



## Sonoma County Planning Commission STAFF REPORT

**FILE:** ORD21-0002  
**DATE:** June 3, 2021  
**TIME:** At or after 1:05 p.m.  
**STAFF:** Katrina Braehmer and Nina Bellucci, Project Managers

**A Board of Supervisors hearing on the project will be held at a later date and will be noticed at that time.**

### SUMMARY

**Applicant:** County of Sonoma (File No. ORD21-0002)  
**Address:** Countywide, except Coastal Zones  
**Supervisorial District(s):** All  
**Description:** Update Accessory Dwelling Unit and Junior Accessory Dwelling Unit ordinances in compliance with state law  
**CEQA Review:** Exempt from the California Environmental Quality Act pursuant to Section 21080.17 of the Public Resources Code and Section 15282(h) of the CEQA Guidelines (Other Statutory Exemptions) for adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Government Code Section 65852.2.  
**General Plan Land Use:** All, except Coastal Zones  
**Ordinance Reference:** Sonoma County Code Chapter 26 – Sonoma County Zoning Regulations



## **RECOMMENDATION**

Approve a resolution finding that the proposed ordinance is statutorily exempt from CEQA under Public Resources Code 21080.17 and recommending that the Sonoma County Board of Supervisors adopt the ordinance repealing and replacing Sections 26-88-060 and 26-88-061 of the Sonoma County Zoning Code related to Accessory Dwelling Units and Junior Accessory Dwelling Units, and amending relevant definitions in Article 4 – Glossary.

## **EXECUTIVE SUMMARY**

In the beginning of 2020, changes to state law took effect that further limited local discretion in regulating accessory dwelling unit (ADU) and junior accessory dwelling unit (JADU) development and nullified the County's existing ordinances. Revisions to the Sonoma County Zoning Code are necessary for compliance with state law. Changes include, but are not limited to:

- Reducing the maximum ADU and JADU application review time from 120 days to 60 days;
- Allowing for ADUs on multifamily properties;
- Removing the minimum parcel size requirement;
- Removing size restrictions on conversion ADUs;
- Reducing required setbacks for ADUs; and
- Removing replacement of off-street parking requirements.

The ordinance amending the Zoning Code is intended to align Sonoma County's ADU regulations with state law. Policy changes beyond state mandates are not part of this ordinance. Non-substantive changes, including minor reformatting of code subsections, will provide clarity for the public, staff, and other code users to facilitate easy permitting.

## **PROJECT CONTEXT**

### **BACKGROUND**

In January 2020, local jurisdictions had to adapt their review and processing of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) applications based on a number of recent state laws that went into effect: AB 3182 (2020) and SB 13, AB 68, AB 881, AB 587, AB 670, and AB 671 (2019).

State law rendered local ordinances that did not meet the new requirements null and void until a compliant ordinance could be adopted. The County's existing ADU and JADU ordinances became non-compliant, and since January 2020 the County has been reviewing new ADU and JADU applications using the standards enacted by state law. The major changes that the County implemented in order to comply with state law include a 60-day review period for all ADU applications, allowance for ADUs on multifamily properties, and elimination of the requirement for a zoning permit and the minimum parcel size requirement. All ADUs that comply with the standards in State law are approved ministerially, meaning that applications that comply with applicable objective standards are approved without discretionary review or CEQA review.

State law is difficult for the general public to interpret, and the lack of a valid local ordinance does not allow continued implementation of certain policies that the County had previously adopted (e.g., making exceptions to the height limits in urban areas to allow an ADU above a garage). Adopting an ordinance would make the County's regulations more understandable, and allow for some flexibility within the parameters of existing law.



**Sonoma County Permit and Resource Management Department**

2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900

[www.PermitSonoma.org](http://www.PermitSonoma.org)

Page 2 of 7



The California Department of Housing & Community Development reviews all local ordinances for compliance with state law, and will review the County’s ordinances, if and when they are adopted.

