

ORDINANCE O2017-007

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AMENDING NAPA MUNICIPAL CODE SECTION 17.06.030 "DEFINITIONS", SECTION 17.08.020 "RESIDENTIAL DISTRICTS", SECTION 17.52.515 "VACATION RENTAL PERMITS", AND SECTION 17.54 "PARKING", REPLACING REFERENCES TO "ACCESSORY SECOND UNITS" WITH "ACCESSORY DWELLING UNITS", AND REPEALING EXISTING SECTION 17.52.015 "ACCESSORY SECOND UNITS (ASU) IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 17.52.015, "ACCESSORY DWELLING UNITS (ADU)"

WHEREAS, on May 3, 2016, the City Council adopted Ordinance No. O2016-6, as codified in Napa Municipal Code Section 17.52.015, which established regulations for Accessory Second Units; and

WHEREAS, on January 1, 2017, new laws enacted by the State of California regarding regulations of Accessory Dwelling Units went into effect and City staff prepared an ordinance to implement specified changes; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff and recommendations by the Planning Commission, and any information provided during public meetings.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Napa as follows:

**SECTION 1:** Findings. As required by Napa Municipal Code Section 17.66.080, the City Council hereby makes the following findings in support of the amendments to the zoning regulations set forth under this Ordinance:

A. The proposed amendment is consistent in principle with the General Plan.

The proposed amendments are consistent with the General Plan in that the amendments merely extend entitlements already granted which are consistent with the General Plan. Specifically, the proposed amendments are consistent with Land Use Goal LU-4, which seeks to preserve and enhance the residential character of existing neighborhoods; Housing Goal H-2, which seeks to have a variety of housing types and choices; and Housing Policy H3.5 which seeks City encouragement of Accessory Second Unit construction in residential neighborhoods throughout the City.

B. The public health, safety and general welfare are served by the adoption of the proposed amendment.

The proposed amendments are beneficial to the public health, safety and general welfare as they establish performance standards in accordance with State Law regarding regulation of Accessory Second Units.

C. If a rezoning to a district with a larger minimum lot size is proposed, effectively reducing the planned residential density, the City shall also find that the remaining sites in the Housing Element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to California Government Code section 65584; or if not, that it has identified sufficient additional, adequate and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity.

This finding is not applicable to this project because the project does not include any proposal to increase a minimum lot size nor does it eliminate any site designated in the Housing Element from future use as a housing site.

**SECTION 2:** Amendment. Napa Municipal Code Section 17.06.030 "Definitions" is hereby amended by replacing each reference to "Accessory Second Unit" included within the definitions of "Accessory Second Unit," "Alley," "Dwelling," "Dwelling, Accessory," "Living Quarter" and "Second Unit" with the term "Accessory Dwelling Unit". The definition of "Guest Room" is hereby amended to replace "detached accessory building" with "detached accessory dwelling unit."

**SECTION 3:** Amendment. Napa Municipal Code Section 17.08.010 is hereby amended by deleting the reference to "Accessory Second Units" in Subsection 17.08.010(F) and replacing it with "Accessory Dwelling Units" and Subsections 17.08.010(G) and (H) are hereby amended by deleting the references to "Second Units" and replacing them with "Accessory Dwelling Units". [NOTE: none of the other Subsections of 17.08.010 is amended by this ordinance]

**SECTION 4:** Amendment. The Land Use Regulations table set forth in Subsection 17.08.020.C "Accessory Structures, Uses" is hereby amended to delete the reference to "Accessory second units (or living quarters)" and replace it with "Accessory Dwelling Units (or Living Quarters)".

**SECTION 5:** Amendment. Napa Municipal Code Section 17.52.515.E.6.d is hereby amended to delete the reference to "accessory second unit (as defined by Section 17.52.020 of this code)" and replace it with "accessory dwelling unit (as defined by Section 17.52.015 of this code)".

