibited Components

This bill prohibits a local JADU ordinance from requiring:

- Additional parking as a condition to grant a permit.
- Applying additional water, sewer and power connection fees. No connections are needed as these utilities have already been accounted for in the original permit for the home.

Fire Safety Requirements

AB 2406 clarifies that a JADU is to be considered part of the single-family residence for the purposes of fire and life protections ordinances and regulations, such as sprinklers and smoke detectors. The bill also requires life and protection ordinances that affect single-family residences to be applied uniformly to all single-family residences, regardless of the presence of a JADU.

JADUs and the RHNA

As part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a JADU toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit which is fairly flexible. Local government count units as part of reporting to DOF. JADUs meet these definitions and this bill would allow cities and counties to earn credit toward meeting their RHNA allocations by permitting residents to create less costly accessory units. See additional discussion under JADU frequently asked questions.

Frequently Asked Questions: Accessory Dwelling Units

Should an Ordinance Encourage the Development of ADUs?

Yes, ADU law and recent changes intend to address barriers, streamline approval and expand potential capacity for ADUs recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment and implementation of local ADU ordinances must be carried out consistent with Government Code Section 65852.150:

(a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California's housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

Are Existing Ordinances Null and Void?

Courtesy of Karen Chapple, UC Berkeley

Yes, any local ordinance adopted prior to January 1, 2017 that is not in compliance with the changes to ADU law will be null and void. Until an ordinance is adopted, local governments must apply "state standards" (See Attachment 4 for State Standards checklist). In the absence of a local ordinance complying with ADU law, local review must be limited to "state standards" and cannot include additional requirements such as those in an existing ordinance.

Are Local Governments Required to Adopt an Ordinance?

No, a local government **is not required** to adopt an ordinance. ADUs built within a jurisdiction that lacks a local ordinance must comply with state standards (See Attachment 4). Adopting an ordinance can occur through different forms such as a new ordinance, amendment to an existing ordinance, separate section or special regulations within the zoning code or integrated into the zoning code by district. However, the ordinance should be established legislatively through a public process and meeting and not through internal administrative actions such as memos or zoning interpretations.

Can a Local Government Preclude ADUs?

No local government cannot preclude ADUs.

Can a Local Government Apply Development Standards and Designate Areas?

Yes, local governments may apply development standards and may designate where ADUs are permitted (GC Sections 65852.2(a)(1)(A) and (B)). However, ADUs within existing structures must be allowed in all single family residential zones.

For ADUs that require an addition or a new accessory structure, development standards such as parking, height, lot coverage, lot size and maximum unit size can be established with certain limitations. ADUs can be avoided or allowed through an ancillary and separate discretionary process in areas with health and safety risks such as high fire hazard areas. However, standards and allowable areas must not be designed or applied in a manner that burdens the development of ADUs and should maximize the potential for ADU development. Designating areas where ADUs are allowed should be approached primarily on health and safety issues including water, sewer, traffic flow and public safety. Utilizing approaches such as restrictive overlays, limiting ADUs to larger lot sizes, burdensome lot coverage and setbacks and particularly concentration or distance requirements (e.g., no less than 500 feet between ADUs) may unreasonably restrict the ability of the homeowners to create ADUs, contrary to the intent of the Legislature.

Requiring large minimum lot sizes and not allowing smaller lot sizes for ADUs can severely restrict their potential development. For example, large minimum lot sizes for ADUs may constrict capacity throughout most of the community. Minimum lot sizes cannot be applied to ADUs within existing structures and could be considered relative to health and safety concerns such as areas on septic systems. While larger lot sizes might be targeted for various reasons such as ease of compatibility, many tools are available (e.g., maximum unit size, maximum lot coverage, minimum setbacks, architectural and landscape requirements) that allows ADUs to fit well within the built environment.

Can a Local Government Adopt Less Restrictive Requirements?

Yes, ADU law is a minimum requirement and its purpose is to encourage the development of ADUs. Local governments can take a variety of actions beyond the statute that promote ADUs such as reductions in fees, less restrictive parking or unit sizes or amending general plan policies.

Santa Cruz has confronted a shortage of housing for many years, considering its growth in population from incoming students at UC Santa Cruz and its proximity to Silicon Valley. The city promoted the development of ADUs as critical infill-housing opportunity through various strategies such as creating a manual to promote ADUs. The manual showcases prototypes of ADUs and outlines city zoning laws and requirements to make it more convenient for homeowners to get information. The City found that homeowners will take time to develop an ADU only if information is easy to find, the process is simple, and there is sufficient guidance on what options they have in regards to design and planning.

The city set the minimum lot size requirement at 4,500 sq. ft. to develop an ADU in order to encourage more homes to build an ADU. This allowed for a majority of single-family homes in Santa Cruz to develop an ADU. For more information, see http://www.cityofsantacruz.com/departments/planning-and-community-development/programs/accessory-dwelling-unit-development-program.

Can Local Governments Establish Minimum and Maximum Unit Sizes?

Yes, a local government may establish minimum and maximum unit sizes (GC Section 65852.2(c). However, like all development standards (e.g., height, lot coverage, lot size), unit sizes should not burden the development of ADUs. For example, setting a minimum unit size that substantially increases costs or a maximum unit size that unreasonably restricts opportunities would be inconsistent with the intent of the statute. Typical maximum unit sizes range from 800 square feet to 1,200 square feet. Minimum unit size must at least allow for an efficiency unit as defined in Health and Safety Code Section 17958.1.

ADU law requires local government approval if meeting various requirements (GC Section 65852.2(a)(1)(D)), including unit size requirements. Specifically, attached ADUs shall not exceed 50 percent of the existing living area or 1,200 square feet and detached ADUs shall not exceed 1,200 square feet. A local government may choose a maximum unit size less than 1,200 square feet as long as the requirement is not burdensome on the creation of ADUs.

Can ADUs Exceed General Plan and Zoning Densities?

An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Minimum lot sizes must not be doubled (e.g., 15,000 square feet) to account for an ADU. Further, local governments could elect to allow more than one ADU on a lot.

New developments can increase the total number of affordable units in their project plans by integrating ADUs. Aside from increasing the total number of affordable units, integrating ADUs also promotes housing choices within a development. One such example is the Cannery project in Davis, CA. The Cannery project includes 547 residential units with up to 60 integrated ADUs. ADUs within the Cannery blend in with surrounding architecture, maintaining compatibility with neighborhoods and enhancing community character. ADUs are constructed at the same time as the primary single-family unit to ensure the affordable rental unit is available in the housing supply concurrent with the availability of market rate housing.

How Are Fees Charged to ADUs?

All impact fees, including water, sewer, park and traffic fees must be charged in accordance with the Fee Mitigation Act, which requires fees to be proportional to the actual impact (e.g., significantly less than a single family home).

Fees on ADUs, must proportionately account for impact on services based on the size of the ADU or number of plumbing fixtures. For example, a 700 square foot new ADU with one bathroom that results in less landscaping should be charged much less than a 2,000 square foot home with three bathrooms and an entirely new landscaped parcel which must be irrigated. Fees for ADUs should be significantly less and should account for a lesser impact such as lower sewer or traffic impacts.

What Utility Fee Requirements Apply to ADUs?

Cities and counties cannot consider ADUs as new residential uses when calculating connection fees and capacity charges.

Where ADUs are being created within an existing structure (primary or accessory), the city or county cannot require a new or separate utility connections for the ADU and cannot charge any connection fee or capacity charge.

For other ADUs, a local agency may require separate utility connections between the primary dwelling and the ADU, but any connection fee or capacity charge must be proportionate to the impact of the ADU based on either its size or the number of plumbing fixtures.

What Utility Fee Requirements Apply to Non-City and County Service Districts?

All local agencies must charge impact fees in accordance with the Mitigation Fee Act (commencing with Government Code Section 66000), including in particular Section 66013, which requires the connection fees and capacity charges to be proportionate to the burden posed by the ADU. Special districts and non-city and county service districts must account for the lesser impact related to an ADU and should base fees on unit size or number of plumbing fixtures. Providers should consider a proportionate or sliding scale fee structures that address the smaller size and lesser impact of ADUs (e.g., fees per square foot or fees per fixture). Fee waivers or deferrals could be considered to better promote the development of ADUs.

Do Utility Fee Requirements Apply to ADUs within Existing Space?

No, where ADUs are being created within an existing structure (primary or accessory), new or separate utility connections and fees (connection and capacity) must not be required.

Does “Public Transit” Include within One-half Mile of a Bus Stop and Train Station?

Yes, “public transit” may include a bus stop, train station and paratransit if appropriate for the applicant. “Public transit” includes areas where transit is available and can be considered regardless of tighter headways (e.g., 15 minute intervals). Local governments could consider a broader definition of “public transit” such as distance to a bus route.

Can Parking Be Required Where a Car Share Is Available?

No, ADU law does not allow parking to be required when there is a car share located within a block of the ADU. A car share location includes a designated pick up and drop off location. Local governments can measure a block from a pick up and drop off location and can decide to adopt broader distance requirements such as two to three blocks.

Is Off Street Parking Permitted in Setback Areas or through Tandem Parking?

Yes, ADU law deliberately reduces parking requirements. Local governments may make specific findings that tandem parking and parking in setbacks are infeasible based on specific site, regional topographical or fire and life safety conditions or that tandem parking or parking in setbacks is not permitted anywhere else in the jurisdiction. However, these determinations should be applied in a manner that does not unnecessarily restrict the creation of ADUs.

> Local governments must provide reasonable accommodation to persons with disabilities to promote equal access housing and comply with fair housing laws and housing element law. The reasonable accommodation procedure must provide exception to zoning and land use regulations which includes an ADU ordinance. Potential exceptions are not limited and may include development standards such as setbacks and parking requirements and permitted uses that further the housing opportunities of individuals with disabilities.

Is Covered Parking Required?

No, off street parking must be permitted through tandem parking on an existing driveway, unless specific findings are made.

Is Replacement Parking Required When the Parking Area for the Primary Structure Is Used for an ADU?

Yes, but only if the local government requires off-street parking to be replaced in which case flexible arrangements such as tandem, including existing driveways and uncovered parking are allowed. Local governments have an opportunity to be flexible and promote ADUs that are being created on existing parking space and can consider not requiring replacement parking.

Are Setbacks Required When an Existing Garage Is Converted to an ADU?

No, setbacks must not be required when a garage is converted or when existing space (e.g., game room or office) above a garage is converted. Rear and side yard setbacks of no more than five feet are required when new space is added above a garage for an ADU. In this case, the setbacks only apply to the added space above the garage, not the existing garage and the ADU can be constructed wholly or partly above the garage, including extending beyond the garage walls.

Also, when a garage, carport or covered parking structure is demolished or where the parking area ceases to exist so an ADU can be created, the replacement parking must be allowed in any “configuration” on the lot, “…including,

but not limited to, covered spaces, uncovered spaces, or tandem spaces, or….” Configuration can be applied in a flexible manner to not burden the creation of ADUs. For example, spatial configurations like tandem on existing driveways in setback areas or not requiring excessive distances from the street would be appropriate.

Are ADUs Permitted in Existing Residence or Accessory Space?

Yes, ADUs located in single family residential zones and existing space of a single family residence or accessory structure must be approved regardless of zoning standards (Section 65852.2(a)(1)(B)) for ADUs, including locational requirements (Section 65852.2(a)(1)(A)), subject to usual non-appealable ministerial building permit requirements. For example, ADUs in existing space does not necessitate a zoning clearance and must not be limited to certain zones or areas or subject to height, lot size, lot coverage, unit size, architectural review, landscape or parking requirements. Simply, where a single family residence or accessory structure exists in any single family residential zone, so can an ADU. The purpose is to streamline and expand potential for ADUs where impact is minimal and the existing footprint is not being increased.

Zoning requirements are not a basis for denying a ministerial building permit for an ADU, including non-conforming lots or structures. The phrase, “..within the existing space” includes areas within a primary home or within an attached or detached accessory structure such as a garage, a carriage house, a pool house, a rear yard studio and similar enclosed structures.

Are Owner Occupants Required?

No, however, a local government can require an applicant to be an owner occupant. The owner may reside in the primary or accessory structure. Local governments can also require the ADU to not be used for short term rentals (terms lesser than 30 days). Both owner occupant use and prohibition on short term rentals can be required on the same property. Local agencies which impose this requirement should require recordation of a deed restriction regarding owner occupancy to comply with GC Section 27281.5

Are Fire Sprinklers Required for ADUs?

Depends, ADUs shall not be required to provide fire sprinklers if they are not or were not required of the primary residence. However, sprinklers can be required for an ADU if required in the primary structure. For example, if the primary residence has sprinklers as a result of an existing ordinance, then sprinklers could be required in the ADU. Alternative methods for fire protection could be provided.

If the ADU is detached from the main structure or new space above a detached garage, applicants can be encouraged to contact the local fire jurisdiction for information regarding fire sprinklers. Since ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, students, the elderly, in-home health care providers, the disabled, and others, the fire departments want to ensure the safety of these populations as well as the safety of those living in the primary structure. Fire Departments can help educate property owners on the benefits of sprinklers, potential resources and how they can be installed cost effectively. For example, insurance rates are typically 5 to 10 percent lower where the unit is sprinklered. Finally, other methods exist to provide additional fire protection. Some options may include additional exits, emergency escape and rescue openings, 1 hour or greater fire-rated assemblies, roofing materials and setbacks from property lines or other structures.

Is Manufactured Housing Permitted as an ADU?

Yes, an ADU is any residential dwelling unit with independent facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes an efficiency unit (Health and Safety Code Section 17958.1) and a manufactured home (Health and Safety Code Section 18007).

Health and Safety Code Section 18007(a) **"Manufactured home,"** for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

Can an Efficiency Unit Be Smaller than 220 Square Feet?

Yes, an efficiency unit for occupancy by no more than two persons, by statute (Health and Safety Code Section 17958.1), can have a minimum floor area of 150 square feet and can also have partial kitchen or bathroom facilities, as specified by ordinance or can have the same meaning specified in the Uniform Building Code, referenced in the Title 24 of the California Code of Regulations.