**ZONING CODE MODERNIZATION PROGRAM**

In February 2021, the Board of Supervisors approved changes to the County’s zoning code described as Phase 1 and 2 of the Zoning Code Modernization Program. The goal of those changes was to make the code easier to read and use, and to update older regulations to comply with current federal and state law. Phase 3 is intended to simplify application processes and reduce processing timelines. In mid-2020, the County applied for and received a \$500,000 Local Early Action Planning Grant from the California Department of Housing and Community Development (HCD). The grant funded a number of projects under the banner of the County’s Zoning Code Modernization Program, designed to streamline local planning processes to accelerate housing production, including:

1. Establishing Zoning Administrator program to improve project review timelines,
2. Developing objective design standards for multifamily housing, and
3. Adopting an ADU and JADU ordinance to reflect changes in State law.

A Board of Supervisors workshop to discuss and define the scope of the LEAP-funded projects is scheduled for September of 2021. At the September meeting, the Board is also expected to hold a public hearing to consider the Planning Commission’s recommendations on, and potentially adopt, the proposed ADU and JADU ordinances that are before the Planning Commission at the June 3<sup>rd</sup> public hearing. The Planning Commission will review the other two projects once staff implements the Board of Supervisors’ direction, conducts public outreach, and develops draft ordinance updates.

**HISTORY**

The table below summarizes key project milestones and events.

| Date                      | Project Event/Milestone   |
|---------------------------|---|
| <b>January 24, 2017</b>   | Board of Supervisors approved changes to the ADU Ordinance after significant changes in State law, to establish ministerial approval of ADUs and a 120-day review period, changing the nomenclature from “second dwelling unit” to “accessory dwelling unit,” and increasing the maximum size from 840 to 1,000 square feet. Also established a JADU Ordinance. |
| <b>May 8, 2018</b>        | Board of Supervisors approved changes to the ADU Ordinance to allow 1,200 square foot ADUs and decrease the minimum parcel size for ADUs in urban areas   |
| <b>September 17, 2019</b> | Board of Supervisors approved minor changes to the ADU Ordinance and zoning database amendments to remove the Z Accessory Dwelling Unit Exclusion Zone Combining District from about 2,000 parcels countywide.  |
| <b>June 9, 2020</b>       | Board of Supervisors authorized application for, and receipt of, a Local Early Action Planning Grant from the California Department of Housing and Community Development.   |
| <b>February 9, 2021</b>   | Board of Supervisors approved changes to the Zoning Code under Phase 1 and 2 of the Zoning Code Modernization Program.  |

**PRIOR REVIEW**

The Planning Commission and Board of Supervisors have not reviewed changes to Sonoma County’s ADU and JADU regulations since the recent state law amendments.



## **GENERAL PLAN CONSISTENCY**

ADUs and JADUs are an important, easy-to-build form of housing for the unincorporated County, and on an individual household basis, provide additional housing units for family members or a source of income for homeowners. Based on data collected by the County, and approved by HCD, ADUs count toward the County’s moderate-income housing need, and make use of existing developed sites for housing construction, consistent with Goal 2 in the County’s General Plan Housing Element (Promote the Use of Available Sites for Affordable Housing Construction and Provide Adequate Infrastructure) and Policy HE-1f (Encourage retention and further construction of small rental units such as granny units, rental studios, and SRO units, as well as large rental units with more than 3 bedrooms).

## **ANALYSIS**

### **STATE LAW**

The following summarizes the unincorporated County’s ADU and JADU regulation changes required by state law. See Attachment 4 for a table overview of the changes to ADU regulations.

#### ***Permit Requirements***

State law mandates that an application for an ADU or JADU shall be ministerially considered and acted on within 60 days of submittal of a complete application. The County’s existing regulations require a ministerial zoning permit for ADUs in addition to a building permit and other applicable construction permits, and that ADU applications be considered within 120 days, consistent with previous State law. To comply with the reduced application review timeframe, Permit Sonoma no longer requires a ministerial zoning permit for ADUs. As of January 2020, all ADUs are reviewed ministerially through the building permit process, removing redundancy in permitting and maintaining the same scope of review.

The proposed ordinance would memorialize the current permitting practice and specify that ADUs and JADUs are subject to ministerial approval only, which may include construction-related permits, within 60 days of Permit Sonoma’s receipt of a complete application.

