



ITEM 6.3: ZONING ORDINANCE AMENDMENT RELATED TO ACCESSORY DWELLING UNITS – CITYWIDE – FILE# PL21-0075

REQUEST

The application is a request to amend the Roseville Municipal Code (RMC) in response to changes in state law related to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). The amendment includes adjustments to Chapter 19.60 of the Zoning Ordinance. These proposed changes will bring that chapter of the City’s Zoning Ordinance into compliance with state law.

Applicant/Owner– City of Roseville

SUMMARY RECOMMENDATION

The Planning Division recommends the Planning Commission take the following action:

- A. Recommend the City Council consider and adopt the Ordinance amending Title 19 – Zoning related to Accessory Dwelling Units.

SUMMARY RECOMMENDATION

There are no outstanding issues associated with this request.

BACKGROUND

Over the last few years significant state legislation has been enacted related to ADUs, because the State’s Housing and Community Development Department (HCD) and Government Code Section 65852.150 consider ADUs a critical component to address California’s lack of housing by providing additional housing options in a more streamlined and cost effective way. The State views ADUs and JADUs as an alternative to a traditional residential unit that can “...provide dwelling units for family members, students, the elderly, in-home health care providers, the disabled, and others at below market prices within existing neighborhoods.”

The most significant changes in state law occurred in 2017, and Chapter 19.60 was repealed and replaced by City Council in 2018 in response to these bills (along with many other sections of the Zoning Ordinance, which were also modified at that time to align with the changes in Chapter 19.60).

In an effort to further incentivize the construction of ADUs and clarify the previous laws, the State has since enacted additional legislation related to ADUs, including AB 3182, AB 68, AB 881, SB 13, AB 587, AB 670, and AB 671. This new legislation requires the current proposed update. Many of these laws are aimed at reducing the number of requirements that local municipalities impose on ADUs and JADUs in order to reduce the number of potential barriers to their production. Since these laws went into effect on January 1, 2020, the City has relied on State guidelines for ADUs and JADUs until an amendment could be made to the Zoning Ordinance.

The new legislation requires a range of amendments to Chapter 19.60. While there are many other sections of the Zoning Ordinance that refer to and rely on Chapter 19.60, no changes are needed to these other sections. Anticipating additional future legislation, staff ensured the 2018 updates were designed to minimize the need for future revisions to other Zoning Ordinance sections which rely on the Accessory Dwelling Unit Ordinance. The Zoning Ordinance update has also prompted an update to the City’s ADU

Fee Policy, which addresses how and when fees for ADUs and JADUs (connection and development impact) are charged. All these proposed changes are necessary for consistency with state law.

EVALUATION

The new legislation prompted multiple changes to the City's Zoning Ordinance Chapter 19.60 and ADU Fee Policy. The purpose of the legislative changes was to make ADUs and JADUs easier to create by allowing for reduced development standards and reduced fees. The following outlines the most impactful changes to Chapter 19.60. Changes to the Fee Policy are described later in the staff report.

Definition

The definition for an ADU has been slightly revised for clarification and to address new requirements of the Government Code. The key difference is the definition of an ADU now requires the unit to be located on the same parcel as a proposed or existing single-family dwelling, two-family, or multi-family dwelling, where before it was limited to single-family dwellings. The revised definition also clarifies that an ADU shall be located on a permanent chassis if it is a manufactured home.

Statewide Exemption ADU

Although the recent legislation is largely meant to restrict the control that municipalities have over the size and location of ADUs, there are still a handful of standards that the City may enforce. However, the legislation and the proposed ordinance specify that there is a minimum ADU that must be allowed on any lot zoned to allow ADUs. This minimum standard is referred to as a Statewide Exemption ADU. A Statewide Exemption ADU is an ADU of up to 800 square feet, 16 feet in height, and with 4 foot side and rear yard setbacks. ADU law requires that no lot coverage, floor area ratio, open space, or minimum lot size may preclude the construction of a Statewide Exemption ADU. A property with a Statewide Exemption ADU may also contain one JADU.