The 2015 International Residential Code adopted by reference into the 2016 California Residential Code (CRC) allows residential dwelling units to be built considerably smaller than an Efficiency Dwelling Unit (EDU). Prior to this code change an EDU was required to have a minimum floor area not less than 220 sq. ft unless modified by local ordinance in accordance with the California Health and Safety Code which could allow an EDU to be built no less than 150 sq. ft. For more information, see HCD's Information Bulletin at http://www.hcd.ca.gov/codes/manufactured-housing/docs/ib2016-06.pdf .

Does ADU Law Apply to Charter Cities and Counties?

Yes. ADU law explicitly applies to "local agencies" which are defined as a city, county, or city and county whether general law or chartered (Section 65852.2(i)(2)).

Do ADUs Count toward the Regional Housing Need Allocation?

Yes, local governments may report ADUs as progress toward Regional Housing Need Allocation pursuant to Government Code Section 65400 based on the actual or anticipated affordability. See below frequently asked questions for JADUs for additional discussion.

Must ADU Ordinances Be Submitted to the Department of Housing and Community Development?

Yes, ADU ordinances must be submitted to the State Department of Housing and Community Development within 60 days after adoption, including amendments to existing ordinances. However, upon submittal, the ordinance is not subject to a Department review and findings process similar to housing element law (GC Section 65585)

Frequently Asked Questions: Junior Accessory Dwelling Units

Is There a Difference between ADU and JADU?

Courtesy of Lilypad Homes and Photo Credit to Jocelyn Knight

Yes, AB 2406 added Government Code Section 65852.22, providing a unique option for Junior ADUs. The bill allows local governments to adopt ordinances for JADUs, which are no more than 500 square feet and are typically bedrooms in a single-family home that have an entrance into the unit from the main home and an entrance to the outside from the JADU. The JADU must have cooking facilities, including a sink, but is not required to have a private bathroom. Current law does not prohibit local governments from adopting an ordinance for a JADU, and this bill explicitly allows, not requires, a local agency to do so. If the ordinance requires a permit, the local agency shall not require additional parking or charge a fee for a water or sewer connection as a condition of granting a permit for a JADU. For more information, see below.

ADUs and JADUs

REQUIREMENTS	ADU	JADU
Maximum Unit Size	Yes, generally up to 1,200 Square Feet or 50% of living area	Yes, 500 Square Foot Maximum
Kitchen	Yes	Yes
Bathroom	Yes	No, Common Sanitation is Allowed
Separate Entrance	Depends	Yes
Parking	Depends, Parking May Be Eliminated and Cannot Be Required Under Specified Conditions	No, Parking Cannot Be Required
Owner Occupancy	Depends, Owner Occupancy *May* Be Required	Yes, Owner Occupancy Is Required
Ministerial Approval Process	Yes	Yes
Prohibition on Sale of ADU	Yes	Yes

Why Adopt a JADU Ordinance?

JADUs offer the simplest and most affordable housing option. They bridge the gap between a roommate and a tenant by offering an interior connection between the unit and main living area. The doors between the two spaces can be secured from both sides, allowing them to be easily privatized or incorporated back into the main living area. These units share central systems, require no fire separation, and have a basic kitchen, utilizing small plug in appliances, reducing development costs. This provides flexibility and an insurance policy in homes in case additional income or housing is needed. They present no additional stress on utility services or infrastructure because they simply repurpose spare bedrooms that do not expand the homes planned occupancy. No additional address is required on the property because an interior connection remains. By adopting a JADU ordinance, local governments can offer homeowners additional options to take advantage of underutilized space and better address its housing needs.

Can JADUs Count towards the RHNA?

Yes, as part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, a JADU, including with shared sanitation facilities, that meets the census definition and is reported to the Department of Finance as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. Local governments can track actual or anticipated affordability to assure the JADU is counted to the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit application.

> A housing unit is a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied, or, if vacant, is intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.

Can the JADU Be Sold Independent of the Primary Dwelling?

No, the JADU cannot be sold separate from the primary dwelling.

Are JADUs Subject to Connection and Capacity Fees?

No, JADUs shall not be considered a separate or new dwelling unit for the purposes of fees and as a result should not be charged a fee for providing water, sewer or power, including a connection fee. These requirements apply to all providers of water, sewer and power, including non-municipal providers.

Local governments may adopt requirements for fees related to parking, other service or connection for water, sewer or power, however, these requirements must be uniform for all single family residences and JADUs are not considered a new or separate unit.

Are There Requirements for Fire Separation and Fire Sprinklers?

Yes, a local government may adopt requirements related to fire and life protection requirements. However, a JADU shall not be considered a new or separate unit. In other words, if the primary unit is not subject to fire or life protection requirements, then the JADU must be treated the same.

Resources

Courtesy of Karen Chapple, UC Berkeley

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)* ~~(1)~~ *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 contain~~ *that contains* an existing single-family dwelling. No additional standards, other than those provided in this~~subdivision or subdivision (a),~~ *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.

~~(c)~~ *(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* 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 (c)~~ 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 2: Sample ADU Ordinance

Section XXX1XXX: Purpose

This Chapter provides for accessory dwelling units on lots developed or proposed to be developed with single-family dwellings. Such accessory dwellings contribute needed housing to the community's housing stock. Thus, accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities, including near transit on single family lots.

Section XXX2XXX: Applicability

The provisions of this Chapter apply to all lots that are occupied with a single family dwelling unit and zoned residential. Accessory dwelling units do exceed the allowable density for the lot upon which the accessory dwelling unit is located, and are a residential use that is consistent with the existing general plan and zoning designation for the lot.

Section XXX3XXX: Development Standards

Accessory Structures within Existing Space

An accessory dwelling unit within an existing space including the primary structure, attached or detached garage or other accessory structure shall be permitted ministerially with a building permit regardless of all other standards within the Chapter if complying with:

1. Building and safety codes
2. Independent exterior access from the existing residence
3. Sufficient side and rear setbacks for fire safety.

Accessory Structures (Attached and Detached)

General:

1. The unit is not intended for sale separate from the primary residence and may be rented.
2. The lot is zoned for residential and contains an existing, single-family dwelling.
3. The accessory dwelling unit is either attached to the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
4. 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.
5. The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.
6. Local building code requirements that apply to detached dwellings, as appropriate.
7. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
8. 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.
9. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.

Parking:

1. 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, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.
2. Parking is not required in the following instances:
    - The accessory dwelling unit is located within one-half mile of public transit, including transit stations and bus stations.

- The accessory dwelling unit is located in the WWWW Downtown, XXX Area, YYY Corridor and ZZZ Opportunity Area.
- The accessory dwelling unit is located within an architecturally and historically significant historic district.
- When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- When there is a car share vehicle located within one block of the accessory dwelling unit.

3. Replacement Parking: When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking shall not be required and may be located in any configuration on the same lot as the accessory dwelling unit.

Section XXX4XXX: Permit Requirements

ADUs shall be permitted ministerially, in compliance with this Chapter within 120 days of application. The Community Development Director shall issue a building permit or zoning certificate to establish an accessory dwelling unit in compliance with this Chapter if all applicable requirements are met in Section XXX3XXXXX, as appropriate. The Community Development Director may approve an accessory dwelling unit that is not in compliance with Section XXX3XXXX as set forth in Section XXX5XXXX. The XXXX Health Officer shall approve an application in conformance with XXXXXX where a private sewage disposal system is being used.

Section XXX5XXX: Review Process for Accessory Structure Not Complying with Development Standards

An accessory dwelling unit that does not comply with standards in Section XXX3XX may permitted with a zoning certificate or an administrative use permit at the discretion of the Community Development Director subject to findings in Section XXX6XX

Section XXX6XXX: Findings

A. In order to deny an administrative use permit under Section XXX5XXX, the Community Development Director shall find that the Accessory Dwelling Unit would be detrimental to the public health and safety or would introduce unreasonable privacy impacts to the immediate neighbors.

B. In order to approve an administrative use permit under Section XXX5XXX to waive required accessory dwelling unit parking, the Community Development Director shall find that additional or new on-site parking would be detrimental, and that granting the waiver will meet the purposes of this Chapter.

Section XXX7XXX: Definitions

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

(2) “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. 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.

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

(4) (1) “Existing Structure” for the purposes of defining an allowable space that can be converted to an ADU means within the four walls and roofline of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.

Attachment 3: Sample JADU Ordinance

(Lilypad Homes at http://lilypadhomes.org/)

Draft Junior Accessory Dwelling Units (JADU) – Flexible Housing

Findings:

1. Causation: Critical need for housing for lower income families and individuals given the high cost of living and low supply of affordable homes for rent or purchase, and the difficulty, given the current social and economic environment, in building more affordable housing
2. Mitigation: Create a simple and inexpensive permitting track for the development of junior accessory dwelling units that allows spare bedrooms in homes to serve as a flexible form of infill housing
3. Endangerment: Provisions currently required under agency ordinances are so arbitrary, excessive, or burdensome as to restrict the ability of homeowners to legally develop these units therefore encouraging homeowners to bypass safety standards and procedures that make the creation of these units a benefit to the whole of the community
4. Co-Benefits: Homeowners (particularly retired seniors and young families, groups that tend to have the lowest incomes) – generating extra revenue, allowing people facing unexpected financial obstacles to remain in their homes, housing parents, children or caregivers; Homebuyers - providing rental income which aids in mortgage qualification under new government guidelines; Renters – creating more low-cost housing options in the community where they work, go to school or have family, also reducing commute time and expenses; Municipalities – helping to meet RHNA goals, increasing property and sales tax revenue, insuring safety standard code compliance, providing an abundant source of affordable housing with no additional infrastructure needed; Community - housing vital workers, decreasing traffic, creating economic growth both in the remodeling sector and new customers for local businesses; Planet - reducing carbon emissions, using resources more efficiently;
5. Benefits of Junior ADUs: offer a more affordable housing option to both homeowners and renters, creating economically healthy, diverse, multi-generational communities;

Therefore the following ordinance is hereby enacted:

This Section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit, permitted as set forth under State Law AB 1866 (Chapter 1062, Statutes of 2002) Sections 65852.150 and 65852.2 and subject to different provisions under fire safety codes based on the fact that junior accessory dwelling units do not qualify as “complete independent living facilities” given that the interior connection from the junior accessory dwelling unit to the main living area remains, therefore not redefining the single-family home status of the dwelling unit.

A) *Development Standards.* Junior accessory dwelling units shall comply with the following standards, including the standards in Table below:

   1) *Number of Units Allowed.* Only one accessory dwelling unit or, junior accessory dwelling unit, may be located on any residentially zoned lot that permits a single-family dwelling except as otherwise regulated or restricted by an adopted Master Plan or Precise Development Plan. A junior accessory dwelling unit may only be located on a lot which already contains one legal single-family dwelling.

   2) *Owner Occupancy:* The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the accessory dwelling, except when the home is held by an agency such as a land trust or housing organization in an effort to create affordable housing.

   3) *Sale Prohibited:* A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

4) *Deed Restriction:* A deed restriction shall be completed and recorded, in compliance with Section B below.
5) *Location of Junior Accessory Dwelling Unit:* A junior accessory dwelling unit must be created within the existing walls of an existing primary dwelling, and must include conversion of an existing bedroom.
6) *Separate Entry Required:* A separate exterior entry shall be provided to serve a junior accessory dwelling unit.
7) *Interior Entry Remains:* The interior connection to the main living area must be maintained, but a second door may be added for sound attenuation.
8) *Kitchen Requirements:* The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
   a) A sink with a maximum waste line diameter of one-and-a-half (1.5) inches,
   b) A cooking facility with appliance which do not require electrical service greater than one-hundred-and-twenty (120) volts or natural or propane gas, and
   c) A food preparation counter and storage cabinets that are reasonable to size of the unit.
9) Parking: No additional parking is required beyond that required when the existing primary dwelling was constructed.

Development Standards for Junior Accessory Dwelling Units

SITE OR DESIGN FEATURE	SITE AND DESIGN STANDARDS
Maximum unit size	500 square feet
Setbacks	As required for the primary dwelling unit
Parking	No additional parking required

B) *Deed Restriction:* Prior to obtaining a building permit for a junior accessory dwelling unit, a deed restriction, approved by the City Attorney, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the Department stating that:
   1) The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit;
   2) The junior accessory dwelling unit is restricted to the maximum size allowed per the development standards;
   3) The junior accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or housing organization in an effort to create affordable housing;
   4) 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.

C) *No Water Connection Fees:* No agency should require a water connection fee for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard may be assessed.

D) *No Sewer Connection Fees:* No agency should require a sewer connection fee for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard

may be assessed.

E) *No Fire Sprinklers and Fire Attenuation:* No agency should require fire sprinkler or fire attenuation specifications for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard may be assessed.

Definitions of Specialized Terms and Phrases.

"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. An accessory dwelling unit also includes the following:

(1) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

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

"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.

Attachment 4: State Standards Checklist (As of January 1, 2017)

YES/NO	STATE STANDARD*	GOVERNMENT CODE SECTION
	Unit is not intended for sale separate from the primary residence and may be rented.	65852.2(a)(1)(D)(i)
	Lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.	65852.2(a)(1)(D))ii)
	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)
	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)
	Total area of floor space for a detached accessory dwelling unit dies not exceed 1,200 square feet.	65852.2(a)(1)(D)(v)
	Passageways are not required in conjunction with the construction of an accessory dwelling unit.	65852.2(a)(1)(D)(vi)
	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)(vii)
	(Local building code requirements that apply to detached dwellings are met, as appropriate.	65852.2(a)(1)(D)(viii)
	Local health officer approval where a private sewage disposal system is being used, if required.	65852.2(a)(1)(D)(ix)
	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

Attachment 5: Bibliography

Reports

ACCESSORY DWELLING UNITS: CASE STUDY (26 pp.)

By United States Department of Housing and Urban Development, Office of Policy Development and Research. (2008)

Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities, and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

THE MACRO VIEW ON MICRO UNITS (46 pp.)

By Bill Whitlow, et al. – Urban Land Institute (2014)
Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

RESPONDING TO CHANGING HOUSEHOLDS: Regulatory Challenges for Micro-units and Accessory Dwelling Units (76 pp.)