#### ***Removal of Minimum Lot Size***

State law bars local agencies from establishing minimum lot sizes for ADUs. The County’s existing regulations allowed ADU development with tiered floor area standards based on the type of water and sanitation service available and the lot size. Parcels that did not meet the minimum lot size for the available utility service were subject to a discretionary permitting process. The County required a groundwater study showing that the ADU would not result in a net increase in water use for parcels served by wells in Class 4 Groundwater Availability Areas and critical habitat areas.

The proposed ordinance would remove the minimum lot size requirement and allow for ministerial ADU approval of an ADU up to 1,200 square feet in size, or greater if the ADU is a conversion of existing space (see Development Standards – Unit Size), regardless of the type of water supply and sanitation service to the ADU. As with all residential construction permits, evidence of adequate water supply and wastewater disposal will still be required for ADUs, which includes a well yield test for ADUs within Class 3 and Class 4 Groundwater Availability Areas as provided for in Section 7-12 of the Building Regulations in the Sonoma County Code. The [net zero water use standards](#) for ADUs in Class 4 Groundwater Availability Areas will remain.



### ***Multifamily Accessory Dwelling Units***

State law mandates that ADUs be permitted on lots with existing or proposed multifamily dwellings. The County’s existing regulations prohibited ADUs on lots containing a duplex, triplex, apartment, or condominium.

In conformance with the minimum requirements of State law, the ordinance would allow for ADU development on multifamily lots. One ADU, up to 1,200 square feet in size, may be permitted with a proposed multifamily dwelling, as an attached or detached unit. ADUs proposed in conjunction with existing multifamily dwellings may be allowed as conversions or new detached construction. Conversions of existing, non-livable space in a multifamily structure are allowed to create up to 25 percent of the existing number of units onsite, or at least one unit. Alternatively, up to two detached ADUs limited to 1,200 square feet in size and 16 feet in height, with at least four-foot side- and rear-yard setbacks may be allowed on a lot with an existing multifamily structure. State law does not provide for a maximum size of ADUs converted from existing non-livable space in a multifamily structure. If an ADU is created simultaneously with a proposed multifamily structure, the lot is not permitted additional ADUs in the future as an existing multifamily dwelling.

### ***Development Standards – Unit Size***

State law exempts ADUs constructed entirely by the conversion of existing space in a single-family residence or legally permitted residential accessory structure from development standards. The County’s existing regulations applied development standards uniformly to ADUs created by new construction or through conversion of existing space.

The proposed ordinance would maintain a 1,200 square foot maximum unit size for all ADUs created by new construction. The ordinance would not apply height, yard setbacks, unit size, or lot coverage requirements to ADUs created entirely by conversion of existing space in a legally permitted single-family residence or residential accessory structure. For ADUs created by conversion of a residential accessory structure greater than 1,200 square feet in size, a one-time expansion of 150 square feet may be permitted if necessary to accommodate ingress and egress.

### ***Development Standards – Yard Setbacks***

State law prohibits requiring a side- or rear-yard setback greater than four feet for an ADU created by new construction, and eliminates setback requirements for ADUs created by conversion of existing legally established space of a primary residence or accessory structure. The County’s existing regulations required ADUs to comply with all setbacks of the base zoning district, except that a reduced rear-yard setback of five feet was allowed in General Plan-designated Urban Service Areas within the RR (Rural Residential), R1 (Low Density Residential), R2 (Medium Density Residential), and R3 (High Density Residential) zoning districts.

The proposed ordinance would require a minimum four-foot side- and rear-yard setback for newly constructed attached or detached ADUs. Conversion of an existing legally established residential accessory structure or a portion thereof would not be subject to setback requirements. The front-yard setback for all ADUs will continue to be that established by the base zoning district, except for conversions of existing legally established space.

### ***Development Standards – Exemptions***

State law prohibits local agencies from applying any development standard that would preclude development of an ADU at least 800 square feet in size, 16 feet in height, with four-foot side- and rear-yard setbacks. These standards are considered the minimum required by State law for detached or attached ADUs. The size of an ADU was previously limited by lot coverage requirements under the County’s existing regulations.



