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## Zoning Code Update to Address State Mandated Changes to Accessory Dwelling Units

### **Background**

In October of 2019, Governor Newsom signed into law a suite of bills encouraging development of Accessory Dwelling Units (also known as ADUs, granny units, or secondary units). The resulting changes to State statute that took effect January 1, 2020 limited the ability of local jurisdictions to regulate ADUs and resulted in portions of the Zoning Code becoming noncompliant.

To address this situation while a formal amendment package could be developed, the Office of Planning and Environmental Review (PER) developed a set of interim guidelines that provided direction for County staff and applicants in this interim period.

The Board initiated a Zoning Ordinance Amendment to address ADUs on April 21, 2020 and were provided the interim guidelines at that hearing to frame the intent of the Update. This document provides a project description of the proposed Zoning Code Update package.

### **Summary of Key Amendments**

#### *Inclusion of JADUs as a Use Category*

A major amendment is the addition of Junior Accessory Dwelling Units (JADUs). In concept, a JADU is a small (less than 500 square feet) residential unit that is contained completely within a primary dwelling and provides the resident a certain level of independence from the primary dwelling. These independent living features must include a separate exterior access and an efficiency kitchen. Bathroom facilities may be included in the JADU or shared with the primary dwelling. However, it is expected that in most cases, the JADU resident will still need to utilize some services within the primary dwelling, such as laundry facilities and cooking facilities if the efficiency kitchen does not include an oven or cooktop. Further, State statutes do not consider them a separate living unit for purposes of fire or life protection ordinances.

The amendments would integrate JADUs into Table 3.2: Allowed Accessory Uses in Zoning Code Section 3.2.5 - Allowed Uses in All Zones, as required by State statute. Staff has also included new use standards for JADUs in Section 3.9.3.D. Per State statute, a property developed with a Single Family Dwelling or Halfplex unit may have a JADU in addition to a standard ADU.

#### *ADUs in Multifamily Residential Projects*

Another major change in use standards dictated by the new State statutes is the allowance of ADUs within multifamily residential projects. A property developed as multifamily residential may have up to two new-construction detached ADUs and existing non-habitable square footage may be converted into ADUs of up to 25% of the overall unit count.

### Guest Houses for Occasional Habitation

Staff of both the Office of Planning and Environmental Review (PER) and Building Permits and Inspections Division continue to receive regular requests to include an allowance in the Zoning Code for a detached structure that would permit overnight occupancy but not ongoing habitation. As currently written, the Zoning Code places any structure that permits occupancy, even of short duration, in the ADU category. Many homeowners do not wish to build a fully independent unit, but rather the equivalent of a guest room separate from the primary dwelling.

To accommodate this demand, the proposed amendments include expanding the category of 'Accessory Structure' to include guest houses, which are defined as detached conditioned space intended for occasional overnight use. Only one such structure would be permitted on a property, and fairly restrictive development standards are proposed in Chapter 5. While this amendment is not driven by State mandates, it seems an appropriate clarification to include in this package and will provide property owners with a full range of options to accommodate their residential needs.

### ADU and JADU Development Standards

Major development standard amendments, all required by State statute, include:

- Standards now included for JADUs.
- ADUs must have a full kitchen, JADUs must have an efficiency kitchen.
- JADUs are subject to owner-occupancy requirements for either the JADU or primary dwelling and deed restrictions prohibiting separate sale of the JADU.
- No minimum lot size required to develop ADU or JADU.
- ADUs now may be up to 850 square feet in size if one bedroom or less, 1,000 square feet in size for more than one bedroom.
- Front and side street yard setbacks remain at 20 feet and 12.5 feet, respectively, but rear and side yard setbacks reduced to 4 feet.

Finally, State statutes now limit design-related standards that may be applied to ADUs/JADUs to those that are objective. As such, some standards of Section 5.4.5.F.2 that include judgement calls related to compatibility with neighborhood design, or cohesiveness of architecture are no longer allowed and are proposed for removal.

### Next Steps

The Zoning Code Update package will be presented to the County Planning Commission for a recommendation to the Board of Supervisors this fall. We anticipate this item going to the Board of Supervisors in late fall. The complete Update package language will be available to the public once the County Planning Commission Agenda has been posted (typically the Thursday prior to the meeting).