**SECTION 6:** Amendment. The Parking Requirements table set forth in Subsection 17.54.040.1 "Residential Uses Outside Downtown" is hereby amended to delete the reference to "Accessory second units, guest quarters, or living quarters"

within the "Use Classification" column and replace it with "Accessory Dwelling Units." Subsection 17.54.040.1 "Residential Uses Outside Downtown" is hereby amended to delete the reference to "Section 17.52.020 (Accessory structures and uses)" within the "On-Site Parking Required" column and replace it with "Section 17.52.015 Accessory Dwelling Units (ADU)."

**SECTION 7:**        Amendment. Napa Municipal Code Section 17.54.110.A is hereby amended to delete the reference to "accessory second unit" and replace it with "accessory dwelling unit".

**SECTION 8:**        Amendment. Napa Municipal Code Section 17.54.150.B is hereby amended to delete the reference to "accessory second unit" and replace it with "accessory dwelling unit".

**SECTION 9:**        Amendment. Napa Municipal Code Section 17.54.165.B is hereby amended to delete the reference to "accessory second units" and replace it with "accessory dwelling units".

**SECTION 10:**       Amendment. Napa Municipal Code Section 17.58.020.B is hereby amended to delete the reference to "Accessory second units" and replace it with "Accessory dwelling units".

**SECTION 11:**       Amendment. Napa Municipal Code Section 17.58.040 "Referral to Planning Commission" is hereby amended to delete the reference to "accessory second units" and replace it with "accessory dwelling units".

**SECTION 12:**       Amendment. Napa Municipal Code Section 17.52.015 is hereby amended by repealing the previous language in its entirety and by adopting new language as set forth below:

**17.52.015 Accessory Dwelling Units (ADU).** Each Accessory Dwelling Unit (ADU) shall be subject to the administrative permit requirements, as set forth in Chapter 17.58; and subject to compliance with the standards set forth in this Section 17.52.015. ADUs are exempt from General Plan density requirements and lot coverage percentages.

- A.     Construction and Lot Line Setback Standards for ADU:
1.     Bedrooms: There is a maximum of two bedrooms per ADU.
  2.     Maximum floor area: The maximum ADU floor area for attached and detached ADUs is as set forth below:
    - i.     ADUs attached to an existing dwelling shall not exceed fifty percent (50%) of the existing living area, with a maximum increase in floor area of 1,200 square feet.
    - ii.    Detached ADUs shall not exceed a total area of 1200 square feet of floor space.

3. Height: No ADU shall exceed 15 feet in height. However, the Community Development Director may grant an exception for an increase in height up to the limit allowed for the principal dwelling unit.

4. Side/Rear Yards: Each attached ADU must comply with the setback requirements in the underlying Zoning District for the principal dwelling unit. A setback of no less than five (5) feet from the adjacent interior side lot line, and no less than five (5) feet from the rear lot line shall be required for a detached ADU, including an ADU constructed above a garage. No setback shall be required for an existing garage that is converted to an ADU.

5. Front and Side Setback: Each ADU must comply with the front setback and side setback requirements that apply to the principal dwelling unit within the underlying Zoning District.

6. Setback requirement from alley lot lines: An ADU may have a zero foot setback from an alley lot line.

7. One ADU is permitted per single-family lot. ADUs are not permitted on duplex, triplex, or apartment lots.

8. Existing Principal Dwelling Unit– A single-family dwelling must exist as the principal dwelling unit on the lot; or it shall be constructed prior to or concurrently with the ADU.

9. No ADU shall be used for transient occupancy, as defined by Section 17.06.030.

#### B. Parking.

1. Each ADU shall have one parking space per bedroom. For parking purposes, each studio ADU shall be considered a one-bedroom ADU. Parking spaces may be covered or uncovered, provided as tandem parking on an existing driveway, or on a paved surface in a setback or yard area.

2. Parking requirements shall be waived if the ADU is located: (1) within one-half (1/2) mile of a public transit stop; (2) in a designated historic district; (3) in part of an existing primary residence or an existing accessory structure; (4) in an area requiring on-street parking permits but they are not offered to the ADU occupant; or (5) within one block of a car-sharing pickup/drop-off location.

