

Accessory Dwelling Units (ADUs) – New State Law Requirements

Historic District Commission and
Planning Commission Study
Sessions – January 15, 2020



Agenda

- Introduction
- Reasons for Update
- New Rules
- Regulation Comparison
- Next Steps
- Questions



What is an ADU?

- A smaller, independent residential dwelling unit located on the same lot as a single-family home
- Also referred to as accessory apartments, secondary suites, and granny flats
- Can consist of:
 - additions to new or existing homes (attached ADU)
 - new stand-alone accessory structures (detached ADU)
 - converted portions of existing homes (Junior ADU)

What is a Junior ADU?

- A junior ADU (JADU) = small ADU
- Limited to no more than 500 sf
- Must be converted bedroom in existing home
- Must have efficiency kitchen
 - Sink and drain
 - Microwave or hot plate
- Separate or shared bathroom allowed
- Must have exterior entrance



Benefits of ADUs



- Affordable
- Built with cost-effective wood frame construction
- A source of income for homeowners
- Well suited for couples, extended families, friends, young people, and seniors
- As much living space as many newly built apartments and condominiums
- Allows seniors to age in place as they require more care



Review and Approval Process

- Permits for ADUs and Junior ADUs **must be reviewed ministerially**; no discretionary review or hearings are permitted
- Time to act on permit application:
 - **60 days from complete application** if there is an existing dwelling unit (or units) on the lot (current law provides for 120 days)
 - Exception: Concurrent with application to build new single-family dwelling, but ADU or Junior ADU permit may only be reviewed ministerially
- If complete application not acted on within 60 days, it shall be “deemed approved” (if local agency has not adopted a compliant ADU ordinance)



General ADU Standards - Location

- Must allow ADUs in areas zoned to allow residential uses (single-family or multifamily residential use) and where there is existing or proposed dwelling
- An ADU is either:
 - Attached to proposed or existing primary dwelling
 - Located within the proposed or existing primary dwelling (including garages, storage areas or similar uses, or accessory structure)
 - Detached from the proposed or existing primary dwelling and located on the same lot



General ADU Standards – Occupancy and Ownership

- Owner-occupancy requirements are **not** permitted (provision sunsets in 2025)
- No short-term rentals of ADUs
- Jurisdictions **may** allow the separate sale or conveyance of an ADU from a primary residence if it built by a qualified nonprofit organization



Additional ADU Standards

MAY impose standards for:

- Parking, height, setback, landscape, architectural review, and maximum unit size, and to prevent adverse impacts on registered historic properties

MAY NOT impose regulations regarding:

- Minimum lot sizes
- Any standard that precludes 800 sf, 16-foot high ADU with 4-foot rear and side yard setbacks

Size

- Minimum size must allow efficiency unit (150 square feet)
- Maximum must be at least 850 square feet or 1,000 square feet for ADUs with 2 + bedrooms
- Standards must be waived to permit at least one ADU that is 800 square feet, 16 feet in height, and with 4-foot side and rear yard setbacks

Setbacks

- No setbacks required for conversion of existing structure
- No more than 4-foot side and rear yard setbacks for new ADUs

Parking Requirements

- Maximum of 1 space per bedroom or ADU, whichever is less, with no parking required for efficiency or studio ADU
- Must allow tandem parking and parking in setbacks, unless specific site conditions, regional topography, or fire and life safety make this infeasible
- If existing parking area (garage or carport) is converted to an ADU, no replacement parking can be required

Parking Requirements

No parking shall be required for ADUs:

- Within ½-mile walking distance of public transit
- Within an architecturally and historically significant district
- That are part of the existing primary residence or converted accessory structure
- In areas where on-street parking permits are required but not offered to ADU occupants
- Within one block of car share vehicles

Mandatory Approval

Single-Family Zones

- One **attached** ADU or **junior** ADU with existing or proposed single-family unit
 - Expansion up to 150 square feet of existing space permitted
 - Exterior access required
 - Setbacks sufficient for fire safety

- One **detached** ADU on lots with an existing or proposed single-family unit
 - Not more than 800 square feet
 - Not higher than 16 feet
 - 4-foot side and rear yard setbacks
 - Junior ADU also allowed

Mandatory Approval

Multi-Family Zones

- Multiple ADUs within existing multi-family building
 - Conversion of space not used as livable space (e.g., storage rooms, boiler rooms, garages)
 - Must allow one or in up to 25% of existing units in building, whichever is greater

- Up to two detached ADUs on lots with existing multi-family units
 - 16-foot height limit
 - 4-foot side and rear yard setbacks

