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Summary of Proposed Code Changes

PROPOSED UPDATES TO ORDINANCE

Ordinance Section 1:

Adds a new section 18.08.332, defining Junior Accessory Dwelling Unit to include the definition as set forth in Government Code section 65852.22(g)(1).

Ordinance Section 2

Updates Section 18.08.550 to reflect that the County's long-established term "second unit" is synonymous with the State's new "accessory dwelling unit" term, and then recognizes the various types of ADUs as prescribed by the State. This section has been reworded from the last version to read more clearly.

Ordinance Section 3:

Creates new Section 18.08.551 establishing a definition of the new type of second unit labeled as "Second unit, interior." Interior Second Units are differentiated from Attached and Detached Second Units in that an interior unit is limited to the conversion of existing legally constructed spaces within a primary residence or accessory structure. Attached and detached units can include conversion, but may also include expansion or new construction.

Ordinance Section 4:

Removes antiquated code language in Section 18.10.020.A.5 which states that the Zoning Administrative is the discretionary decision maker for second units within "deep lot developments." Deep lot developments no longer exist in zoning or as a land use in unincorporated Napa County, and if they did, State law mandates that second units be non-discretionary approvals (ministerial actions) which would pre-empt a Zoning Administrator review process anyway.

Ordinance Section 5:

This section contains numerous proposed changes to zoning standards for second units and JADUs as follows:

18.104.180.A - Makes provision for JADUs and updates the code to now allow a second unit to be attached to other accessory structures, such as a free-standing garage or a barn. Presently, second units which are detached from the primary dwelling unit are not permitted to be attached to an accessory structure unless the Director grants an exception under the terms of 18.104.180.A.5 (see below). Additionally updates the code to allow JADUs and second units in the RS, RC and AW zones, and in those PD zones where the lot is designated for a single family dwelling unit.

18.104.180.A.3- Clarifies that the intent is for each lot to have either one JADU or one second unit, but not both.

18.104.180.A.4 - Relocates the 1,200 square-foot maximum size limit requirements for second units (per State law) from Section 18.104.180.C.1 and adds the 500 square foot maximum size limit requirement

for JADUs (per State law) .

18.104.180.A.5 - Modifies this section to eliminate the quasi-discretionary "exception process" allowing second units to be attached to accessory structures. Existing code requires detached second units to be freestanding structures, except that the Director can grant an exception allowing the second unit to be attached to other accessory structures if the second unit contains design features that prevent future unauthorized expansion. The new code language simplifies this section by allowing second units to be attached to other accessory structures by-right without grant of an exception. Second units will continue to include design features limiting the unit to 1,200 square feet and preventing interior access, but the code language has been significantly reduced. Also see Section 18.104.180.B.1 regarding prohibition of interior access with the attached accessory structure (to prevent illegal expansion of the accessory structure). It should be noted that no similar prohibition is included for interior second units that are part of the main dwelling unit.

18.104.180.A.6 - Augments this section to stipulate that second units will not be considered by the County to be new residential uses subject to connection fees or capacity charges for utilities [Gov. Code Section 65852.2(g)(2).] This prohibition applies only to the County and not to special districts. Additionally the updated ordinance provides that JADUs shall not be considered a separate or new dwelling unit and connection fees shall not be charged for purposes of providing water, sewer or power. [Gov. Code Section 65852.22(e).]

18.104.180.A.9, -A.10 and -A.11 - Rescinds these three sections and replaces them as follows: Existing code language in these sections would be relocated to Sections 18.104.180.B.2, -B.3, and -B.4 respectively, and new State-mandated fire sprinkler and parking provisions would occupy these sections. Under previous Building and Fire Code requirements, a requirement to install fire sprinklers has been a significant barrier to implementation of some second unit projects; primarily second units occurring within existing structures. State law does not allow fire sprinklers to be required unless they are required for the primary residence. As a result, fire sprinklers will continue to be required for second units constructed concurrent with a main dwelling in hillside locations, but will not be required when the garage of an existing residence is being converted to a second dwelling or in most other circumstances. Fire sprinkler requirements are applied by the Fire Marshall separate from zoning requirements. CalFire has issued a bulletin on this subject matter, which is attached herein for reference (see Attachment D). Section 18.104.180.A.9 further provides that JADUs shall not be considered separate or new dwelling units for purposes of fire or life safety or protection. [Gov. Code Section 65852.22(d).]

