# ADU Ordinance Update

ORD25-0004

Board of Supervisors

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December 9, 2025

permit SONOMA

# Objectives

**This Ordinance will:**

- <u>Maintain compliance with State ADU Law</u>
  - Housing Element Subprogram 15b
  - Senate Bill 1211 (2024) & Assembly Bill 2533 (2024)
  - Ordinance review letter from the California Department of Housing and Community Development (HCD)
- <u>Encourage production and retention of ADUs and JADUs</u>
  - Supports General Plan goals, policies, and programs

# State ADU Law Overview

**Key Government Code Sections**

- **State-mandated minimum allowances** for ADUs & JADUs (Section 66323)
- Parameters for an **optional allowance** of ADUs beyond those described in Section 66323 (Section 66314)
- Authorizes local agencies to adopt **less restrictive requirements** for ADU creation (Section 66325)
- Permitting and protections for **unpermitted ADUs/JADUs** created prior to 2020 (Section 66332)

# HCD Direction

**State Department of Housing and Community Development (HCD) comments addressed by this Ordinance:**

- Objective standards applicable to State-mandated ADUs & JADUs
- Provisions for permitting unpermitted ADUs & JADUs
- Definitions
- Denial procedures
- Interactions with Agricultural Employee Dwelling Units
- Riparian Corridor applicability
- Height limits
- Lot coverage standards
- Standards specific to Affordable ADUs
- Fire sprinkler requirements

**To be addressed separately:**

Z ADU Exclusion Combining District

# Additional Changes

Other conflicts with State ADU Law:

- Front setbacks
- Parking
- Net Zero Groundwater Use Requirements

Recommended changes:

- Flexible ADU types
- Simplification of ADU height limits to 35 feet

# Planning Commission Recommendation

**October 2, 2025, Planning Commission Hearing**

- Unanimous vote recommending:
  - Board approval of the proposed Ordinance
  - Adoption of the CEQA determination
- Asked the Board to consider the following:
  - Building envelope enforcement
  - Opportunities to confirm water capacity for new ADUs
  - Limitations on primary dwellings as vacation rentals when ADU present
  - Assessment of existing unpermitted units

# Post-Planning Commission Revision

**AB 1154 (2025) – Takes effect January 2026**

- Prohibits owner-occupancy requirement for JADUs with independent sanitation facilities

**Revision to proposed Sec. 26-24-190 (C)(1)(b):**

b. The owner of the property must reside in either the JADU or the remaining portion of the single-family dwelling~~. Owner Occupancy is not required if the owner is a governmental agency, land trust, or housing organization.~~, unless either:

(1) The JADU includes sanitation facilities that are separate from the single-family dwelling; or

(2) The owner is a governmental agency, land trust, or housing organization.

# General Plan Consistency & CEQA

**Proposed amendments are…**

- ✓ <u>Consistent with the General Plan</u>
  - Housing Element
  - Water Resources Element
  - Open Space and Resource Conservation Element

- ✓ <u>Statutorily exempt from the California Environmental Quality Act (CEQA)</u>
  - Public Resources Code Section 21080.17: Adoption of an ordinance to implement State provisions for ADUs and JADUs is exempt from CEQA

# Staff Recommendation

**Adopt a resolution recommending that the Board of Supervisors:**

1. Adopt the proposed ordinance amending Sonoma County Code Chapter 26 (Zoning Code) pertaining to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) for compliance with State ADU Law and to support General Plan goals, policies, and programs; and

2. Find the proposed ordinance statutorily exempt from CEQA.

# Reference Slides

## Allowances Required by the State

| Primary dwelling type: | Single-Family Dwelling | Multifamily Dwelling | |
|---|---|---|---|
| | Existing or Proposed | Existing | Proposed |
| **Conventionally permitted ADUs & JADUs per lot – any combination permitted** | | | |
| JADU | One (1) JADU | - | - |
| ADU attached to an existing primary dwelling or accessory structure | - | - | - |
| Detached, new construction ADU | One (1) ADU | Eight (8) ADUs but not exceeding the number of existing primary units on the lot | Two (2) ADUs |
| ADU converted from an existing accessory structure | One (1) ADU | | |
| ADU converted from existing space within a primary dwelling structure | | At least one (1) ADU or up to 25% of existing primary units on the lot –must be converted from non-livable space | - |
| ADU attached to a proposed primary dwelling | | - | - |
| **Unpermitted ADUs & JADUs per lot (Gov. Code Sec. 66332) – additional and/or in place of above** | | | |
| ADUs or JADUs | As many as eligible | As many as eligible | |

## Allowances Proposed

| Primary dwelling type: | Single-Family Dwelling | Multifamily Dwelling | |
|---|---|---|---|
| | Existing or Proposed | Existing | Proposed |
| **Conventionally permitted ADUs & JADUs per lot – any combination permitted** | | | |
| JADU | One (1) JADU | - | - |
| ADU attached to an existing primary dwelling or accessory structure | Two (2) ADUs | Eight (8) ADUs but not exceeding the number of existing primary units on the lot | Two (2) ADUs |
| Detached, new construction ADU | | | |
| ADU converted from an existing accessory structure | | | |
| ADU converted from existing space within a primary dwelling structure | | At least one (1) ADU or up to 25% of existing primary units on the lot –must be converted from non-livable space | - |
| ADU attached to a proposed primary dwelling | | - | - |
| **Unpermitted ADUs & JADUs per lot (Gov. Code Sec. 66332) – additional and/or in place of above** | | | |
| ADUs or JADUs | As many as eligible | As many as eligible | |