By Vicki Been, Benjamin Gross, and John Infranca (2014)
New York University: Furman Center for Real Estate & Urban Policy
Library Call # D55 3 I47 2014

This White Paper fills two gaps in the discussion regarding compact units. First, we provide a detailed analysis of the regulatory and other challenges to developing both ADUs and micro-units, focusing on five cities: New York; Washington, DC; Austin; Denver; and Seattle. That analysis will be helpful not only to the specific jurisdictions we study, but also can serve as a model for those who what to catalogue regulations that might get in the way of the development of compact units in their own jurisdictions. Second, as more local governments permit or encourage compact units, researchers will need to evaluate how well the units built serve the goals proponents claim they will.

SCALING UP SECONDARY UNIT PRODUCTION IN THE EAST BAY: Impacts and Policy Implications (25 pp.)

By Jake Webmann, Alison Nemirow, and Karen Chapple (2012)
UC Berkeley: Institute of Urban and Regional Development (IURD)
Library Call # H44 1.1 S33 2012

This paper begins by analyzing how many secondary units of one particular type, detached backyard cottages, might be built in the East Bay, focusing on the Flatlands portions of Berkeley, El Cerrito, and Oakland. We then investigate the potential impacts of scaling up the strategy with regard to housing affordability, smart growth, alternative transportation, the economy, and city budgets. A final section details policy recommendations, focusing on regulatory reforms and other actions cities can take to encourage secondary unit construction, such as promoting carsharing programs, educating residents, and providing access to finance.

SECONDARY UNITS AND URBAN INFILL: A literature Review (12 pp.)

By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.

YES, BUT WILL THEY LET US BUILD? The Feasibility of Secondary Units in the East Bay (17 pp.)

By Alison Nemirow and Karen Chapple (2012)
UC Berkeley: IURD
Library Call # H44.5 1.1 Y47 2012

This paper begins with a discussion of how to determine the development potential for secondary units, and then provides an overview of how many secondary units can be built in the East Bay of San Francisco Bay Area under current regulations. The next two sections examine key regulatory barriers in detail for the five cities in the study (Albany, Berkeley, El Cerrito, Oakland, and Richmond), looking at lot size, setbacks, parking requirements, and procedural barriers. A sensitivity analysis then determines how many units could be built were the regulations to be relaxed.

YES IN MY BACKYARD: Mobilizing the Market for Secondary Units (20 pp.)

By Karen Chapple, J. Weigmann, A. Nemirow, and C. Dentel-Post (2011)
UC Berkeley: Center for Community Innovation.
Library Call # B92 1.1 Y47 2011

This study examines two puzzles that must be solved in order to scale up a secondary unit strategy: first, how can city regulations best enable their construction? And second, what is the market for secondary units? Because parking is such an important issue, we also examine the potential for secondary unit residents to rely on alternative transportation modes, particular car share programs. The study looks at five adjacent cities in the East Bay of the San Francisco Bay Area (Figure 1) -- Oakland, Berkeley, Albany, El Cerrito, and Richmond -- focusing on the areas within ½ mile of five Bay Area Rapid Transit (BART) stations.

Journal Articles and Working Papers:

BACKYARD HOMES LA (17 pp.)

By Dana Cuff, Tim Higgins, and Per-Johan Dahl, Eds. (2010)
Regents of the University of California, Los Angeles.
City Lab Project Book.

DEVELOPING PRIVATE ACCESSORY DWELLINGS (6 pp.)

By William P. Macht. Urbanland online. (June 26, 2015)
Library Location: Urbanland 74 (3/4) March/April 2015, pp. 154-161.

GRANNY FLATS GAINING GROUND (2 pp.)

By Brian Barth. Planning Magazine: pp. 16-17. (April 2016)
Library Location: Serials

"HIDDEN" DENSITY: THE POTENTIAL OF SMALL-SCALE INFILL DEVELOPMENT (2 pp.)

By Karen Chapple (2011)
UC Berkeley: IURD Policy Brief.
Library Call # D44 1.2 H53 2011

California's implementation of SB 375, the Sustainable Communities and Climate Protection Act of 2008, is putting new pressure on communities to support infill development. As metropolitan planning organizations struggle to communicate the need for density, they should take note of strategies that make increasing density an attractive choice for neighborhoods and regions.

HIDDEN DENSITY IN SINGLE-FAMILY NEIGHBORHOODS: Backyard cottages as an equitable smart growth strategy (22 pp.)

By Jake Wegmann and Karen Chapple. Journal of Urbanism 7(3): pp. 307-329. (2014)

Abstract (not available in full text): Secondary units, or separate small dwellings embedded within single-family residential properties, constitute a frequently overlooked strategy for urban infill in high-cost metropolitan areas in the United States. This study, which is situated within California's San Francisco Bay Area, draws upon data collected from a homeowners' survey and a Rental Market Analysis to provide evidence that a scaled-up strategy emphasizing one type of secondary unit – the backyard cottage – could yield substantial infill growth with minimal public subsidy. In addition, it is found that this strategy compares favorably in terms of affordability with infill of the sort traditionally favored in the 'smart growth' literature, i.e. the construction of dense multifamily housing developments.

RETHINKING PRIVATE ACCESSORY DWELLINGS (5 pp.)

By William P. Macht. Urbanland online. (March 6, 2015)
Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

ADUS AND LOS ANGELES' BROKEN PLANNING SYSTEM (4 pp.)

By CARLYLE W. Hall. The Planning Report. (April 26, 2016).
Land-use attorney Carlyle W. Hall comments on building permits for accessory dwelling units.

News:

HOW ONE COLORADO CITY INSTANTLY CREATED AFFORDABLE HOUSING

By Anthony Flint. The Atlantic-CityLab. (May 17, 2016).

In Durango, Colorado, zoning rules were changed to allow, for instance, non-family members as residents in already-existing accessory dwelling units.

NEW HAMPSHIRE WINS PROTECTIONS FOR ACCESSORY DWELLING UNITS (1 p.)

NLIHC (March 28, 2016)

Affordable housing advocates in New Hampshire celebrated a significant victory this month when Governor Maggie Hassan (D) signed Senate Bill 146, legislation that allows single-family homeowners to add an accessory

dwelling unit as a matter of right through a conditional use permit or by special exception as determined by their municipalities. The bill removes a significant regulatory barrier to increasing rental homes at no cost to taxpayers.

NEW IN-LAW SUITE RULES BOOST AFFORDABLE HOUSING IN SAN FRANCISCO. (3 pp.)

By Rob Poole. Shareable. (June 10, 2014).

The San Francisco Board of Supervisors recently approved two significant pieces of legislation that support accessory dwelling units (ADUs), also known as “in-law” or secondary units, in the city…

USING ACCESSORY DWELLING UNITS TO BOLSTER AFFORDABLE HOUSING (3 pp.)

By Michael Ryan. Smart Growth America. (December 12, 2014).

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY EDMUND G. BROWN JR., *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

MEMORANDUM

DATE: May 29, 2018

TO: Planning Directors and Interested Parties

FROM: Zachary Olmstead, Deputy Director
Division of Housing Policy Development

SUBJECT: **Local Agency Accessory Dwelling Units**
Chapter 594, Statutes of 2017 (Senate Bill 229) and
Chapter 602, Statutes of 2017 (Assembly Bill 494)

This memorandum is to inform you of the amendments to California law, effective January 1, 2018, regarding the creation of accessory dwelling units (ADU). Chapter 594, Statutes of 2017 (Senate Bill 229) and Chapter 602, Statutes of 2017 (Assembly Bill 494) build upon recent changes to ADU law (Government Code (GC) Section 65852.2) and further address barriers to the development of ADUs.

SB 229 and AB 494, among other changes, addresses the following:

- Clarifies an ADU can be created through the conversion of a garage, carport or covered parking structure.
- Requires special districts and water corporations to charge a proportional fee scale based upon the ADUs size or its number of plumbing fixtures.
- Reduces the maximum number of parking spaces for an ADU to one space.
- Allows replacement parking spaces to be located in any configuration, as a result, of a parking structure conversion to an ADU.
- Authorizes the Department of Housing and Community Development to review and comment on ADU ordinances.
- Defines the term "tandem parking" to mean two or more automobiles.

For assistance, please see the amended statute in Attachment A. In addition, pursuant to GC Section 65852.2(h), adopted ADU ordinances shall be submitted to HCD within 60 days of adoption. For more information and updates, please contact Greg Nickless, Housing Policy Analyst, at 916-274-6244.

ATTACHMENT A

TITLE 7, DIVISION 2, CHAPTER 4, ARTICLE 2

SB 229 and AB 494 Accessory Dwelling Units (65852.2)

Section 65852.2 of the Government Code is amended to read:

65852.2.

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

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on ~~criteria,~~ *criteria* that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

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

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit ~~is not intended for sale~~ *may be rented* separate from the primary ~~residence and~~ *residence, but* may ~~be rented.~~ *not be sold or otherwise conveyed separate from the primary residence.*

(ii) The lot is zoned ~~for~~ *to allow* single-family or multifamily use and ~~contains an existing,~~ *includes a proposed or existing* single-family dwelling.

(iii) The accessory dwelling unit is either attached ~~to the existing dwelling~~ or located within the living area of the *proposed or* existing *primary* dwelling or detached from the *proposed or* existing *primary* dwelling and located on the same lot as the *proposed or* existing *primary* dwelling.

(iv) The ~~increased floor~~ *total* area of *floorspace of* an attached accessory dwelling unit shall not exceed 50 percent of the ~~existing living area, with a maximum increase in floor area of~~ *proposed or existing primary dwelling living area or* 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~~ *an accessory dwelling unit or to a portion of an* 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.~~ *bedroom, whichever is less.* These spaces may be provided as tandem parking on ~~an existing~~ *a* driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety ~~conditions, or that it is not permitted anywhere else in the jurisdiction.~~ *conditions.*

(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 or converted to 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, 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 an accessory dwelling unit.

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

(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.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that ~~contains an~~ *includes a proposed or* existing single-family dwelling. No additional standards, other than those provided in this 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 or that the property be used for rentals of terms longer than 30 days.

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

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives ~~its first application on or after July 1, 1983,~~ *an application* 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.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the *proposed or* existing *primary* dwelling, shall be established by ordinance for either attached or detached dwellings 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 *proposed or* 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) 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~~ *zone for single-family use* 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, *including, but not limited to, a studio, pool house, or other similar 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. *A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.*

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

(2) Accessory dwelling units shall not be considered ~~new residential uses~~ *by a local agency, special district, or water corporation to be a new residential use* 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~~ *agency, special district, or water corporation* shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local ~~agency~~ *agency, special district, or water corporation* may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its 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 an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. *The department may review and comment on this submitted ordinance.*

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

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

(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) "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. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of *the* 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.

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

(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 *of 1976* (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SIERRA COUNTY

Department of Planning and Building Inspection

Post Office Box 530
Downieville, California 95936

Tel (530) 289-3251
Fax (530) 289-2828

Early Consultation / Project Review Routing Sheet

Date: January 4, 2019
To: *Commenting Agencies*

County Departments

- ☒ County Assessor
- ☒ County Treasurer-Tax Collector
- ☐ County Counsel
- ☒ County Sheriff
- ☒ County Environmental Health Department
- ☒ County Surveyor-Engineer
- ☒ County Supervisor: Dist. 3 (Roen]
- ☒ County Public Works Department
- ☒ County Fire Safe & Watershed Council
- ☐ County Fish and Game Commission
- ☒ County Historical Society

Federal Departments

- ☐ USFS—Forest Supervisor Office: _____Tahoe_____ National Forest
- ☒ USFS Sierraville District Ranger Office
- ☐ BLM—Regional Office:_____District
- ☐ US Army Corps of Engineers
- ☐ FEMA—NFIP - Region IX

AB 52 Tribes

- ☐ Washoe Tribe of Nevada & California
- ☐ T'Si-akim Maidu
- ☐ Greenville Rancheria of Maidu Indians
- ☐ United Auburn Indian Comm. /Auburn Rancheria

State Departments

- ☐ Dept. of Fish & Wildlife—Regional Office
- ☐ Dept. of Fish & Wildlife—Local Warden
- ☒ Dept. of Fish & Wildlife—Area Biologist
- ☐ State Reg. Water Quality Control Board—Lahontan Region
- ☐ State Reg. Water Quality Control Board—Central Valley Region
- ☐ California Public Utility Commission
- ☒ State Department of Forestry & Fire Protection (CalFire)
- ☐ Air Resources Board
- ☐ Department of Health Services
- ☒ Housing & Community Development
- ☐ Department of Conservation
- ☐ Energy Commission
- ☐ Department of Water Resources
- ☐ CalTrans-District Office-Planning & Project Review
- ☒ CalTrans-District 3 – Sierraville Yard
- ☐ Native American Heritage Commission
- ☐ State Office of Planning and Research
- ☐ State Water Board-Division of Drinking Water
- ☒ DWR - Sierra Valley Watermaster
- ☐ Other:_____

Other Agencies

- ☒ Sierra-Plumas Joint Unified School District
- ☐ City of Loyalton
- ☐ Sierra Brooks Homeowners Association
- ☒ Northern Sierra Air Quality Management
- ☒ Sierra Valley Resource Conservation
- ☐ Nevada County Resource Conservation
- ☐ Sierra Economic Development District
- ☒ Public Utility/Water/Waterworks District: SVPUD
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Comments and Conditions

- Please send your comments and recommended conditions to us no later than **January 18, 2019.** If we do not receive a response by this date, we will presume that your agency has "no comment." If you require additional time for review, please contact me at: (530) 289-3251 or bpangman@sierracounty.ca.gov.

Sincerely,

Brandon Pangman
Assistant Planning Director

_____
Signature, date

_____
Print Name and Title

Comments are: ☐ Attached ☐ No comment

_____
Print Agency

Appendix K

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Sincerely,

Brandon Pangman
Assistant Planning Director

1/8/19
Signature, date

Daniel B Bastian, County Eng.
Print Name and Title

Comments are: ☒ Attached ☐ No comment

(see email transmittal)

Print Agency

Appendix L
(1 of 2)

Brandon Pangman

From: Daniel Bastian <bastianengineeringinc@gmail.com>
Sent: Tuesday, January 08, 2019 2:53 PM
To: Brandon Pangman
Subject: 1663 - Blake Variance application
Attachments: 1663 - Blake Variance.pdf

Brandon,

I reviewed subject Variance application.