The ordinance would allow the County to apply lot coverage or other criteria, only to the extent that it would not prevent development of an ADU that meets the above standards for size, height, and setbacks. For example, if applying a zoning district's 35 percent lot coverage requirement would only allow for a 600 square foot ADU, the County must allow the ADU to be at least 800 square feet if it is no more than 16 feet in height and would meet the four-foot side- and rear-yard setbacks.

### ***Design Standards***

State law allows the application of objective design standards to ADUs. Objective standards are defined in Government Code § 65913.4, subdivision (a)(5) as: "standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal." The County's existing regulations required that ADUs be similar or compatible with the primary residence in terms of certain architectural criteria, and building materials and colors. ADUs within the SR (Scenic Resource), HD (Historic District), and LG (Local Guidelines) Combining Districts were further required to meet the provisions of those districts. Many of these design requirements are discretionary and subjective in nature.

The proposed ordinance would require that ADUs meet all objective design standards that may apply to the lot. To meet the State's requirements for objective standards, Permit Sonoma will publish on its website a list of applicable design standards from the current Sonoma County Code. The website will be updated as needed to reflect code changes.

### ***Replacement Parking***

State law specifies that ADUs created by the conversion of a garage, carport, or covered parking structure are not required to provide replacement parking. The County's existing regulations required replacement parking if a garage or carport was demolished or converted in conjunction with construction of an ADU. The proposed ordinance would not require replacement parking pursuant to state law.

### ***Junior Accessory Dwelling Units (JADUs)***

Changes to state law require the following revisions to the County's existing JADU regulations:

- Reduce the maximum JADU application review time from 120 days to 60 days
- Allow a JADU to be constructed within the space of a proposed or existing single-family residence, eliminating the requirement that JADUs be constructed from an existing bedroom
- Remove the requirement for internal access between the JADU and the single-family residence

## **REFORMATTING**

The draft ordinances would repeal and replace existing Section 26-88-060s and -061 in their entirety. They have been reformatted and reorganized for easier navigation and sections have been added for clarity. New sections include definitions, standards for conversions of legal nonconforming structures, and fire-safe construction standards. These sections codify existing requirements or department policy and are not new requirements. Development standards have also been consolidated under one section.

## **PUBLIC COMMENTS**

This ordinance update is focused on restoring policies that the County previously adopted, with input from the public and stakeholder groups. State law allows little flexibility but this ordinance revision restores those areas in which the County retains some discretion, within the boundaries of state law.



## **ATTACHMENTS**

1. Draft Resolution
2. Proposed Ordinance Draft Sections 26-88-060 and 26-88-061
3. Existing Ordinance Existing Sections 26-88-060 and 26-88-061
4. Table Overview of Changes to ADU Regulations

County of Sonoma  
Santa Rosa, California

June 3, 2021  
ORD21-0002 Katrina Braehmer

A RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE AMENDING CHAPTER 26 OF THE SONOMA COUNTY CODE TO REPEAL AND REPLACE SECTIONS 26-88-060 (ACCESSORY DWELLING UNITS) AND 26-88-061 (JUNIOR ACCESSORY DWELLING UNITS), AND FINDING THE ACTION EXEMPT FROM CEQA.

WHEREAS, on December 2, 2014, the Board of Supervisors adopted the 2014 Housing Element, which sets forth policies and programs intended to encourage construction of small rental units within the County of Sonoma; and

WHEREAS, adoption of the changes to Chapter 26 is necessary to achieve consistency with State law; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a duly noticed public hearing on June 3, 2021, at which time all interested persons were given an opportunity to be heard,

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. CEQA. The proposed Chapter 26 amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code and Section 15282(h) of the CEQA Guidelines (Other Statutory Exemptions) for adoption of an ordinance to implement the provisions of Section 65852.2 of the Government Code.
2. General Plan Consistency. The proposed changes to Chapter 26 implement State law and would establish development standards to encourage construction of ADUs consistent with goals, policies, and programs in the General Plan Housing Element to encourage the construction of small rental units, such as accessory dwelling units.
3. Zoning Consistency. The proposed Chapter 26 amendments would update existing provisions in Article 88 to comply with State law.
4. Additional Findings:
  - a. A notice of the public hearing was duly published for public review and comment at least 10 days prior to the public hearing.
  - b. The Planning Commission has reviewed and considered the staff report and presentation, and all comments, materials and other evidence presented by members of the public prior to and during the public hearing held by the Commission on June 3, 2021.