#### C. Conversion of Existing Structure to an Accessory Dwelling Unit.

1. Upon application, the Director may issue an administrative permit to convert an accessory structure (excluding garages) to an ADU, if the ADU is set back no less than three feet from the adjacent interior side lot line, and no less than three feet

from the rear lot line, and (c) the ADU complies with all other requirements of this Section.

2. Upon application, the Director may issue a use permit to convert a garage to an ADU, if the ADU complies with all other requirements of this Section. No setback shall be required for an existing garage that is converted to an ADU.

3. When a garage is demolished in conjunction with the construction of an ADU or converted to an ADU, the replacement parking space may be located in any configuration on the same lot as the ADU as a covered, uncovered, or tandem parking space.

4. Conversion of a non-habitable accessory structure/garage or other living space to an ADU shall meet all building codes for residential occupancy.

#### D. Design Guidelines.

1. Building materials and colors should be compatible with and complement the principal dwelling unit.

2. Windows and doors which face an adjoining residential property should be designed to mitigate potential impacts on the privacy of neighbors; alternatively, fencing or landscaping may be required to provide screening.

3. Any ADU that involves work on a historic resource must comply with the requirements of the Historic Preservation Ordinance (See Chapter 15.52, and Section 15.52.070).

#### E. Fire Sprinkler Requirements

1. ADU's shall comply with all applicable fire safety provisions of state law, as well as locally adopted building and fire codes under Chapter 15.04.
2. Under State law, in general, ADU's shall not be required to be equipped with fire sprinklers unless fire sprinkler installation is required for the primary residence.

#### F. Junior Accessory Dwelling Units

1. Junior Accessory Dwelling Units (JADUs) means a unit that is no more than 500 square feet in size and is contained entirely within an existing single-family structure.
2. JADUs shall be limited to one per residential lot zoned for single-family residences with a single-family resident already built on the lot.
3. Additional parking is not required for a JADU.
4. JADUs shall meet the following requirements:

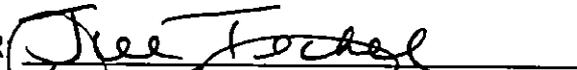
- i. Owner-occupancy: The property owner shall reside in either the primary residence or the junior accessory dwelling unit.
- ii. Construction requirements. A JADU shall be constructed within the existing walls of the existing single-family structure, and shall include an existing bedroom within the structure.
- iii. Access: The JADU shall include a separate entrance from the main entrance to the primary residence, with an interior entry to the main living area. A JADU may include a second interior door for sound attenuation.
- iv. Provide an efficiency kitchen, which shall include all of the following:
  - 1. A sink with a maximum waste line diameter of 1.5 inches.
  - 2. A cooking facility with appliances that do not require electrical service greater than 120 volts, natural gas, or propane gas.
  - 3. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
- v. Recordation of a deed restriction, which shall run with the land, shall be filed with the City and include:
  - 1. A prohibition on the sale of the JADU separate from the sale of the primary residence, including a statement that the deed restriction may be enforced by future purchasers.
  - 2. A restriction on the size and attributes of the JADU that conforms with this Section.

**SECTION 13:** Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 14:** Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

MAYOR



ATTEST:



CITY CLERK OF THE CITY OF NAPA

STATE OF CALIFORNIA }  
COUNTY OF NAPA } SS:  
CITY OF NAPA }

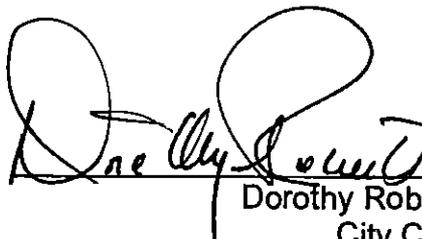
I, Dorothy Roberts, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 21<sup>st</sup> day of February, 2017, and had its second reading and was adopted and passed during the public meeting of the City Council on the 7th day of March, 2017, by the following vote:

AYES: Sedgley, Inman, Gentry, Mott, Techel

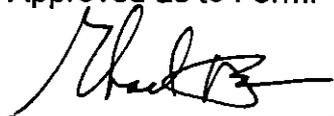
NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:   
Dorothy Roberts  
City Clerk

Approved as to Form:



Michael W. Barrett  
City Attorney