It looks like the Floodplain Ordinance sections 32.05.150.B would apply for the elevated(?) leach field and 32.05.200.A.3 for the detached garages. I would think that the BFE determination in the Zone A at the site is required for site development (but I'm not sure if it would be required for the variance consideration. The BFE could affect/alter the proposed variance layout though.)

I don't see this as a CEQA issue...maybe more of an "unforeseen issue" (if you had not already considered the affect of the BFE might have on the variance layout.)

Please let me know if you have any questions.

--
Daniel B. Bastian
Bastian Engineering, Inc.
211 Poplar Valley Rd.
Blairsden, CA 96103

(530) 249-0468
bastianengineeringinc@gmail.com

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This message, together with any attachments, is intended only for the use of the individual or entity to which it is addressed. It may contain information that is confidential and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this message or any attachment is strictly prohibited. If you have received this item in error, please notify the original sender and destroy this item, along with any attachments.

Appendix L
(2 of 2)

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Comments and Conditions

- Please send your comments and recommended conditions to us no later than **January 18, 2019.** If we do not receive a response by this date, we will presume that your agency has "no comment." If you require additional time for review, please contact me at: (530) 289-3251 or bpangman@sierracounty.ca.gov.

Sincerely,

Brandon Pangman
Assistant Planning Director

Elizabeth Morgan 1/14/2019
Signature, date

Elizabeth Morgan REHS
Print Name and Title

Sierra County Environmental Health
Print Agency

Comments are: ☒ Attached ☐ No comment

Appendix M
(1 of 2)

Sierra County Public Health
& Social Services

Environmental Health
P.O. Box 7
Loyalton, CA 96118
Phone: (530) 993-6716
Fax: (530) 993-6790
Envhealth@sierracounty.ca.gov

Sierra County

Vickie Clark, Director
Sierra County Public Health
& Social Services

Celia Sutton-Pado, MD
Health Officer

MEMORANDUM

Date: January 14, 2019

To: Brandon Pangman
Sierra County Planning Department
P.O. Box 530
Downieville, CA 95936

From: Elizabeth Morgan, MPH, REHS,
Director of Environmental Health

SUBJECT: Application Number 1663: Blake- Zone Variance
205 Battelle Street, Sierraville, CA APN # 015-022-004

Environmental Health reviewed the request for a zoning variance to allow the change of occupancy and conversion of an existing 3,000 sq.ft. Masonic Hall into two (2) residential units – an 1,800 sq.ft. "primary" single-family residence; and a 1,200 sq.ft. attached accessory dwelling unit; together with a 100% reduction in the 15' yard setback to allow room for a detached accessory garage on the 0.39-acre parcel.

Environmental Health comments:

- This parcel is served by an existing septic system that is not approved for the proposed usage.
- Soil testing (backhoe excavations) was conducted on July 30, 2018. Test results have not been submitted to Environmental Health.
- As a condition to approval of this project, a design for the proposed onsite wastewater treatment system (OWTS) capable of handling the proposed waste flow shall be submitted for approval.

Environmental Health has no objection to approval of these project subject to the above condition.

Elizabeth Morgan
Elizabeth Morgan, MPH, REHS
Director of Environmental Health

Appendix M
(2 of 2)

From: landswright@digitalpath.net
To: Brandon Pangman; Kathy Whitlow
Cc: "Thomas S. Archer"; "Al Pombo"; "Mike Blide"; "John Shaffer"; "noel gibford"
Subject: RE: Sierra County PD File # 1663 Blake- Zone Variance Early Consultation/Project Review
Date: Friday, January 18, 2019 4:11:06 PM

Hi Brandon and Kathy,
This is a response concerning this project. Sierraville Public Utility District (SPUD) is the agency that provides domestic water to this property.
SPUD has no objections to the project, but would like you, and the owner, to be aware of the possibility of requiring a second water service (including connection fees) to serve the accessory dwelling unit due to the size and number of fixtures. Or, in the very least, having to be billed for a second EDU for domestic water. There is also the possibility of the need for another service line for fire protection (and fees), if required.
Thank you,
Lee Wright
SPUD Board President
530-913-8032

From: landswright@digitalpath.net <landswright@digitalpath.net>
Sent: Wednesday, January 9, 2019 3:32 PM
To: 'Kathy Whitlow' <kwhitlow@sierracounty.ca.gov>
Subject: RE: Sierra County PD File # 1661 Early Consultation/Project Review

Thankyou Kathy!
Lee

From: Kathy Whitlow <kwhitlow@sierracounty.ca.gov>
Sent: Wednesday, January 9, 2019 11:47 AM
To: landswright@digitalpath.net
Subject: RE: Sierra County PD File # 1661 Early Consultation/Project Review

Lee: I have attached the Blake routing for you.
Thank you,

Kathy Whitlow
Department Specialist
Planning/OES/Lafco
kwhitlow@sierracounty.ca.gov
530-289-3251

From: landswright@digitalpath.net [mailto:landswright@digitalpath.net]
Sent: Wednesday, January 9, 2019 8:16 AM
To: Kathy Whitlow <kwhitlow@sierracounty.ca.gov>

Appendix N

Kathy Whitlow January 20, 2019
Sierra Co. Planning Department
P.O. Box 530
Downieville, CA 95936
RE: Lucy Blake Zone Variance

MS Whitlow:

The subject property is "in my face' as I look out my kitchen window. With this note, I strongly support the subject project. The proposal before the County offers a very unique opportunity for a Sierra Valley classic architecturally designed building to be saved, re-fitted with complimentary covered porches and exterior trim, and repurposed into much needed housing.

Please keep in mind a possible "loose-loose" would be for this property to have been snipped by a Truckee General Contractor for storage of construction materials and equipment rendering the community one more non-conforming public nuisance eye sore.

Few people could bring a project like this to our community. My thanks to MS Blake for her appreciation of community and confidence in our future.

/s/
Rick Maddalena, Property Owner
P.O. Box 1145
212. North Battelle Street
Sierraville, Ca 96126

Sent electronically, no hard copy to follow

Appendix O

Planning Commission Staff Report

January 24, 2019 **PC Exhibit 1**

Project: **County-Initiated Zone Amendment:**
File: **1661**
Staff Rec: **1199**
Request: Zoning Amendment (Zone Change)
Locations: Nine (9) parcels in: Sierraville, Downieville, Alleghany, and Bassetts
APNs: 015-110-005; 015-033-003; 015-080-006; 015-080-014; 015-090-001; 008-200-008; 003-122-012; 004-270-006; 002-160-072
Planner: Brandon Pangman

Applicant	**Property Owners**
Sierra County (BOS-initiated)	Sierra County (2 Road shops & Courthouse complex) USA (USFS Sierraville Ranger Station) State of California (CalTrans Sierraville Substation) SPJUSD (fmr. Sierraville Elem. School) Michael Williams (Bassetts Station) Benoit de Korsak; formerly Wentling (Sierraville) Mike Anderson & Ayshe Tuncer (Downieville)

1. Summary Staff Recommendation

Staff recommends that the Planning Commission recommend *approval* of the zoning amendments to the Board of Supervisors.

2. Project Description

The proposed project is:

- Zoning Amendment(s) (aka, "zone change" or "rezone")

The project involves a County-Initiated Zone Amendment to re-zone nine (9) parcels identified by the Board of Supervisors as current priorities to bring each parcel's zoning into consistency with the General Plan. The properties identified as APN's 015-110-005; 015-033-003; 015-080-006; 015-080-014; 015-090-001; 008-200-008; 003-122-012; 002-160-072; and 004-270-006 are located in various areas of

unincorporated Sierra County within the communities of Downieville, Sierraville, Alleghany, and Bassetts.

3. <u>Setting & Background</u>

The last countywide zoning map was adopted by the Sierra County Board of Supervisors on June 5, 1973. Since that time there have been a number of parcel-by-parcel zone changes, but no significant regional or countywide rezonings.

In 1996 the County adopted an updated General Plan, including countywide and community-level land use designations. While most of the existing zoning districts and designations remained consistent and compatible with the new General Plan maps, there were some notable changes—including the need to create some completely new zones; delete or amend others; and in some cases, significantly change the designations to reflect new planning priorities (such as the creation or recognition of whole unincorporated communities that were not previously recognized or addressed in the 1973 zoning plan). In addition, the General Plan update called for a substantial update or re-write of the 1973 zoning ordinances in conjunction with any countywide zoning map amendments. This "new Zoning Code" effort was begun in the late 1990's, but for various reasons it was not completed and funding ran out. As you know, a new effort to complete the new Zoning Code (and concurrently update the General Plan) has been underway for the last several years. Once that project is complete, the Planning Department hopes to be able to revisit the countywide zoning map and recommend zone changes wherever necessary to finally bring every parcel's zoning district into conformance and consistency with the underlying General Plan land use designation.

In the meantime, from time to time, it is discovered that a particular parcel's original 1973 zoning is so inconsistent with the current General Plan designation (and sometimes the overlying historical land use itself) that it renders the property 'non-conforming' and may complicate attempts to secure permits or expand the existing uses. In some cases, the long-standing and well established historical use of the property is plainly at odds with the 1973 zoning, and it remains clear that there was (and is) no intention of rendering the current use as 'non-conforming' and reverting the use of the property to its current zoning designation—for example: federal, State, and local government facilities that have existed for many decades in the same location, that are zoned "R1-Residential One Family District." Rezoning these properties, however, is usually a matter of priorities for the County. If no one complains and it doesn't seem to have much effect on the property owners and their ability to use and improve their land—it simply becomes a low priority to "fix" them.

What precipitated the current action was the recent sale of a piece of property in Downieville. The new owners, who desired to build a house on the 1.78 acre parcel, were informed that although it is indeed within the Downieville "community core" and designated in the General Plan as "Rural Residential ½-1," unfortunately it was still zoned General Forest (GF) District (reflecting its 1973 designation prior to the General Plan update), and that zone requires 60' yard setbacks and precludes second dwelling units—both of which posed hardships on the new owners. They petitioned the Board of Supervisors to rezone their parcel for them, to a "Residential" zone consistent with the General Plan, and the Board agreed (cf, Resolution No. 2018-104, attached in **Appendix D**). Shortly thereafter, the owner of a duplex in Sierraville contacted the Planning Department and explained that the prospective buyers of his property were hoping to convert the duplex to a mixed-occupancy building with a commercial business downstairs and maintain the residence upstairs; but although the General Plan designation for the

parcel (CC—Community Commercial) would allow this mixed occupancy, the (1973) inconsistent zoning (R1-Residential) would not. He, too, petitioned the Board of Supervisors for a county-initiated rezone to bring the parcel's zoning into conformance with the General Plan designation. Coincident with this, the Planning Department began getting a number of inquiries from prospective buyers of the Bassetts Station property that was for sale, and although the various inquiries about expanding the current commercial uses would normally have been permitted based on the General Plan designation ("Visitor Commercial"), it was discovered that the zoning was still (inconsistently) General Forest (GF) which could thwart such plans—or at least render it more costly and complicated to accomplish. Clearly, this property, too, should be rezoned consistent with the General Plan to preserve this long-standing historical (and popular) use. Sensing an opportunity here, the Planning Department brought the Sierraville owner's petition to the Board along with the Bassetts situation—and several other examples of "grossly" inconsistent zoning on *publicly*-owned parcels, where the General Plan had designated each appropriately as "Public Service" but the zoning was either "Residential" or "Commercial."

In total, nine (9) parcels in four communities were identified as current priorities for a county-initiated zoning amendment, to bring each into conformance with the General Plan (cf, Resolutions 2018-104, 2018-115 in **Appendices D** & **F**, respectively). Many other such zoning "inconsistencies" still exist countywide, but generally these inconsistencies do not result in a substantial effect on the rights and abilities of the property owners to use and develop their properties.

A summary of the nine (9) parcels proposed for rezoning follows in Table 1. Maps identifying each parcel may be found in the appendices.

Table 1 – Parcels to be rezoned

	Parcel (Assessor's Parcel No.)	**Community (Ownership & Use)**	**General Plan**	**Zoning*** **Current → Proposed**
1)	002-160-072	Downieville (Anderson & Tuncer; private residence)	RR	GF → R1
2)	003-122-012	Downieville (Sierra County courthouse complex)	PS	CC → PS
3)	004-270-006	Alleghany (Sierra County road maintenance shop)	PS	R1 → PS
4)	008-200-008	Bassetts (Williams; commercial motel/store/gas)	VC	GF → CR
5)	015-033-003	Sierraville (Sierra County road maintenance shop)	PS	R1 → PS
6)	015-080-006	Sierraville (SPJUSD former elem. school; comm. ctr.)	PS	R1 → PS
7)	015-080-014	Sierraville (State of Calif. CalTrans maint. yard)	PS	R1 → PS
8)	015-090-001	Sierraville (USFS district ranger station)	PS	R1 → PS
9)	015-110-005	Sierraville (de Korsak [fmr: Wentling]; comm./resid.)	CC	R1 → CC

*Key: *General Plan Land Use Designations:* **RR** = "Rural Residential"; **PS** = "Public Service"; **VC** = "Visitor Commercial"; **CC** = "Community Commercial" *Zoning:* **GF** = "General Forest District"; **R1** = "Residential One Family District"; **CC** = "Community Commercial District"; **PS** = "Public Service District"; **CR** = "Commercial Residential District"

4. Findings

4.1 General Plan Consistency

Finding: The proposed rezones are consistent with the land use designations, goals and policies of the Sierra County General Plan.

Evidence:

1. Each of the proposed zoning amendments is consistent with the respective underlying General Plan land use designation. Only one (1) parcel (APN 008-200-008; Bassetts) has a land use designation (Visitor Commercial [VC]) which lacks an implementing zoning district in the Zoning Code. The closest match to the goals and policies of the VC designation (ref., General Plan policy 1-8; pg. 1-64) is Commercial Residential District, codified in Sierra County Code Section 15.12.110.

2. Historical use of each property is consistent with the proposed zoning and current General Plan land use designations.