BE IT FURTHER RESOLVED that, based upon the entire record of proceedings herein and the findings above, the Planning Commission hereby determines that the proposed ordinance is exempt from CEQA.



BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors approve the proposed ordinance.

BE IT FURTHER RESOLVED that, the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material, which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403

THE FOREGOING RESOLUTION was introduced by Commissioner \_\_\_\_, who moved its recommended adoption to the Board of Supervisors, seconded by Commissioner \_\_\_\_, and adopted on roll call by the following vote:

Commissioner Carr  
Commissioner Ocana  
Commissioner Deas  
Commissioner Davis  
Commissioner Reed

Ayes: \_      Noes: \_      Absent: \_      Abstain: \_

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.

# ORDINANCE NO. ( )

## AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, REPEALING AND REPLACING SONOMA COUNTY CODE SECTIONS 26-88-060 AND 26-88-061 AND FINDING THE ORDINANCE EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17

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The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Sonoma County Code section 26-4-020(A)(1) is amended to read as follows:

**Accessory Dwelling Unit (ADU).** An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family or multifamily dwelling is or will be situated. An ADU may be an efficiency unit, as defined in state Government Code § 65852.2; or a manufactured home, as defined in state Government Code § 65852.2.

Section II. Sonoma County Code section 26-4-020(E)(1) is amended to read as follows:

**Efficiency Kitchen.** A cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the dwelling unit.

Section III. Sonoma County Code section 26-4-020(J)(1) is amended to read as follows:

**Junior Accessory Dwelling Unit (JADU).** A dwelling unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Section IV. Sonoma County Code section 26-88-060 is repealed and replaced in its entirety as shown in Exhibit A.

Section V. Sonoma County Code section 26-88-061 is repealed and replaced in its entirety as shown in Exhibit B.

Section VI. Adoption of the ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) per Public Resources Code § 21080.17 and CEQA Guidelines §15282(h), which provide a statutory exemption for ordinances implementing Gov. Code § 65852.2 regarding accessory dwelling units.

Section VI. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the

validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section III. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the \_\_\_ day of \_\_\_\_\_, 2021, and finally passed and adopted this \_\_\_ day of \_\_\_\_\_, 2021, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

Gorin:                Rabbitt:                Coursey:                Gore:                Hopkins:

Ayes:                Noes:                Absent:                Abstain:

**WHEREUPON**, the Chair declared the above and foregoing Ordinance duly adopted and

**SO ORDERED.**

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

ATTEST:

\_\_\_\_\_  
Sheryl Bratton,  
Clerk of the Board of Supervisors

**EXHIBIT A:  
SEC. 26-88-060 – ACCESSORY DWELLING UNITS**

- (a) **Purpose.** This section implements the requirements of Government Code § 65852.2 and the provisions of the General Plan Housing Element that encourage the production of affordable housing by means of accessory dwelling units (ADUs).
- (b) **Definitions.** As used in this section:
- (1) “Multifamily” means a structure with two or more attached dwellings on a single lot.
  - (2) “Objective standards” mean numeric and/or fixed standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the applicant and the public official prior to submittal.
  - (3) “Primary residence” means an existing or proposed single-family dwelling or multifamily structure on the lot on which the ADU or ADUs is or are proposed to be established.
  - (4) “Accessory structure” means a legally permitted structure that is accessory and incidental to a primary residence located on the same lot.
  - (5) “Existing space” means floor area that is legally permitted or recognized as legal by the Director.
  - (6) “Floor area” shall be calculated by measuring the exterior perimeter of applicable areas and the length of any common walls.
  - (7) “Groundwater Availability Zone” means an area designated as Groundwater Availability Class 1, 2, 3, or 4 pursuant to the General Plan Water Resources Element and depicted on Sonoma County’s Groundwater Availability Map maintained by the Permit and Resource Management Department.
  - (8) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
  - (9) “Studio” means a dwelling unit in which the living area is not separated from the sleeping area.
- (c) **Applicability.**
- (1) ADUs shall be ministerially permitted in zoning districts that allow single-family or multifamily dwellings, in compliance with Government Code § 65852.2, the requirements of this section, and all other requirements of the applicable zoning district in which an ADU is permitted. The Department shall act on an application to create an ADU within 60 days from the date it receives a completed application if there is an existing single-family or multifamily dwelling on the lot.
  - (2) On lots in LIA, LEA, and DA zoning districts, ADUs shall be permitted in conjunction with a primary residence, except where a lot is eligible for one or more agricultural dwelling units and an application has been filed for an ADU,