Additional Limits on Mandatory ADUs

- Jurisdiction may not require correction of nonconforming zoning conditions as condition of approval
- No fire sprinklers may be required unless they are required in the primary residence
- Must require rental term of longer than 30 days
- May require percolation test as condition to add an ADU to onsite water treatment system
- Ordinances permitting ADUs in multi-family buildings built before July 1, 2018 may enforce design, development, and historic standards on ADUs in multi-family buildings

Fees

- Impact Fees
 - ADU less than 750 square feet: No fees permitted
 - ADUs of 750 feet or greater: Fees must be charged proportionately based on primary dwelling square footage
- Connection Fees and Capacity Charges
 - Attached ADU and Junior ADU: No connection fee or capacity charge, and no direct utility connection
 - All other ADUs: Connection fee or capacity charge must be proportionate to the burden
- Cost Recovery Fees
 - Local agency may charge fees to reimburse for cost incurred to create new compliant ADU ordinance

Development Standard	Citywide Regulations (17.105)	Historic District Regulations (17.52 and 17.105)	New State Regulations
Permitted Zones	R-1-L, R-1-ML, R-1-M	Residential and mixed-use primary area and subareas	Any residential zone
Minimum Lot Size	6,000 sf	6,000 sf	None
Max Unit Size (Detached)	1,200 sf	1,200 sf	850 sf (1 BR) or 1,000 sf (2 BR)
Max Unit Size (Attached)	50% of home up to 1,200 sf	50% of home up to 1,200 sf	50% of home
Level of Approval	Ministerial (Staff Level)	Ministerial (Staff Level)	Ministerial (Staff Level)
Max. Number per SFR Parcel	1	1	2
Max City Review Time	120 days	120 days	60 days
Parking	1 off-street space/ 0 spaces near transit	0 off-street spaces	1 off-street space/0 spaces near transit. No replacement parking for garage conversions.
Setbacks	Same as rest of SF Zone; min. 5 feet	Same as rest of zone; min. 5 feet	Lot coverage does not apply. Max. setback is 4'
Height	No higher than main home or 35' whichever is lower	No more than 5' taller than main home	No less than 16'
Owner-Occupancy?	Yes	No	No; sunsets in 2025
Rental Restrictions?	None	None	No short-term rentals
Garage Conversions?	No	No	Yes

Next Steps

- Complete draft ADU Ordinance in February
- Presentation of draft Ordinance to Commissions in mid to late February
- Council review and adoption in late February or March
- Effective 30 days after adoption

Questions to Consider

- What do you like or do not like about existing ADUs in Folsom?
- Do you want additional design standards for ADUs?
- Should there be different standards for the Historic District?
- Should ADUs continue to be allowed on top of garages?
- How important is parking for ADUs?

Supplement: ADU Design Standards

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State Regulations Related to ADU Design Standards

From Gov't Code Section 65852.2:

- Impose standards on accessory dwelling units that include, but are not limited to . . . architectural review . . . and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources.
- A permit application for an ADU or JADU shall be considered and approved ministerially without discretionary review or a hearing.
- 60-day ministerial time limit for review



What is an objective design standard?

- Different from a design guideline
- No personal or subjective judgement
- Can be verified using a standard such as a specific measurement or code requirement
- Project either meets the standard or it does not

Comparison – Blank Walls

- **Design Guideline:**

- *Large, uninterrupted and unarticulated monochromatic expanses of wall should be avoided. They can be broken up with the use of color, texture and architectural elements such as windows and trim.*

- **Design Standards:**

- *Blank walls not allowed except at rear of ADU.*
- *Front and side walls must have at least one window on each side.*
- *Front and side walls must also include trim around windows.*
- *Trim must same color as trim on primary structure.*
- *Type of trim must be the same as on primary structure.*
- *If no trim present on primary structure, then trim not required.*
- *Each elevation must have at least two different materials.*

Comparison – Entries

- **Design Guideline:**

- *Residentially-scaled and detailed solid wood or glazed doors of many styles and types may be appropriate. Special consideration shall be given to the style of the door in relation to the style of the building.*

- **Design Standards:**

- *Direct exterior access shall be provided.*
- *Only solid wood or glazed doors allowed for entries.*
- *Double doors are not allowed except in Figueroa subarea.*
- *Door color must be same as door of primary structure.*
- *In Figueroa subarea, only paneled wood doors are allowed. Double doors are allowed and may include windows, but each door cannot be wider than 34 inches. Refer to City style guide for example of suitable doors style for this subarea.*
- *Veneer doors are not allowed except in the Persifer-Dean Subarea.*