3. Continued and proposed uses of the properties is anticipated to remain consistent with the respective proposed zoning and current General Plan land use designations, and associated policies and ordinances.

4.2 California Environmental Quality Act (CEQA)

Finding: The proposal will not have a significant adverse effect on the environment and is statutorily exempt from CEQA.

Evidence:

1. This project is eligible for a Statutory Exemption from the California Environmental Quality Act (CEQA), under Public Resources Code Section 21083.3: re-zoning consistent with a General Plan for which an EIR has already been certified and adopted.

2. The county-initiated project is for a re-zone to bring the zoning of nine (9) parcels into consistency with the County General Plan land use designation. The General Plan EIR anticipated the kinds of uses already occurring and/or proposed on each property at the time it was written and adopted in 1996.

3. The proposed project consists merely of zone changes consistent with existing and historical uses and General Plan designations that have been in place for over twenty (20) years, and represents a “clean up” of inconsistent zoning designations, as required by State law.

4. The EIR adopted in conjunction with the General Plan policies regulating uses, development and allowable accessory uses in the Rural Residential, Visitor Commercial, Community Commercial, and Public Service land use designations will be relied upon and those provisions, policies, and mitigation measures implemented in the Zoning Code, as amended, shall be enforced at the time of development permit application or other proposed uses.

5. The project was routed to commenting agencies between January 4, 2019 and January 18, 2019. There were no responses received containing comments of environmental concern warranting further investigation, or excepting the project from the statutory exemption, or requiring the preparation of an Initial Study.

6. On the basis of the exemption, comments received, and the whole record, there is no substantial evidence that the project may have a significant detrimental effect on the environment.

5. <u>Staff Recommendations</u>

Staff recommends that the Planning Commission take the following actions:

A. Find that this project is statutorily exempt under CEQA, and transmit such finding to the Board of Supervisors.

B. Adopt a resolution recommending to the Board of Supervisors that it *approve* the proposed zoning amendments and adopt an ordinance effecting this action, pursuant to GC §65853 – 65857 and Sierra County Code §15.32et.seq. (Note: draft Resolution reflecting the above findings and recommendation will be provided separately.)

6. <u>Summary</u>

Planning staff has processed the requested zoning amendments, at the direction of the Board of Supervisors (Resolution nos. 2018-104 and 2018-115). The project has been analyzed for compliance with the policies and goals of the Sierra County General Plan, the Zoning Code, the California Environmental Quality Act, and relevant state statutes and local ordinances. The project as proposed will be compatible with the surrounding land uses and will not have a significant effect on the environment. Staff recommends that the Planning Commission recommend approval as proposed, and transmit such recommendation in writing to the Board of Supervisors no later than April 10, 2019 (90 days from the publication of the notice of this hearing; ref. GC §65857, SCC §15.32.040).

7. <u>Recommended Motion</u>

Should the Planning Commission agree with staff's recommendation, the following motion is suggested:

"I move that the Planning Commission find that the project is statutorily exempt under CEQA; and adopt a resolution recommending to the Board of Supervisors that they <u>approve</u> the proposed zoning amendments and adopt the findings as contained in Staff Recommendation no. 1199."

8. Attachments

Appendix A – General Plan Maps (annotated to show each parcel; 4 pp.)

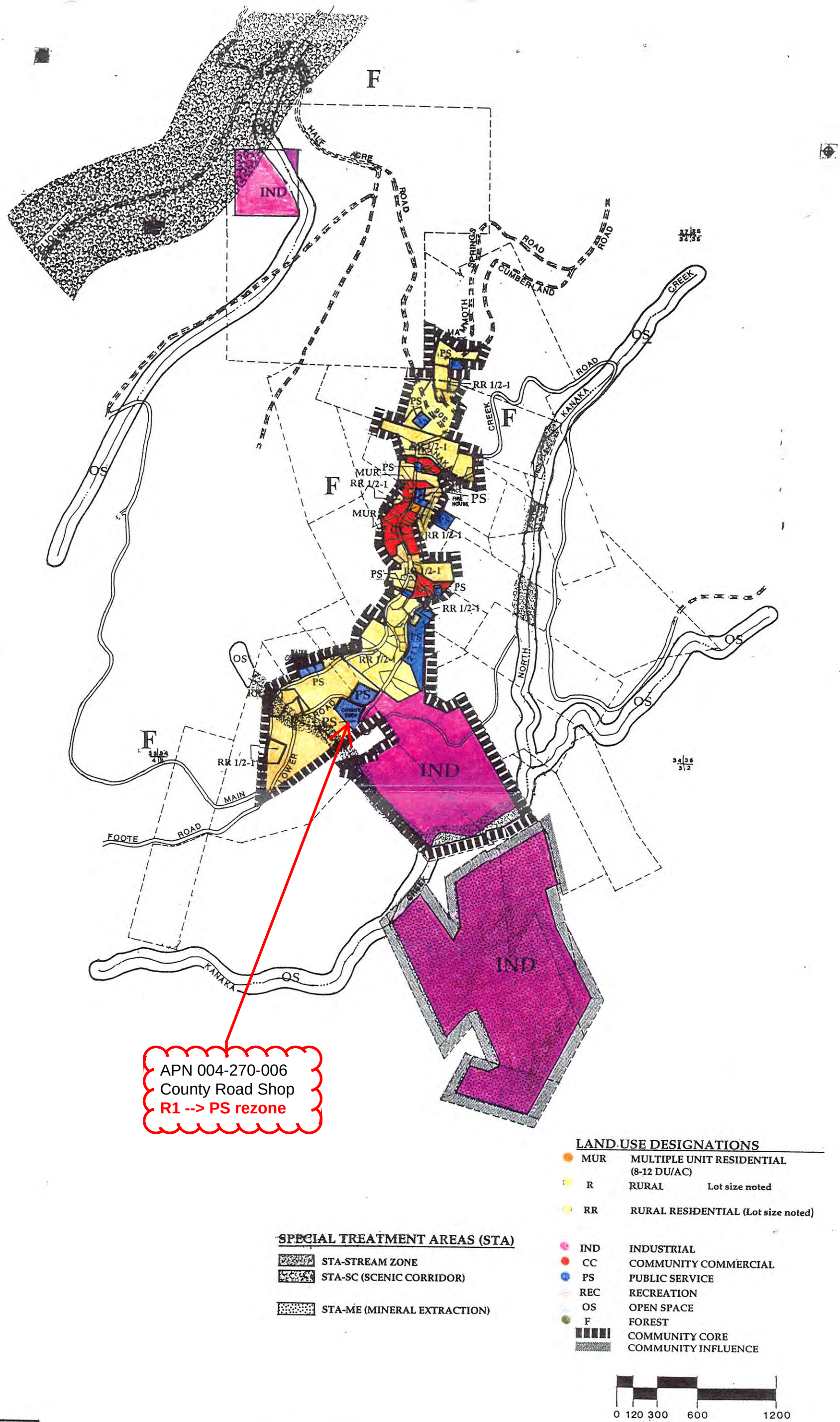
Appendix B – Early Consultation / Commenting Agencies Routing Sheet (1 pg.)

Appendix C – Anderson petition letter to the Board of Supervisors, dated 8/22/2018

Appendix D – BOS Resolution of Intent (Res. No. 2018-104)

Appendix E – Wentling petition letter to the Board of Supervisors, dated 9/12/2018

Appendix F – BOS Resolution of Intent (Res. No. 2018-115)