that lot shall be eligible for one fewer agricultural dwelling unit. Where a lot contains the maximum agricultural dwelling units permitted on the lot, those units are deemed ADUs and no additional ADUs are permitted. In this section, "agricultural dwelling unit" includes farm family dwelling units, caretaker units, year-round farmworker housing, or agricultural employee dwelling units.

- (3) ADUs are prohibited in the Z (Accessory Dwelling Unit Exclusion) Combining District.
- (4) ADUs with water provided by a groundwater well or spring in Class 3 and 4 Groundwater Availability Zones shall be limited as follows:
  - (i) In Class 3 areas, ADUs shall be permitted only if:
    - (A) The domestic water source is located on the subject lot, or a mutual water source is available; and
    - (B) Groundwater yield is sufficient for the existing and proposed use, pursuant to Section 7-12 of the Sonoma County Code.
  - (ii) In Class 4 areas, or critical habitat areas as identified by the County and informed by State or Federal agency publications of critical habitat areas for fisheries, an ADU shall be permitted only if:
    - (A) Both requirements for Class 3 areas, above, are met; and
    - (B) The ADU can be shown to have a net zero increase in water usage on the lot, following the most recent guidance, policy, or procedure adopted by the Director of Permit Sonoma.
- (d) **Density.** As provided by Government Code § 65852.2, ADUs do not exceed the allowable density for the lot on which the ADU is located, and are consistent with the General Plan and zoning for the lot.
- (e) **Permit Requirements.** Construction permits (including, but not limited to, building, grading, well, septic, and sewer permits, as applicable) shall be required to establish an ADU. ADUs must comply with applicable building and fire codes, including providing evidence of adequate wastewater disposal capacity, water supply, access, and that any required permits have been obtained and all applicable fees have been paid. Water supply must be demonstrated pursuant to Section 7-12 of this Code.
- (f) **Fees.** Applicable development fees shall be charged proportionately by the square footage of the ADU in relation to the square footage of the primary residence. On a lot that contains a multifamily dwelling, the proportionality shall be based on the average square footage of the units within the multifamily dwelling structure. No fees shall be charged for ADUs of less than 750 square feet.
- (g) **Timing.** An ADU is allowed on a lot with an existing or proposed primary dwelling unit. A certificate of occupancy for an ADU shall not be issued prior to a certificate of occupancy for the primary residence. Existing dwellings meeting the standards of this ordinance may be re-designated as an ADU, when a new primary dwelling unit is proposed, and with the approval of a zoning permit.
- (h) **Development Standards.**