The new parking requirements in Section 18.104.180.A.10 for second units essentially mirror the parking requirements from statute [Gov. Code Section 65852.2(d), (e)]. The major change affecting unincorporated Napa County is that no additional parking can be required for new Interior Second Units. For other second units, a maximum of one space per bedroom can be required, but even this cannot be required in areas within one-half mile of a transit stop or in historically or architecturally significant districts. Generally, provision of parking spaces is not an issue nor is it a barrier to second unit

development on unincorporated properties, but these new provisions could facilitate second unit conversion within unincorporated urban neighborhoods located within the City of Napa service areas. Government Code Section 65852.22(b)(1) provides that no additional parking shall be required for a JADU.

18.104.180.A.12 - Requires recordation of a property covenant notifying future owners that the second unit cannot be sold separately from the primary dwelling or used for short-term rental. Property covenants have been used on some second unit projects previously when there has been a question of use, but with this change, a covenant will be recorded on all second unit projects.

18.104.180.B - Adds a new section establishing regulations for attached and detached Second Units, except Interior Second Units (Interior Second Units have additional requirements that are set forth in Section 18.104.180.E).

Former Section 18.104.180.B.1 – was deleted because it is no longer needed given the definition of second units in Section 18.08.550.

18.104.180.B.1- Modifies the code to prohibit second units attached to accessory units from having interior access. This is considered a necessary provision to discourage expansion of secondary dwelling units into attached accessory use space, and is consistent with long-standing County practices.

18.104.180.B.2, -B.3 and -B.4 - Relocates these sections from Sections 18.104.180.A.9, -A.10 and -A.11 with no substantive changes in text. They address minimum lot size for second units in the RS district, provision of adequate lot area for water and sewage treatment in the RC and AW zones, and provide for second units to be separately metered at the property owner's discretion.

18.104.180.C - Updates this section to reflect that its provisions do not apply to the new Interior Second Units, and implements a State requirement that Attached Second Units may only constitute a maximum of 50% of the floor area of the primary dwelling or 1,200 square-feet, whichever is less.[Gov. Code Section 65852.2(b)(1)(E).]

18.104.180.D - Modifies this section to reflect that its provisions do not apply to Interior Second Units and eliminates redundant language referencing the 1,200 square-foot size limit. Of note, the existing code language to be eliminated includes "as measured from the inside of the exterior walls." Measurement of useable floor area will continue to be taken from interior walls for zoning purposes.

18.104.180.E - Adds a new section with requirements that only apply to Interior Section Units. Such units will be allowed only in the RS and RC zoning districts and the PD zoning district where the lot is designated for a single family dwelling unit. Interior Second Units are not required to otherwise meet residential use setbacks (as noted in Section 18.104.180.B.1), and do not require additional parking

spaces [Gov. Code Section 65852.2(d)(3)].

18.104.180.F- Adds a new section with additional requirements that apply to JADUs as set forth in Government Code section 6585.22.

18.104.180.G - Adds a section that contains language mandated by State law stipulating that second units are to be administratively reviewed and approved, through a ministerial process. A decision must be made within 120 days of application. This code section will not change the second unit review process for Napa County, which currently employs an administrative building permit process.

Ordinance Section 6

Updates the parking requirement table contained in Section 18.110.030 to reference parking requirements from Sections 18.104.180.A.10 and -A.11 for second units per Government Code Section 65852.2(d) and (e), and also updates the parking requirements table to reference JADU's and waives parking for such units per Government Code Section 65852.22(b)(1).

Miscellaneous Text Changes from the last Meeting

Additional changes were made to the ordinance from the last meeting as follows:

1. Section 18.104.180.A.10- the language was modified to track more precisely the language in Government Code Section 65852.2(d) regarding tandem parking and parking in setback areas.
2. Section 18.104.180.A.11 and 18.104.180.E.4- the phrase "replaces an existing garage" is substituted for the phrase "demolishes an existing garage" with respect to parking requirements for second units.
3. Section 18.104.180.E.4 replaces the sentence "A junior accessory dwelling may include a second interior doorway for sound attenuation" as referenced in Government Code Section 65852.22(a)(5) with "A junior accessory dwelling may include two interior doors leading into the main house for sound attenuation."
4. The word "shall not" replaces the phrases "may not" in various sections of the ordinance.
5. The word "a" replaces the word "the" in various sections of the ordinance and "second unit" and "junior accessory dwelling unit" is sometimes changed to the plural form.