Junior Accessory Dwelling Units (JADUs)

A JADU differs from an ADU in that it is smaller, contained entirely within an existing or proposed home, and does not require a full kitchen. JADUs are also significant because they allow for the addition of a second accessory dwelling unit when combined with an ADU under certain circumstances. While previous legislation made permitting JADUs optional, the new legislation requires that JADUs be principally permitted where an ADU is permitted. JADUs were previously not covered in detail under Chapter 19.60 except to say that an Administrative Permit was required to allow construction of a JADU. Consistent with the revisions to law, the requirement for an Administrative Permit is being removed, and a definition for JADUs is now being added to the ordinance. JADUs are subject to the use restrictions that were formerly reserved for ADUs, including a deed restriction requirement (see next section).

Use Restrictions

There are a suite of use restrictions that the City formerly imposed for ADUs that were certified through a Zoning Clearance Certificate before building permit submittal. These restrictions included the prohibition of separate sale of the ADU, an owner occupancy requirement in the primary unit or ADU, a prohibition on short-term rentals, and a requirement for a deed restriction to be recorded on the property to ensure these limitations. The most recent legislation prohibits an owner occupancy requirement. Staff recommends that the deed restriction requirement be removed from the ordinance for ADUs as this was largely required because of the owner occupancy restriction. The remaining use restrictions on ADUs can be adequately enforced by local and state code.

JADUs are required by the State to be subject to the full suite of use restrictions formerly reserved for ADUs, including a deed restriction requirement. A separate Zoning Clearance Certificate is no longer being required before building permit submittal, as this practice proved more cumbersome than helpful

for permitting processes or tracking. The deed restriction for JADUs will be required to be filed by the time of final building inspection.

Zoning

The 2017 legislation permitted ADUs on property zoned to allow a single-family dwelling, but the updated legislation amended the law to permit ADUs and JADUs on property within a residential or mixed-use zone. Therefore, ADUs and JADUs can be located on any property that is residentially-zoned, (including commercial mixed use (CMU), single-family residential (R1), small lot residential (RS), two-family residential (R2), multi-family housing (R3), and residential mixed use (RMU) zoning districts) provided the lot contains an existing or proposed single-family, two-family or multi-family dwelling unit. There are changes proposed to the ordinance for allowing ADUs on non-residentially zoned properties. ADUs are now principally permitted on properties zoned neighborhood commercial (NC), community commercial (CC), general commercial (GC), and highway commercial (HC) provided the lot contains an existing or proposed single-family, two-family or multi-family dwelling unit, which has an approved conditional use permit. If no existing conditional use permit is approved, then an administrative permit is required. Staff does not have concerns with this change as an ADU would still only be permitted on a lot that already has a dwelling and staff will be able to evaluate the appropriateness of ADUs in non-residential zones via the administrative permit process.

Number

Previously, one ADU was allowed per qualifying property. However, the new legislation requires that multiple ADUs or a JADU plus an ADU be allowed in certain circumstances including:

- If one new detached ADU is present that meets the Statewide Exemption requirements one JADU is also permitted on the property.
- Both an ADU and a JADU are permitted on a lot with a proposed or existing single-family dwelling if all setbacks and requirements can be met.
- At least one accessory dwelling unit is permitted within an existing multi-family dwelling or up to 25% of the existing multi-family dwelling units may be converted to accessory dwelling units, whichever is greater.
- Two newly constructed detached ADUs are permitted per lot that has an existing multi-family dwelling unit, subject to a height limit of 16 feet and four-foot rear and side setbacks.

Permanent Provisions or Infrastructure

The State definition for ADUs requires that they include “permanent provisions for living, sleeping, eating, cooking, and sanitation.” In order to consistently enforce this requirement, a definition is proposed to be added to the ordinance to clarify that permanent provisions means a permanent kitchen consisting of a sink, a counter for food preparation, a food storage area, and either a minimum 220V receptacle or a dedicated gas line for a cooking appliance, a toilet connected to plumbing, a bathroom sink connected to plumbing, and a bathing facility connected to plumbing, such as a shower or bathtub. The new definition will provide staff and residents a clear idea of the minimum provisions that must be provided.

