

ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS — ORDINANCE UPDATE

Katrina Braehmer, Project Manager
September 14, 2021

Zoning Code Modernization Program

- Phase 1 and 2:
 - ▣ Reformatting of existing code, minor changes to comply with state and federal laws
 - ▣ Approved in February 2021
- Phase 3:
 - ▣ Intended to simplify application processes and reduce processing timelines



What are ADUs and JADUs?

- Dwelling units allowed in conjunction with primary single- or multifamily dwellings
- JADUs created from space in a single family residence, have an efficiency kitchen, and may share bathroom facilities with the primary dwelling
- ADUs generally limited to 1,200 sf, JADUs to 500 sf



Background

- 2017 – last major changes to ADU and JADU ordinance
 - ▣ Ministerial with 120 day review period
 - ▣ Increased unit size limit from 800 sf to 1000 sf
- 2018 – expanded size limit to 1,200 sf
- 2019 – removal of Z Combining District (ADU Exclusion) from 2000 ag. parcels countywide
- 2020 – changes to state law went into affect
 - ▣ County's ordinance null & void

Permit Requirements

POLICY	COUNTY'S EXISTING REGULATIONS	PROPOSED ORDINANCE IN COMPLIANCE STATE LAW
Permit Requirements	<ul style="list-style-type: none"> • A zoning permit and building permit are required. • ADU and JADU applications are processed within 120 days of submittal of a complete application. 	<ul style="list-style-type: none"> • Only a ministerial building permit is required. • ADU and JADU applications are processed within 60 days of submittal of a complete application.
Minimum Lot Size	<ul style="list-style-type: none"> • Tiered floor area standards apply based on the type of water and sanitation service available and the lot size. • ADUs that do not the minimum lot size are subject to a discretionary process. 	<ul style="list-style-type: none"> • No minimum lot size is required.
Multifamily ADUs	<ul style="list-style-type: none"> • ADUs on lots with multifamily structures are prohibited. 	<ul style="list-style-type: none"> • ADUs are permitted on lots with existing or proposed multifamily dwellings.

Development Standards

POLICY	COUNTY'S EXISTING REGULATIONS	PROPOSED ORDINANCE IN COMPLIANCE STATE LAW
Conversions	<ul style="list-style-type: none"> Development standards apply uniformly to ADUs. 	<ul style="list-style-type: none"> ADUs constructed entirely by the conversion of existing space in a single-family residence or legally permitted residential accessory structure are exempt from development standards.
Development Standards – Yard Size	<ul style="list-style-type: none"> Base zoning district setbacks apply, except that a reduced rear-yard setback of five feet is allowed in General Plan-designated Urban Service Areas within the RR (Rural Residential), R1 (Low Density Residential), R2 (Medium Density Residential), and R3 (High Density Residential) zoning districts. 	<ul style="list-style-type: none"> Four-foot side- and rear-yard setbacks apply to ADUs created by new construction. No setback is required for ADUs created by conversion of existing legally established space in a primary residence or accessory structure.
Development Standards – Exemptions	<ul style="list-style-type: none"> The size of an ADU is limited by lot coverage. 	<ul style="list-style-type: none"> Any development standard, such as lot coverage, that would preclude development of an ADU at least 800 square feet in size, 16 feet in height, with four-foot side- and rear-yard setbacks may not be applied.

Design Standards

POLICY	COUNTY'S EXISTING REGULATIONS	PROPOSED ORDINANCE IN COMPLIANCE STATE LAW
Design Standards	<ul style="list-style-type: none">• ADUs must be similar or compatible with the primary residence in terms of certain architectural criteria, and building materials and colors.• ADUs within the SR (Scenic Resource), HD (Historic District), and LG (Local Guidelines) Combining Districts are required to meet the provisions of those districts.	<ul style="list-style-type: none">• Only objective design standards may be applied.



Other Changes

POLICY	COUNTY'S EXISTING REGULATIONS	PROPOSED ORDINANCE IN COMPLIANCE STATE LAW
Replacement Parking	<ul style="list-style-type: none"> Replacement parking is required if a garage or carport was demolished or converted in conjunction with construction of an ADU. 	<ul style="list-style-type: none"> ADUs created by the conversion of a garage, carport, or covered parking structure are not required to provide replacement parking.
ADU Prohibitions	<ul style="list-style-type: none"> ADUs on a property subject to a Williamson Act contract are prohibited. 	<ul style="list-style-type: none"> Removes the Zoning Code prohibition of ADUs on contracted land. The County's Uniform Rules for Agricultural Preserves and Farmland Security Zones is the regulatory document for uses on contracted land. The current Uniform Rules prohibit ADUs on properties subject to a Williamson Act contract.
JADU Requirements	<ul style="list-style-type: none"> JADUs must be created through conversion of an existing bedroom in the primary single-family residence, with internal access between the JADU and primary residence. 	<ul style="list-style-type: none"> JADUs may be created within the space of a proposed or existing single-family residence. Internal access between the JADU and the single-family residence is not required.

Ordinance Revision

- Necessary modification to comply with State law and maintain the County's existing height standards for ADUs attached to accessory structures
- Staff recommended modification to proposed Section 26-88-060(h)(4)(iii):
Attached to or converted from the entirety of or a portion of an accessory structure: On lots with single family or multifamily dwellings, the ADU shall be limited to the height limit for accessory structures established by the base zoning district, except that the maximum allowed height shall not be less than 16 feet. ~~current height of the accessory structure, or 16 feet for new construction.~~ An ADU created through the conversion of an existing accessory structure may include an expansion of no more than 150 square feet beyond the physical dimensions of the existing structure to accommodate ingress and egress. In General Plan-designated Urban Service Areas, and where the unit is proposed to be located above an accessory structure, the maximum height shall be that established for the primary dwelling in the base zoning district.
- The modification merely clarifies language and does not change the intended outcome considered and recommended by the Planning Commission

Recommendation

Approve a resolution finding that the proposed ordinance is statutorily exempt from CEQA under Public Resources Code 21080.17, and adopt the ordinance repealing and replacing Sections 26-88-060 and 26-88-061 **as modified**, and amending relevant sections of Articles 4, 10, 12, and 24 of the Sonoma County Zoning Code.