SIERRA COUNTY GENERAL PLAN

Figure 1-4
TOWNSITE OF
ALLEGHANY
SIERRA COUNTY, CALIFORNIA

Appendix A

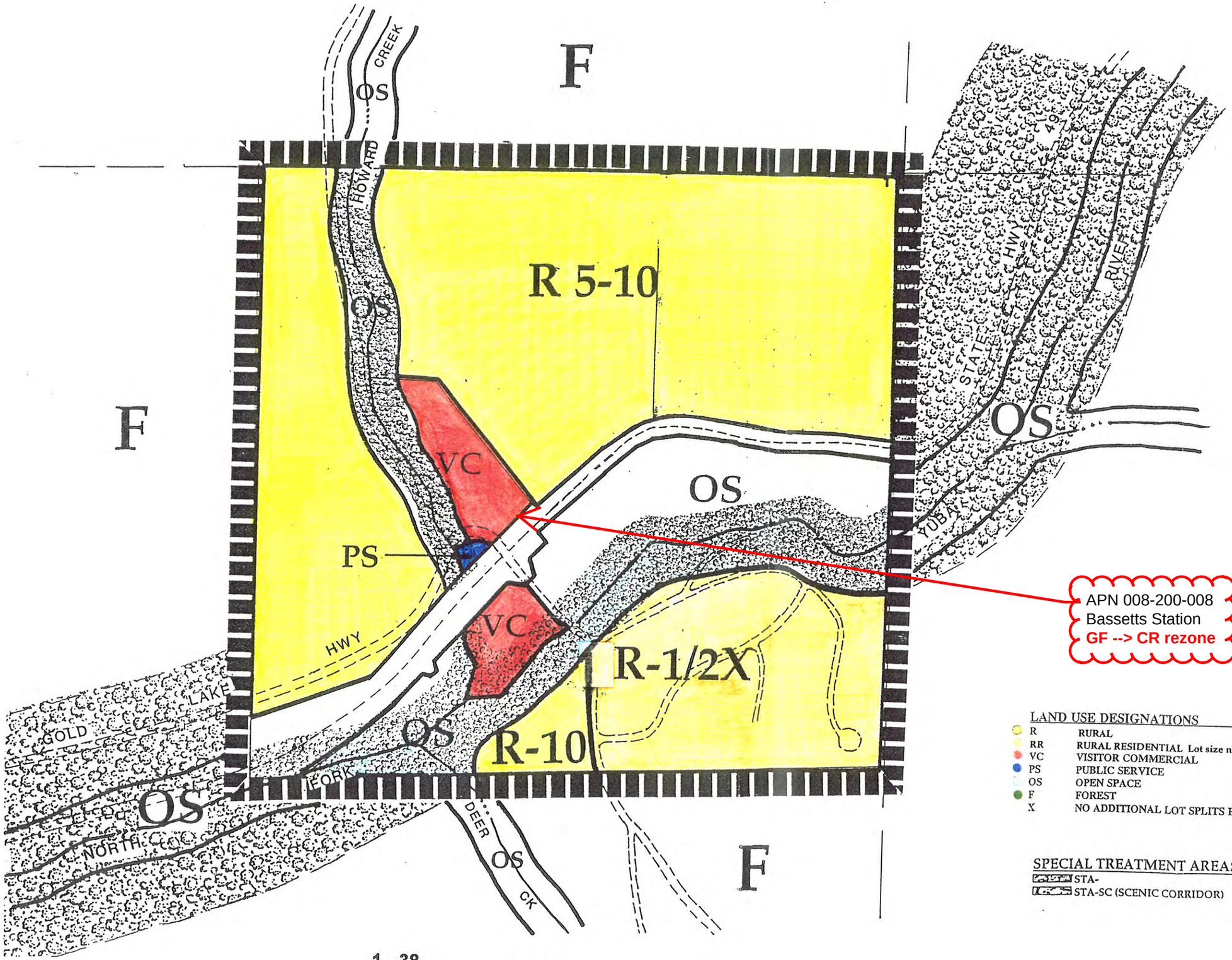


Figure 1-5
TOWN OF
BASSETTS
SIERRA COUNTY, CALIFORNIA

SIERRA COUNTY GENERAL P·L·A·N

Appendix A

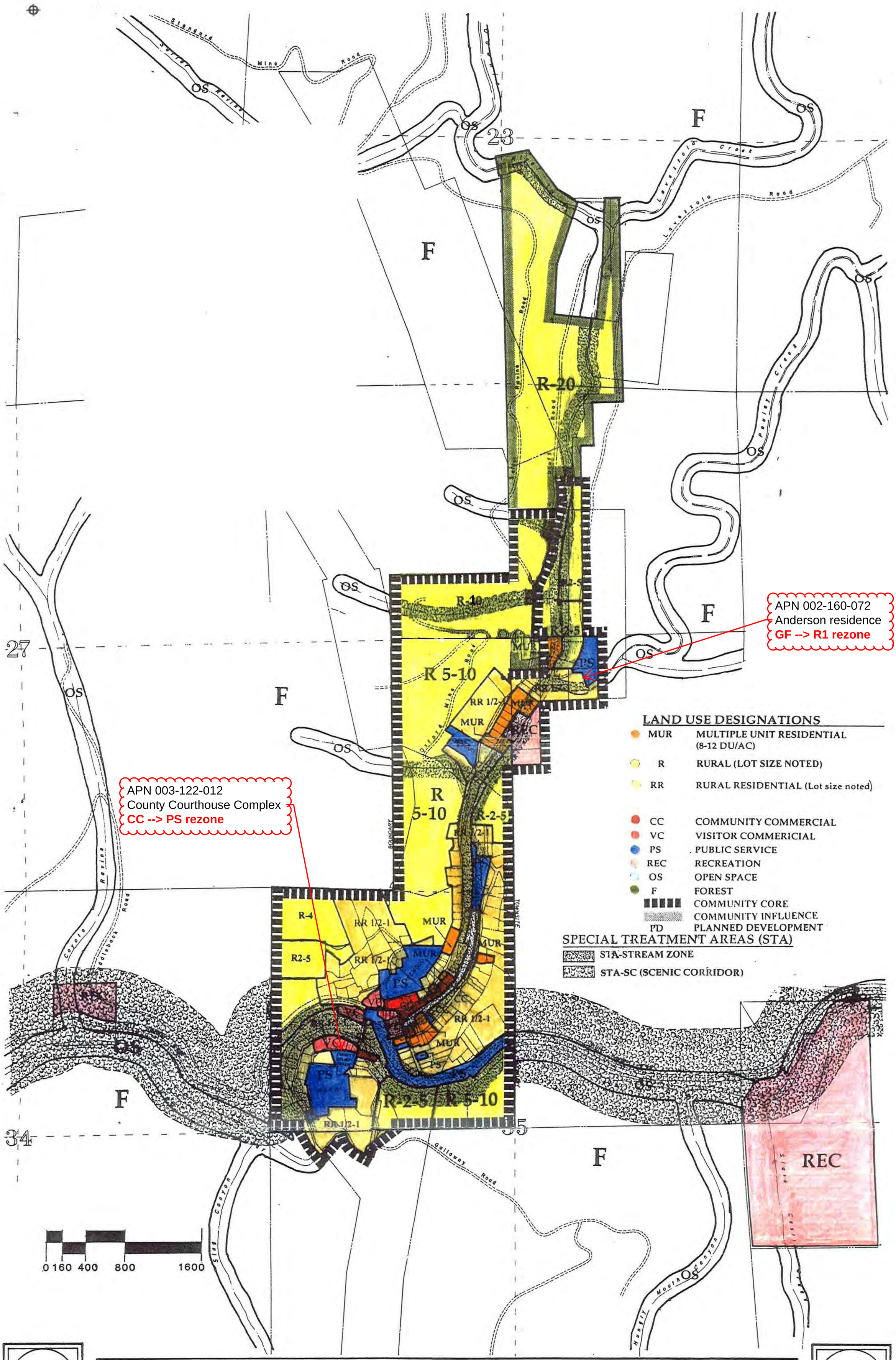


Figure 1-7

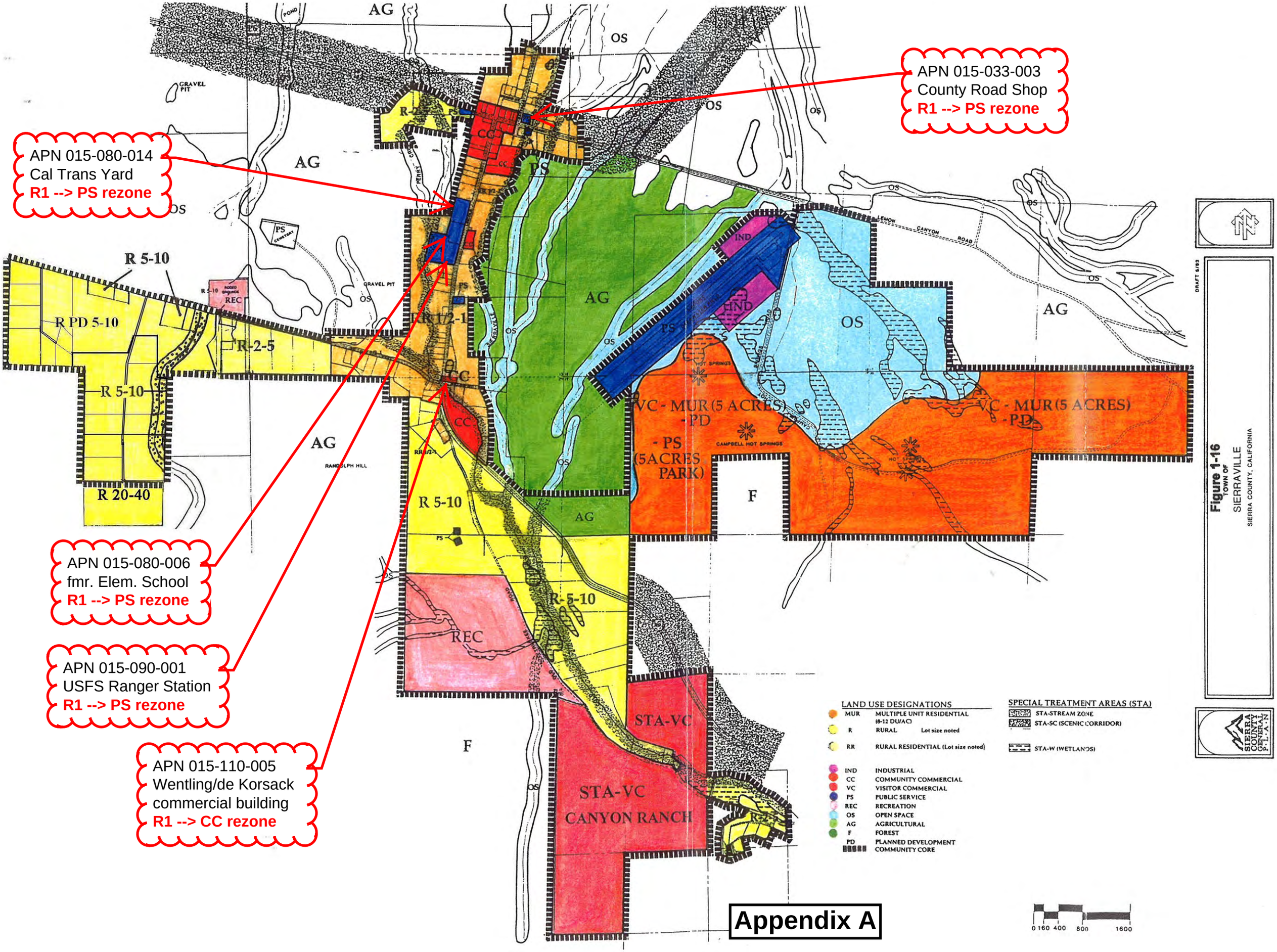
TOWN OF

DOWNIEVILLE

SIERRA COUNTY, CALIFORNIA

SIERRA COUNTY GENERAL P·L·A·N

Appendix A


APN 015-033-003
County Road Shop
R1 --> PS rezone
APN 015-080-014
Cal Trans Yard
R1 --> PS rezone
APN 015-080-006
fmr. Elem. School
R1 --> PS rezone
APN 015-090-001
USFS Ranger Station
R1 --> PS rezone
APN 015-110-005
Wentling/de Korsack
commercial building
R1 --> CC rezone
AG
OS
PS
CC
IND
REC
F
R 5-10
R PD 5-10
R-2-5
R 20-40
R-5-10
VC - MUR (5 ACRES) -PD
- PS (5ACRES PARK)
STA-VC
STA-VC
CANYON RANCH
LEMON CANYON ROAD
RANDOLPH HILL
GRAVEL PIT
CAMPBELL HOT SPRINGS
LAND USE DESIGNATIONS
MUR MULTIPLE UNIT RESIDENTIAL (8-12 DU/AC)
R RURAL Lot size noted
RR RURAL RESIDENTIAL (Lot size noted)
IND INDUSTRIAL
CC COMMUNITY COMMERCIAL
VC VISITOR COMMERCIAL
PS PUBLIC SERVICE
REC RECREATION
OS OPEN SPACE
AG AGRICULTURAL
F FOREST
PD PLANNED DEVELOPMENT
COMMUNITY CORE
SPECIAL TREATMENT AREAS (STA)
STA-STREAM ZONE
STA-SC (SCENIC CORRIDOR)
STA-W (WETLANDS)
0 160 400 800 1600
Figure 1-16
TOWN OF
SIERRAVILLE
SIERRA COUNTY, CALIFORNIA
DRAFT 6/83
SIERRA COUNTY GENERAL PLAN

Appendix A

SIERRA COUNTY

Department of Planning and Building Inspection

Post Office Box 530
Downieville, California 95936

Tel (530) 289-3251
Fax (530) 289-2828

Early Consultation / Project Review Routing Sheet

Date: January 4, 2019
To: *Commenting Agencies*

County Departments

- ☒ County Assessor
- ☒ County Treasurer-Tax Collector
- ☒ County Counsel
- ☒ County Sheriff
- ☒ County Environmental Health Department
- ☒ County Surveyor-Engineer
- ☒ County Supervisor
- ☒ County Public Works Department
- ☒ County Fire Safe & Watershed Council
- ☒ County Fish and Game Commission
- ☒ County Historical Society

Federal Departments

- ☐ USFS—Forest Supervisor Office: _____ National Forest
- ☒ USFS Yuba River, SV District Ranger Offices
- ☐ BLM—Regional Office:_____District
- ☐ US Army Corps of Engineers
- ☐ FEMA—NFIP - Region IX

AB 52 Tribes

- ☐ Washoe Tribe of Nevada & California
- ☐ T'Si-akim Maidu
- ☐ Greenville Rancheria of Maidu Indians
- ☐ United Auburn Indian Comm. /Auburn Rancheria

State Departments

- ☐ Dept. of Fish & Wildlife—Regional Office
- ☐ Dept. of Fish & Wildlife—Local Warden
- ☒ Dept. of Fish & Wildlife—Area Biologist
- ☐ State Reg. Water Quality Control Board—Lahontan Region
- ☐ State Reg. Water Quality Control Board—Central Valley Region
- ☐ California Public Utility Commission
- ☒ State Department of Forestry & Fire Protection (CalFire)
- ☐ Air Resources Board
- ☐ Department of Health Services
- ☒ Housing & Community Development
- ☐ Department of Conservation
- ☐ Energy Commission
- ☐ Department of Water Resources
- ☐ CalTrans-District Office-Planning & Project Review
- ☒ CalTrans-District 3; DV and SV Yards
- ☐ Native American Heritage Commission
- ☒ State Office of Planning and Research
- ☐ State Water Board-Division of Drinking Water
- ☐ Other:_____

Other Agencies

- ☒ Sierra-Plumas Joint Unified School District
- ☐ City of Loyalton
- ☐ Sierra Brooks Homeowners Association
- ☒ Northern Sierra Air Quality Management
- ☒ Sierra Valley Resource Conservation
- ☐ Nevada County Resource Conservation
- ☒ Sierra Economic Development District
- ☒ Public Utility/Water/Waterworks District:DPUD,SPUD
- ☒ Fire Protection Districts: SCFPD1, DVFPD, SCFPD, Pliocene CSD
- ☐ Hospital or Health Care District:_____
- ☒ Sierra Valley Groundwater Management**
- ☐ Long Valley Groundwater Management
- ☐ Contiguous County Planning Department: __Washoe County_____
- ☐ Liberty Utilities
- ☒ Pacific Gas & Electric Company
- ☒ Plumas Sierra Rural Electric Cooperative
- ☒ SBC/ATT-Serving Phone Communications
- ☐ Private or Public Water Company: _____
- ☐ NE Center of CA Historical Resources Information System
- ☐ Other:_____

Project Description

This project is being sent to your agency for early review and comment. The purpose of this "early consultation/routing" is to identify any unforeseen issues or reasons why the project should not be "exempt" from CEQA, and/or to solicit review comments and recommended conditions of approval.

Application Number:	**1661**
Application Title:	County-Initiated Zone Amendment(s)
Assessor's Parcel Number(s):	015-110-005; 015-033-003; 015-080-006; 015-080-014; 015-090-001; 008-200-008; 003-122-012; 002-160-072; 004-270-006
Property Address/Location:	(various): unincorporated Sierra County, CA--See Attached Maps
Project Description:	The project involves a County-Initiated Zone Amendment to re-zone nine (9) parcels identified by the Board of Supervisors as current priorities for "clean-ups," to bring each parcel's zoning into consistency with the 2012 General Plan. See attached maps for details.

Planning staff's preliminary environmental assessment: statutorily exempt under CEQA, PRC Section 21083.3(e) [rezoning consistent with GP for which an EIR was already certified]

Comments and Conditions

- Please send your comments and recommended conditions to us by **January 18, 2019.** If we do not receive a response by this date, we will presume that your agency has "no comment." If you require additional time for review, please contact me at: (530) 289-3251 or bpangman@sierracounty.ca.gov.

Sincerely,

Brandon Pangman
Assistant Planning Director

_____
Signature, date

Comments are: ☐ Attached ☐ No comment

_____
Print Name and Title

_____
Print Agency

Appendix B

Mike Anderson
Ayshe Tuncer
PO Box 124
Aptos, CA 95001
831-464-1428

Board of Supervisors
Chairman Scott Schlefstein
c/o Director Tim Beals
PO Box 530
Downieville, CA 95936

August 22, 2018

Chairman Scott Schlefstein,

We recently purchased a property in Downieville located at 108 Lavezzola Rd., parcel #002160072. We are requesting a County-Initiated Zone Change to match the General Plan SCC 15.32.020. The property is currently zoned as General Forest and we would like to have the zoning changed to R-1. As you can see on the map, the property is within the Community Core, and the current zoning does not match.