Existing Structures

The legislation includes clarifications to the definition of existing structure and what can be added to the structure and maintain “existing structure” status. “Existing structure,” for the purposes of defining an allowable space that can be converted to an ADU, means the following: The proposed ADU is located within the walls and roofline of a fully enclosed, existing structure and the structure can be made safe under local building codes regardless of any nonconforming zoning conditions. The addition of square footage is not considered to be “within the existing space,” unless the expansion is for ingress and

egress and does not exceed 150 square feet. Additions of square footage which are not “within the existing space” are treated as new construction.

Development Standards

In general, the most recent legislation reduces the standards that municipalities can impose on the size and location of ADUs. Table 1 is included below with a summary of key development standards and a comparison to the existing ADU ordinance.

Table 1. Development Standards Summary

| Development Standard | Existing Ordinance | | Proposed Ordinance | | | |
|---------------------------|--|--------------|--|---|-------------------------|---|
| | Attached ADU | Detached ADU | ADU within Existing Structure | New Construction Attached or Detached ADU | Statewide Exemption ADU | JADU |
| Max Floor Area Percentage | < 50% of existing Structure | N/A | Up to 100% of existing structure (150 sf expansion allowed for ingress/egress) | N/A | | |
| Max Unit Size | 800 sf | 800 sf | 850 sf for Studio or 1BR, 1,000 sf for 2+ BR | | 800 sf | 500 sf |
| Parking Requirement | 1+BR requires 1 space. Any converted or eliminated spaces must be replaced. N/A near transit*. | | N/A | 1+BR requires 1 space. No replacement requirement. N/A near transit*. | | Any converted or eliminated spaces must be replaced |
| Height | Zone Standard (Typically 35 ft) | | Zone Standard (Typically 35 ft) | Zone Standard (Typically 35 ft) | 16 ft | N/A |
| Side Setback | Zone standard (typically 5 ft) | | N/A | 4 ft | | 4 ft for any ingress/egress expansion |
| Rear Setback | Zone standard (typically 20 ft) | | N/A | 4 ft | | 4 ft for any ingress/egress expansion |

* Near Transit = Within one-half mile walking distance of a bus stop or train station

Fee Policy

Revisions to the City’s Accessory Dwelling Unit Fee Policy are proposed as a result of the changed legislation. This fee policy was established in the 1990s and has been updated periodically. This Policy document was established to set clear expectations regarding the application of fees (building permit fees, connection fees, and development impact fees) related specifically to ADUs and JADUs. The most significant change is that development impact fees may not be charged for ADUs under 750 square feet or JADUs. Staff has updated this policy and modified the document in response to any new requirements. The proposed policy, as provided in Attachment 1, addresses these situations. The fee policy will be adopted by resolution by City Council and no action is required by the Planning Commission. The fee policy is attached for reference only.

PUBLIC OUTREACH

Early notification of the intent to update the Accessory Dwelling Unit ordinance was posted on the City's Housing Element Update website and communicated as part of the various public updates on the Housing Element Update progress. An update announcing the Planning Commission hearing and describing the project was posted to the Housing Element website on March 8, 2021, and the website update was publicized via Facebook, Twitter, and the City's newsletter. Notification of the Planning Commission hearing was posted in the Roseville Tribune, on the City's website, and the Roseville Coalition of Neighborhood Association (RCONA) website.

ENVIRONMENTAL DETERMINATION

Adoption of the Accessory Dwelling Unit Zoning Ordinance amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) in that the amendments involve general policy and procedure making and do not have the potential to cause a significant effect on the environment, or a reasonably foreseeable indirect physical effect on the environment. The proposed amendments are necessary to conform to State law.

RECOMMENDATION

The Planning Division recommends the Planning Commission take the following action:

- A. Recommend that the City Council consider and adopt the Ordinance amending Title 19 – Zoning related to Accessory Dwelling Units.

Attachments

1. Accessory Dwelling Units Fee Policy

Exhibits

- A. Proposed ordinance to amend Chapter 19.60 of Title 19 of the Roseville Municipal Code