



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 2/11/2020

Agenda Placement: 6FF

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Silva Darbinian for Jeffrey Brax - County Counsel
County Counsel

REPORT BY: Meredith Trueblood, PARALEGAL - (707) 259-8152

SUBJECT: 2020 Accessory Dwelling Unit Ordinance

RECOMMENDATION

Second reading and adoption of an ordinance to conform County Zoning regulations with State Law as they pertain to Accessory Dwelling Units and Junior Accessory Dwelling Units amending Sections 18.08.332 (Junior Accessory Dwelling Unit), 18.08.550 (Second Unit), 18.08.551 (Second Unit, Interior), 18.104.180 (Junior Accessory Dwelling Unit and Second Unit) and 18.110.030 (Number of Parking Spaces Required); and amending the code to allow Junior Accessory Dwelling Units in the AP Zoning District; amending Section 18.28.030, 18.32.030, and 18.34.030 (Uses Permitted Upon Grant of a Use Permit) relating to Commercial Accessory Dwelling Units; and amending Section 13.15.010 (Minor Improvement) relation to Junior Accessory Dwelling Units.

ENVIRONMENTAL DETERMINATION: Pursuant to Public Resources Code section 21080.17, the adoption of this ordinance implementing Government Code section 65852.2 is exempt from the California Environmental Quality Act. The adoption of the ordinance implementing Government Code Section 65852.22 for junior accessory dwelling units is exempt under CEQA Guidelines Section 15303, conversion of small structures, in that it permits only one junior accessory dwelling unit on any parcel, which must include an existing bedroom within an existing single family home with only minor exterior alterations to allow access and limited utility service.

EXECUTIVE SUMMARY

In 2017, the Board of Supervisors adopted a comprehensive update of secondary dwelling unit zoning regulations to comply with significant changes in State Law enacted in 2016 directed at addressing Statewide shortages in housing availability. The 2016 legislation significantly limited local agencies' ability to restrict secondary dwelling unit development within residential districts. The legislation also introduced the terms "Accessory Dwelling Units" (ADUs) and "Junior Accessory Dwelling Units" (JADUs) into planning and zoning lexicon, which are now used interchangeably with the term "secondary dwelling unit." With the Statewide housing crisis continuing, last year the legislature enacted six new bills, Assembly Bill (AB) 68, AB 881, Senate Bill (SB) 13,

AB 587, AB 670, and AB 671, with the goals of reducing processing timelines, limiting owner-occupancy requirements, and further restricting local agencies' ability to regulate ADU and JADU development.

The proposed ordinance changes attached to this report will bring County regulations into conformance with the new State legislation. Existing County Code is largely already in compliance with the new laws as the County has encouraged ADU development for many years and has not historically imposed many of the local restrictions that have now been extinguished or significantly curtailed by the State. Since Code revisions were necessary, staff has also taken the opportunity to clarify existing code language to improve general functionality.

The Planning Commission held a public hearing on January 15, 2020, and forwarded a recommendation that the Board adopt the ordinance. The Board of Supervisors held a public hearing on February 4, 2020. After discussion, the Board unanimously passed a motion of intent to adopt the Ordinance. Today the matter is set for a second reading and adoption. The Ordinance will become effective 30 days after adoption.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?

No

County Strategic Plan pillar addressed:

Collaborative and Engaged Community: Collaborate with local, state and federal partners to create opportunities for development of affordable and accessible housing.

Action Item 3B. Expand the Junior Accessory Dwelling Unit (JADU) loan program to include Accessory Dwelling Units and allow (JADUs) in the Agricultural Preserve.

ENVIRONMENTAL IMPACT

Pursuant to Public Resources Code section 21080.17, the adoption of this ordinance implementing Government Code section 65852.2 is exempt from the California Environmental Quality Act. The adoption of the ordinance implementing Government Code Section 65852.22 for junior accessory dwelling units is exempt under CEQA Guidelines Section 15303, conversion of small structures, in that it permits only one junior accessory dwelling unit on any parcel, which must include an existing bedroom within an existing single family home with only minor exterior alterations to allow access and limited utility service.

BACKGROUND AND DISCUSSION

In 2019, the State legislature enacted six bills specific to Accessory Dwelling Units (ADUs) with the goals of reducing processing timelines, limiting owner-occupancy requirements, and generally limiting local agencies' ability to regulate ADU development. The six bills were AB 68, AB 881, SB 13, AB 587, AB 670, and AB 671. All bills became effective on January 1, 2020. The attached final version of the 2020 ADU Ordinance will bring Napa County Zoning Code into compliance with the new legislation.

In general, existing County Code is largely already in compliance with the new laws as the County has previously not historically imposed many of the secondary unit zoning restrictions that are now no longer permissible under

State law. Since Code revisions were necessary, several existing code sections have been rewritten to improve general functionality, such as merging the standards for interior second units with the standards for attached second units, as the two codes sections are functionally similar.

Board of Supervisors Action

The Board of Supervisors held a public hearing on February 4, 2020. After discussion, the Board unanimously passed a motion of intent to adopt the Ordinance.

Upon closing the public hearing, the Board read the title, waived reading the balance of the Ordinance, and declared its intention to adopt the Ordinance at the next regularly scheduled meeting. The Ordinance is now before the Board for formal adoption.

Attached for reference is the final version of the Ordinance.

Recommendation

Staff and County Counsel recommend adoption of the Ordinance. The Ordinance will become effective 30 days after its adoption.

SUPPORTING DOCUMENTS

A . ADU Ordinance

CEO Recommendation: Approve

Reviewed By: Leigh Sharp