Sincerely,

Mike Anderson & Ayshe Tuncer

Appendix C

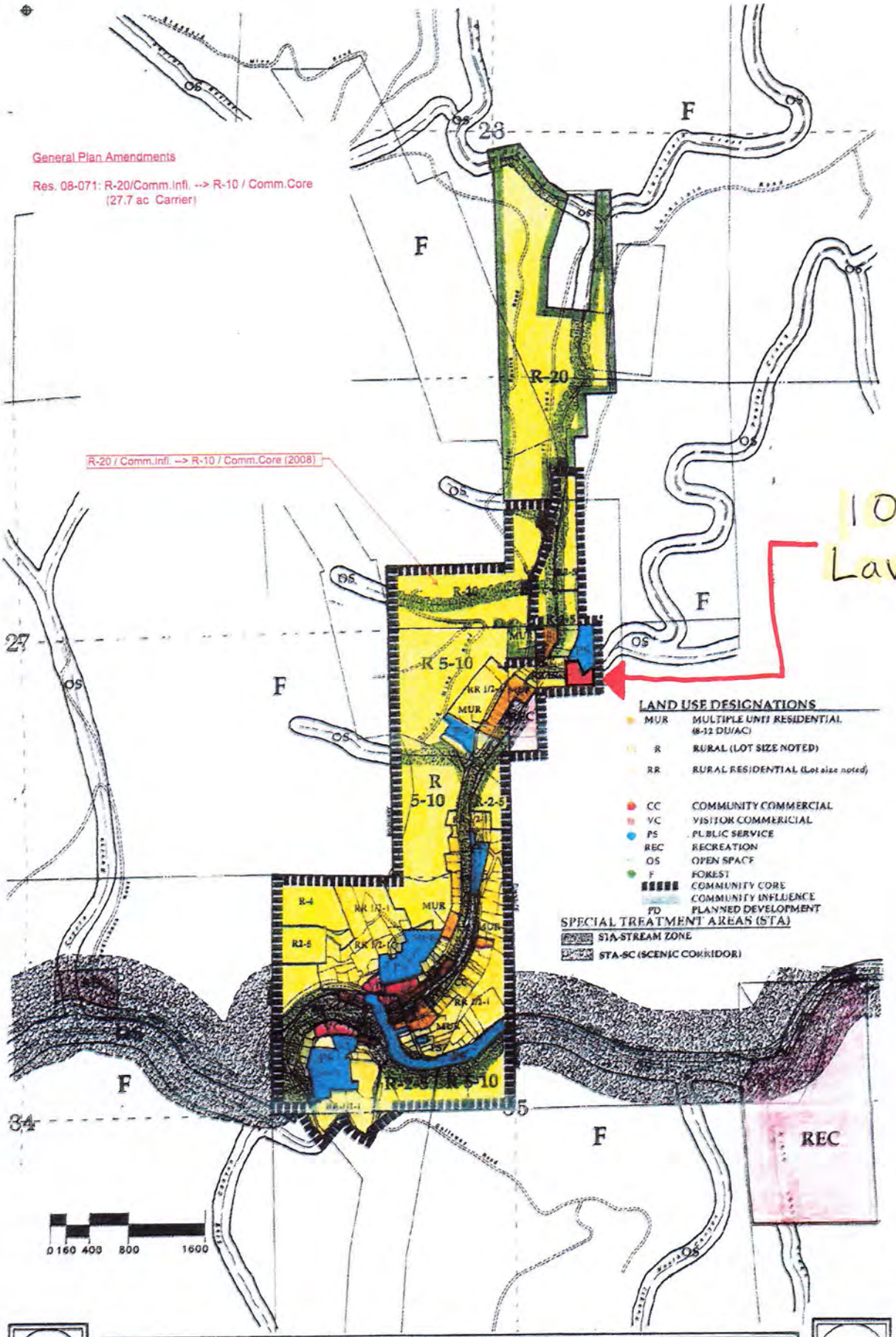


Figure 1-7
TOWN OF
DOWNIEVILLE
SIERRA COUNTY, CALIFORNIA

SIERRA COUNTY GENERAL PLAN

Appendix C

BOARD OF SUPERVISORS
COUNTY OF SIERRA
STATE OF CALIFORNIA

RESOLUTION NO. 2018-104

A RESOLUTION OF INTENT FOR
A COUNTY-INITIATED ZONE AMENDMENT
FROM GENERAL FOREST (GF) TO RESIDENTIAL ONE FAMILY (R-1) DISTRICT

WHEREAS, Sierra County Planning Department determined that a certain parcel of land within Sierra County, identified as 108 Lavezzola Road, Downieville (APN 002-160-072), was zoned General Forest (GF) District in 1971, but not rezoned consistent with the last comprehensive General Plan update in 1996 which placed the parcel in the "community core" of Downieville and applied a land use designation of Rural Residential ½-1; and that the General Forest zoning designation poses a hardship on the owners' desire to develop the property consistent with the General Plan's intended residential designation; and,

WHEREAS, the new owners of the parcel petitioned the Board of Supervisors to direct a county-initiated rezone of the property to bring the zoning into conformance with the current General Plan designation, as authorized under Sierra County Code Section 15.32.020.

NOW THEREFORE BE IT RESOLVED, that the Sierra County Board of Supervisors hereby adopts a resolution of intent to initiate rezoning of the above-referenced real property, and directs staff to proceed with processing the zone change with a recommendation to the Planning Commission on the proposed zone change.

The foregoing Resolution of the County of Sierra was passed and adopted by the Board of Supervisors on the 4 day of September, 2018 by the following vote:

AYES: Supervisors Adams,Huebner,Roen,Beard,Schlefstein
NOES: None
ABSENT: None
ABSTAIN: None

COUNTY OF SIERRA

Scott Schlefstein, Chairman
Board of Supervisors

ATTEST:

Heather Foster
Clerk of the Board

APPROVED AS TO FORM:

David Prentice
County Counsel

Appendix D

September 12, 2018

Brandon Pangman
Assistant Director of Planning
Downieville, CA

Daniel Wentling
PO Box 251
Sierraville, CA
530-414-8100

Dear Brandon,

This is a follow up letter per our conversation on September 7, 2018, concerning 540 Lincoln St. in Sierraville (APN 015-110-005-0). As we discussed, this property is zoned R1 at this time, but the general plan has it zoned community commercial. We are asking that the planning dept./county facilitate this change with the Board of Supervisors, as it is in escrow now, and not knowing the amount of time it will take to make these changes on the counties end, the new owners may be following up with you in the near future. I had a quick conversation with Time Beals on 9/11/18, concerning this matter, and he agreed with our conversation and that there could be other properties to be taken care of, at the same time.
Let me know if you have any questions.

Thank you for your time.

Daniel Wentling

Appendix E

BOARD OF SUPERVISORS
COUNTY OF SIERRA
STATE OF CALIFORNIA

RESOLUTION NO. 2018-115

A RESOLUTION OF INTENT FOR COUNTY-INITIATED ZONE AMENDMENTS TO BRING THE ZONING INTO CONFORMANCE WITH THE GENERAL PLAN

WHEREAS, Sierra County Planning Department has determined that certain parcels of land within Sierra County should be considered for a zone amendment to be consistent with the General Plan; and,

WHEREAS, the parcels to be considered for a zone amendment as authorized under Sierra County Code Section 15.32.020, are described as:

APN 015-110-005 Sierraville-(Wentling) R1 to CC
APN 015-033-003 Sierraville (County Shop) R1 to PS
APN 015-080-006 Sierraville (Fmr Elementary School) R1 tp PS
APN 015-080-014 Sierrville (Cal Trans Yard) R1 to PS
APN 015-090-001 Sierraville (USFS Yard) R1 to PS
APN 008-200-008 Bassetts (Station, Motel) GF to CR
APN 003-122-012 Downieville (Courthouse Complex) CC to PS
APN 004-270-006 Alleghany (County Shop) R1 to PS

NOW THEREFORE BE IT RESOLVED, that the Sierra County Board of Supervisors hereby adopts a resolution of intent to initiate rezoning of the above-referenced real properties, and directs staff to proceed with processing the zone change with a recommendation to the Planning Commission on the proposed zone change.

The foregoing Resolution of the County of Sierra was passed and adopted by the Board of Supervisors on the 2nd day of October, 2018 by the following vote:

AYES: Supervisors Adams,Huebner,Roen,Beard
NOES: None
ABSENT: Supervisor Schlefstein
ABSTAIN: None

COUNTY OF SIERRA

Paul Roen, Vice-Chair
Board of Supervisors

ATTEST:

Heather Foster
Clerk of the Board

APPROVED AS TO FORM:

David Prentice
County Counsel

Appendix F

Planning Commission Staff Report

January 24, 2019 **EXHIBIT 1**

Project:	*Berry/Virtue VTM 4-year Extension*
Staff Rec. No.:	1200
PD File No.	1511
Planner:	Brandon Pangman

1. Project Summary

Request for 4-year extension on the life of a Vesting Tentative Map for the "Berry/Virtue Subdivision," set to expire if the Final Map is not recorded by: February 17, 2019.

2. Background

The Berry/Virtue Subdivision project (Vesting Tentative Map and zone change) was conditionally-approved by the Board of Supervisors (on recommendation to approve by the Planning Commission) on February 17, 2009.

Various statutory changes to the Subdivision Map Act by the state legislature automatically extended the initial life of the vesting tentative map out to 2017, and allowed (in this case) another six (6) years of potential extensions beyond that. The applicant was granted a two (2) year extension by the Planning Commission on December 29, 2016—which is currently set to expire on February 17, 2019. The applicant's attorney has timely requested another extension on the life of the Vesting Tentative Map (VTM), for the maximum allowable period of four (4) more years (to February 17, 2023). If approved, no further extensions would be allowed if the Final Map is not recorded by this date.

The applicant has submitted draft documents for County review as a prerequisite to getting the Final Map approved and recorded—including: a draft Final Map with surveyor's closure calcs.; updated Title Report; draft CC&Rs and road maintenance agreement; draft easement deeds; and at least seven (7) revisions of proposed Improvement Plans detailing road, drainage, and fire suppression water system improvements. The latter issue especially has created some complications and resulted in a number of different approaches, and remains unfinished to date. More time is needed to complete the process of finalizing all the necessary improvement plans and related documents, prior to recordation of the subdivision map.

3. Staff Recommendation

Staff recommends that the Planning Commission approve the request for a four-year extension on the life of the VTM—to February 17, 2023.

4. Enclosures:

- September 7, 2018 E-mail requesting extension
- Conditionally-approved Vesting Tentative Map
- Conditions of Approval checklist, reflecting current expiration date [3 pp.]

From:	Brandon Pangman
To:	Greg Gatto
Cc:	Randy Virtue; Kathy Whitlow; Tim Beals
Subject:	RE: Project Meeting
Date:	Friday, September 7, 2018 2:03:29 PM

Greg,

That e-mail is sufficient. We will put the extension request on the next Planning Commission agenda (probably October).

Take care,

BRANDON PANGMAN
Assistant Director
Sierra County Planning Department
(530) 289-3251
bpangman@sierracounty.ca.gov

From: Greg Gatto [mailto:greg@sierralanduselaw.com]

Sent: Friday, September 07, 2018 1:57 PM

To: Brandon Pangman

Cc: Randy Virtue

Subject: RE: Project Meeting

Brandon, we'd like to request a four (4) year extension of the Berry-Virtue Vesting Tentative Map (File No. 1511) pursuant to Gov. Code §§ 66452.6(e) & 66498.1(c). Please let me know whether the request by email suffices, or if you need something more formal.

We are working on responding to the last round of comments on the improvement plans, and hope to be able to schedule a meeting to discuss soon.

Thanks,

Greg

From: Brandon Pangman <bpangman@sierracounty.ca.gov>

Sent: Tuesday, August 21, 2018 11:47 AM

To: randy@virtuemasonry.com

Cc: Greg Gatto <greg@sierralanduselaw.com>

Subject: RE: Project Meeting

Randy,

I requested availability times from Director Beals….no response yet. (He is in Loyalton today for a Board of Supervisors meeting.)

Also, I checked on the "life" of your Vesting Tentative Map: it is currently set to expire if not recorded by 2/17/19. So be sure to request an extension in writing before that date if you need more time (once it expires you have to start all over again). According to our files, you have up to 4 additional years of potential extensions left.

I will be in touch when I have some dates from Tim Beals.

BRANDON PANGMAN
Assistant Director
Sierra County Planning Department
(530) 289-3251
bpangman@sierracounty.ca.gov

From: randy@virtuemasonry.com [mailto:randy@virtuemasonry.com]

Sent: Tuesday, August 21, 2018 11:08 AM

To: Brandon Pangman <bpangman@sierracounty.ca.gov>

Cc: Greg Gatto <greg@sierralanduselaw.com>

Subject: Project Meeting

Hello Brandon

Good talking with you yesterday. As discussed please give me some dates to work with. I will have Greg Gatto, Dave Long from Lincoln & Long, and Steve Alfred there. If anyone else would be helpful let me know. I'm looking forward to this meeting so that we can all come together and finally complete our project. We want to start and finish the on-site improvements as soon as weather conditions allow in 2019.

Thanks

Randy Virtue
Virtue Masonry, Inc.
8104 Peerless Ave.
Orangevale, Ca 95662
Ph: (916)988-3100 Cell: (916)712-1053

Randy & Anna Berry Virtue
8104 Peerless Avenue
Orangevale, CA 95662
(916) 988-3100

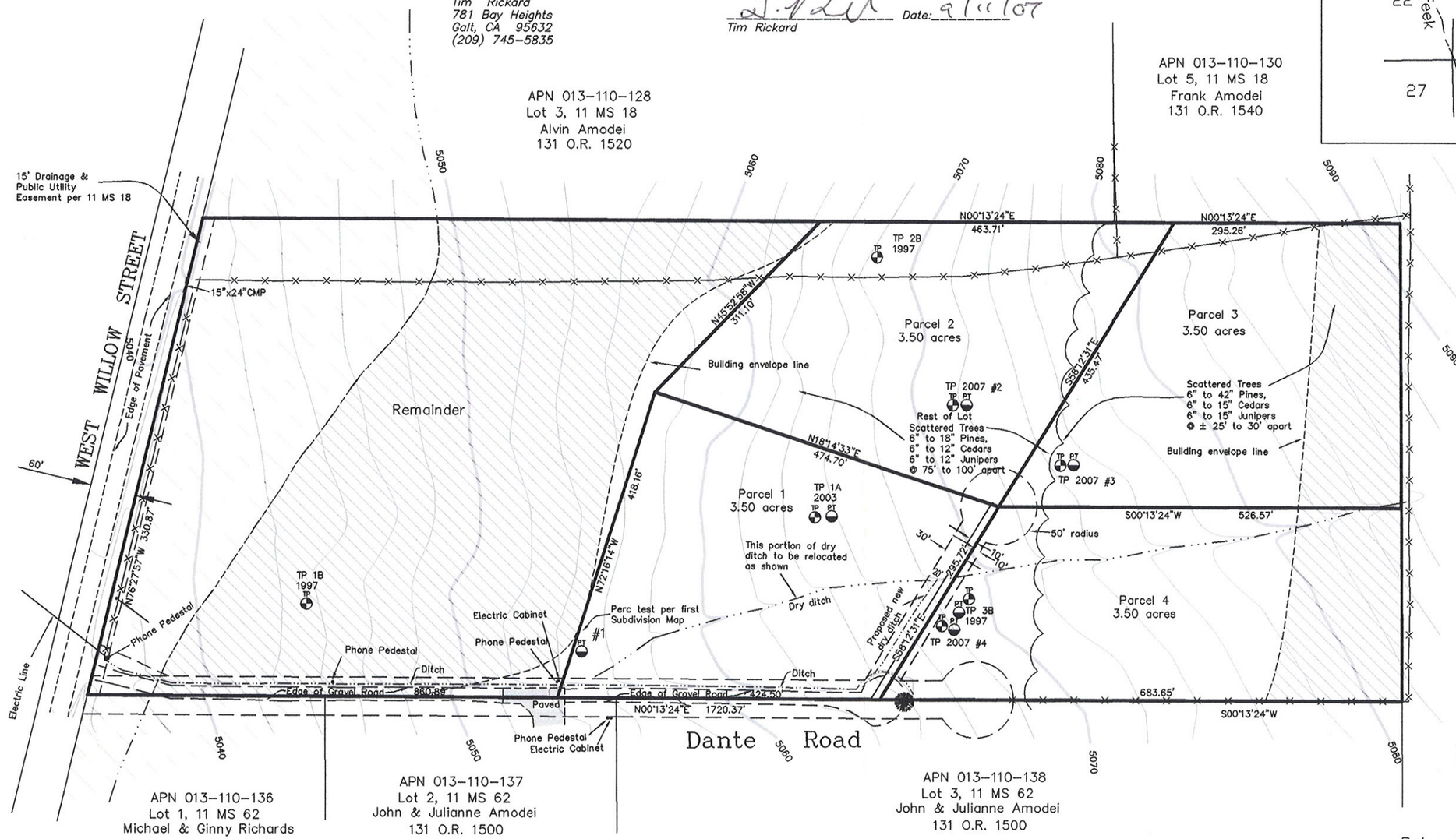
Debra Scott
10220 Lowell St.
Elverta, CA 95626
(916) 991-7812

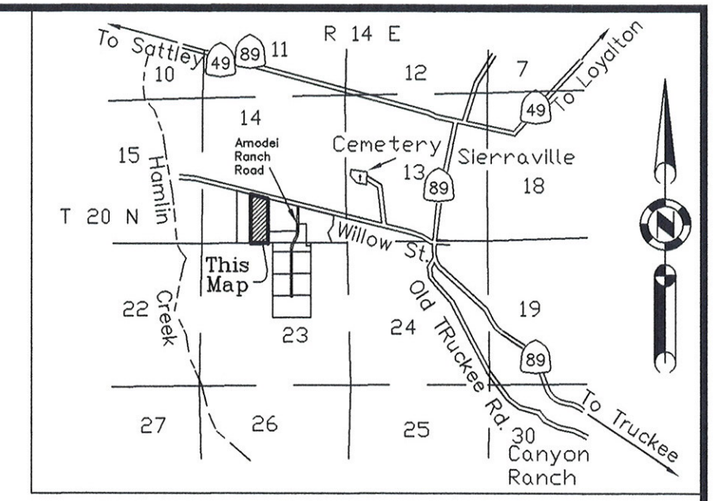
Sue Reeder
8442 Putcie Lane
Roseville, CA 95661
(916) 772-1382

Tim Rickard
781 Bay Heights
Galt, CA 95632
(209) 745-5835

Randy Virtue Date: 9/15/07
Anna Berry Virtue Date: 9/15/07
Debra Scott Date: 9/15/07
Sue Reeder Date: 9/15/07
Tim Rickard Date: 9/11/07

100 50 0 100 200
1" = 100'
Reduced Copy Not to Scale





LOCATION MAP

Lot 2 is currently zoned PD-5/OS/AG with General Plan designation R-PD-5 to 10 per Ordinance No. 932, PDSP District, which would make the proposed Parcel Map consistent with the proposed zoning.

LICENSED LAND SURVEYOR
JOHN L. OWEN
Exp. 9-30-08
L.S. 5620
STATE OF CALIFORNIA
8-30-07

APPROVED

Vesting (2-of)
Tentative Map
for
Randy & Anna Berry Virtue,
Debra Scott, Sue Reeder,
and Tim Rickard

Being Lot 2, Amodei Ranch Subdivision, 11 MS 18
Located in Section 23, T. 20 N., R. 14 E., M.D.M.
Sierra County – California
Scale 1" = 100' August, 2003

Prepared by
HAMBY SURVEYING INC.
P.O. Box 1209
Portola, CA 96122
Phone (916) 832-5571

LEGEND

Areas of Potential Inundation per Gray & Associates, Inc. Amodei Ranch Improvement Plans, Sheet No. 4 Additional Information Map, on file at the Sierra County Public Works Department.

Agricultural District–"A1" as shown on Official County Zoning Map, Amodei Project– County Ordinance 932 Effective Date April 26, 2002

Source of Topography – Field Survey with assumed datum
Fire – Sierraville Volunteer Fire Department
Power – Plumas Sierra Rural Electric
Phone – Pacific Bell
Present & Proposed Use – Residential
Water – Individual Wells
Sewer – Individual Septic Tanks

03176-4Lots 3half cluster rev5-10-07

Sierra County Planning Department

Conditions of Approval

Planning Director Certification

PD FILE No.:	1511	
APPLICANT:	Randy & Anna Berry Virtue, et al	
PROJECT:	Berry Virtue Subdivision - ZA & VTM	
APPROVED:	Feb. 17, 2009	☐Admin. ☐ P.C. ☒ B.o.S.
EXPIRES:	~~*Feb. 17, 2017*~~	
EXTENDED:	*Feb. 17, 2019*	

Condition Satisfied?	Conditions	Comments
☒	1. The development approved by this action is a *zone amendment* and a *vesting tentative map* as represented in Planning Staff Rec. no. 1088, and the final map shall be in substantial conformance with the approved vesting tentative map (VTM). Vesting of development rights shall be in substantial compliance with the ordinances, policies, and standards in effect at the time the application for approval of the VTM was deemed complete by the County—to wit: *February 3, 2008.* The approval of the proposed project is conditioned upon compliance with all conditions of approval, including all mitigation measures of the mitigated negative declaration (as amended and adopted by the Board of Supervisors), and *the landowners (applicants) shall be responsible for providing evidence to the Planning Department that all project conditions have been satisfied.* The final map shall not be recorded until all conditions have been met.	O.K. – standard condition
☒	2. The zone amendment shall be amending County Ordinance 1003 (affecting Ord. 932) and the amendment shall be confined to allowing an increase in density of two residential building sites (from two to four) on Lot 2 of the Amodei Ranch Subdivision as shown in 11-M.S.-18; all other terms of County Ordinances 932 and 1003	O.K.

	shall remain in full force and effect.	
	3. The applicant shall be responsible for payment of all fees and costs associated with the approval of the project as follows:	
☒	a. The required Department of Fish and Game filing fee shall be provided to the County Planning Department within five (5) days of approval of the project by the Board of Supervisors; and,	Sufficient funds on deposit; paid.
☐	b. The balance, if any, of actual County costs as represented in a final accounting statement shall be paid in full prior to the recording of the final map	TBD prior to recordation of Final Map
☐	c. All requirements of the County Treasurer-Tax Collector including the payment of required taxes and any liens affecting the property as is required by the Subdivision Map Act and County Ordinance prior to recordation of the final map.	
☐	4. All mitigation measures adopted by the County in conjunction with this project are hereby incorporated and made conditions of approval. Where discrepancies exist, if any, the conditions of approval shall supersede.	See MMRP
	5. Easements shall be required (and where separately recorded, clearly referenced) and shown on the final map for all of the following:	
☐	a. For the existing cul-de-sac on Dante Road affecting proposed lots #1 and #4;	
☐	b. For the proposed extension of Dante Road to the southeast and the new cul-de-sac rights-of-way, as necessary, to ensure legal access to all proposed parcels;	
☐	c. For drainage;	
☐	d. For underground public utilities;	
☐	e. A “snow storage easement” shall also be required for the new and existing cul-de-sacs;	
☐	f. A “fire water easement” for installation and maintenance of tank and distribution facilities shall be required near the turn-around (cf, COA#6c, below). The fire protection system easement/s shall be granted to the Homeowners’ Association in accordance with the Subdivision Map Act (GC §66349[c]).	
☐	g. Existing easements of record affected by this project, if any, shall be modified; and all existing easements of record affecting the 23.51acre parcel shall be shown and referenced on the final map.	

	6. Subdivision improvements shall be required as follows:	
☐	a. Dante Road is a private road and the road and cul-de-sac shall be extended as represented on the vesting tentative map to provide sufficient access and subdivision improvements to proposed parcels. The improvement standard for the extension of the road and cul-de-sac shall be consistent with the improvement standards for Dante Road currently in existence for the previous subdivision, at a minimum, plus satisfaction of any CalFire requirements pursuant to PRC 4290. (The previous subdivision improvement plans for the existing alignment of Dante Road are on file with the County Planning Department.)	
☐	b. Improvement Plans shall include: drainage calculations to account for the relocated "dry ditch"; the new cul-de-sac access; and extending the existing Dante Road drainage, underground utility, and road improvements.	
☐	c. A single, 10,000 gallon capacity self-filling water storage tank for fire suppression use shall be installed, including all pipelines and appurtenances, and these facilities shall be placed underground within easements for such purpose. The location of the tank shall either be within the Dante Road right of way (near the cul de sac) or within additional right of way that will be contiguous to Dante Road and in a location approved by CalFire and Sierra County Fire Protection District. All fixtures and plumbing shall meet the requirements of both agencies. Alternatively, if the owners/subdividers wish to consider other means of providing equal or better water supply to the proposed parcels than a single 10,000 gal. tank, the following fire hazard mitigation may be substituted: NFPA (National Fire Protection Association) Section 1142 entitled "Standard on Water Supplies for Suburban and Rural Fire Fighting-2001 Edition" provides alternative measures to provide water supplies on-site and how delivered. Subdivider shall submit improvement plans with a fire suppression system design consistent with NFPA 1142 guidelines, prepared by a California-licensed engineer, and either install such improvements in accordance with the County-approved design, or bond for such improvements and install same within twelve months from the date of recording the Final Map, subject to any extensions granted by the Department of Public Works, consistent with the County Code and as authorized by law. Associated	

	tank/s and pipelines shall be placed underground to avoid freezing conditions and shall, at a minimum, contain the same requirements as required above for the required tank and distribution facilities. Easements necessary to accommodate fire suppression facilities and provide for their long-run maintenance shall be granted and shown on the Final Map. CC&Rs shall include provisions for an agreement between the property owners/ homeowners to maintain the fire suppression water system in good working order in perpetuity.	
☐	d. The improvements required herein shall either be constructed in accordance with approved plans prior to recordation of the final map or the improvements shall be bonded and secured with approved security and a subdivision improvement agreement requiring the improvements to be constructed within twelve (12) months of recording of the final map. No construction is to commence until full improvement plans, prepared by an engineer licensed in the State of California, have been reviewed and approved by the County Engineer and Planning Department. Improvement plan content, improvement security, improvement security release, inspection of improvements, and acceptance of improvements shall be required as stated in the Sierra County Code related to subdivisions (Part 23).	
☐	7. Private Conditions, Covenants, and Restrictions shall be prepared and shall run with the land which contain, at minimum, the content of the mitigation measures designated within the adopted mitigated negative declaration and the following:	
☒	a. A homeowners maintenance agreement shall be required to be in place and executed for maintenance and operation of the fire protection system and facilities.	
☐	b. Any existing road maintenance agreement affecting Dante Road shall be amended to include the additional parcels being added to the use of the road	
☐	c. All information required to be placed on the AIM (to provide duplication and additional assurance that future owners will have full disclosure of property restrictions).	
☒	d. A requirement that during any construction activity, in the event any paleontological or cultural artifacts, or unusual amounts of bone, stone, or shell are uncovered, all construction activity shall immediately stop and the planning department shall receive immediate notification. Activity shall cease until a qualified archeologist is consulted for proper	

	evaluation and protocols for proper treatment of the resource are implemented.	
☒	e Notification that the 9.5 acre remainder piece has been restricted under a conservation agreement and that it is to remain open space and free from future development, consistent with County ordinance no. 932, as amended.	
☐	8. The applicant shall provide an additional information map ("AIM") to be recorded simultaneously with the final map defining the parameters for development of the property and the information identified below shall be provided on the AIM and shall be binding on the use and development of the property:	
☐	a. All mitigation measures as identified in the approved mitigated negative declaration (as amended) and mitigation monitoring plan	
☐	b. Exclusion areas and all areas of avoidance as required in the mitigated negative declaration (cultural sites, wetlands, biological areas of importance).	
☐	c. Statement that the development of the property shall meet minimum requirements of CalFire per PRC Section 4290 and all compliance shall be satisfied as part of any building permit issued for the properties.	
☐	d. A statement identifying that the maximum residential density allowed shall be one residence per parcel and all other terms of County Ordinance 932 shall be in full force and effect for the project.	
☐	e. A statement that any residence, appurtenant structure, or other utility service shall be served by underground facilities.	
☐	f. Delineation of the location and dimensions of the area that is suitable for sewage disposal based upon the location of the testing done. (The sewage disposal area identified must be at least large enough to accommodate a typical 3-bedroom residence and 100% repair area, per comments by the Sierra County Health Dept., memo dated Dec. 5, 2008; ref. Appendix C-9 to staff rec. 1088).	
☐	g. A statement that outdoor lighting fixtures shall be designed and placed on any structure so as to prevent the escape of light above the horizontal plane of the light fixture; flood lighting of the site is prohibited.	
☐	h. A statement that physical situs address identification shall be required and installed having three (3) inch high, reflective numerals/letters on a background with a contrasting color and mounted on a post within easy identification of the main access to the individual parcels.	
☐	i. A statement that the designated 9.5 acre Remainder is	

	to remain open space and free from future development, consistent with County ordinance no. 932, as amended.	
☒	9. The applicant shall have the "dry ditch" as shown on the tentative map reviewed by the Sierra Valley Watermaster (DWR) prior to any disturbance and shall provide written evidence from the watermaster that he or she considers the ditch abandoned and acknowledges that there is no use or right associated with the ditch for any irrigation purpose. (The watermaster was consulted and received a copy of the mitigated negative declaration and has offered no comment; ref. Appendix C-2 to staff rec. 1088.) If it is determined that the ditch is functional or can be made functional by any water right holder as determined by the watermaster, then permission from the right holder to relocate the ditch shall be obtained in writing with copy provided to the Planning Department; and the areas within 100 feet on both sides of the ditch (whether relocated or not) shall then be maintained as open space and be prohibited from the construction of any buildings or structures; this condition, <u>if applicable</u>, shall be shown on the additional information map (AIM).	*Watermaster letter dated 4/7/09 received on 12/7/10: "OK"*

PLANNING DIRECTOR'S CERTIFICATION

The Sierra County Planning Director or his designee hereby certifies that all conditions placed on the approved project identified above have been satisfactorily complied with.

_____ _____

Sierra County Planning Director Date
Or Designee (include official Title)