- (1) **Unit Type.** An ADU may be attached to an existing primary residence, converted from a portion of the existing living area of the primary residence, detached and on the same legal lot as a primary residence, converted from the entirety of or a portion of an existing accessory structure, or attached to an existing or proposed accessory structure.
- (2) **Number of Units.** The number of ADUs allowed on a single lot shall be:
  - (i) **On a lot that contains an existing or proposed single-family dwelling:** One ADU.
  - (ii) **On a lot that contains an existing multifamily dwelling:** Two ADUs, detached from the multifamily structure, or up to 25 percent of the existing units in the multifamily dwelling, but at least one, converted from existing non-livable space in a multifamily structure.
  - (iii) **On a lot that contains a proposed multifamily dwelling:** One ADU.
- (3) **Location.** ADUs shall be located subject to the following setbacks, and in conformance with any easements and building envelopes:
  - (i) **Front Yard Setback:** As established by the base zoning district.
  - (ii) **Side and Rear Yard Setbacks:** Four feet.
  - (iii) No setback shall be required for an ADU converted from existing space within the primary residence or an accessory structure, or for an ADU constructed in the same location and to the same dimensions as an existing accessory structure.
  - (iv) **Riparian Corridor Setbacks.** ADUs shall observe applicable setbacks of the Riparian Corridor (RC) Combining District as provided in Article 65 of this Code. If the setback would not permit an 800 square foot ADU that is no more than 16 feet in height, then the ADU shall provide a minimum of four-foot side and rear yard setbacks and comply with applicable permit requirements for development within the Riparian Corridor setback. An application for an ADU proposed within the RC setback shall not be considered complete until the applicable permit for development within the Riparian Corridor setback is obtained.
  - (v) ADUs shall adhere to subsection (m), Construction Standards.
- (4) **Height.**
  - (i) **Detached, new construction:**
    - (A) On lots with an existing or proposed single-family residence, ADUs shall be limited to the height limit for accessory structures established by base zoning district, except that the maximum allowed height shall not be less than 16 feet.
    - (B) On lots with existing or proposed multifamily dwellings, ADUs shall be limited to 16 feet in height.

- (ii) **Attached to the primary residence, or converted from existing space in the primary residence:** The ADU shall comply with the height limit established by the base zoning district.
- (iii) **Attached to or converted from the entirety of or a portion of an accessory structure:** The ADU shall be limited to the current height of the accessory structure, or 16 feet for new construction. In General Plan-designated Urban Service Areas, and where the unit is proposed to be located above an accessory structure, the maximum height shall be that established for the primary dwelling in the base zoning district.

(5) **Unit Size.**

- (i) **Detached, new construction:**
  - (A) On lots with an existing or proposed single-family residence, the maximum floor area shall be 1,200 square feet.
  - (B) On lots with existing or proposed multifamily dwellings, the maximum floor area shall be 1,200 square feet.
- (ii) **Attached to the primary residence or an accessory structure, new construction:** The maximum floor area shall be 1,200 square feet.
- (iii) **Converted from existing space in a primary residence or an accessory structure:** The maximum size of an ADU created through the conversion of existing space shall be the dimensions of the structure plus an addition of no more than 150 square feet to accommodate ingress and egress. An expansion greater than 150 square feet may be permitted up to a maximum unit size of 1,200 square feet.

(6) **Lot Size.** No minimum lot size shall be required.

(7) **Lot Coverage.** The lot coverage limitation of the base zoning district shall be applied, unless it would not permit an ADU of 800 square feet, 16 feet in height, meeting four-foot side and rear yard setbacks.

(i) **Parking.** One parking space shall be provided. The parking space for an ADU may be located in an existing driveway as tandem parking.

(1) These parking requirements do not apply if the ADU meets any of the following criteria:

- (i) The ADU is on a lot that is located within one-half mile walking distance to a transit stop.
- (ii) The ADU is on a lot zoned HD (Historic District) Combining Zone.
- (iii) The ADU is part of a proposed or existing primary residence or an existing accessory structure.
- (iv) The ADU is located on a lot where on-street parking permits are required, but not offered to the occupancy of the ADU.

- (v) The ADU is on a lot located within one block of a car share vehicle.
    - (vi) The ADU is a studio.
  - (2) Replacement parking shall not be required when the ADU is created by converting an existing garage that provides parking for the primary dwelling unit.
- (j) **Standards for Conversions of Legal Nonconforming Residential Accessory Structures.** ADUs converted from residential accessory structures determined to be Legal Nonconforming, pursuant to Article 94 of the Sonoma County Zoning Ordinance, shall be subject to the following requirements:
- (1) A Legal Nonconforming residential accessory structure that is converted to an ADU, or reconstructed as an ADU to the same footprint and dimensions as the original structure, shall not be subject to setback requirements.
  - (2) A legal nonconforming residential accessory structure that is converted to an ADU may be expanded to 1,200 square feet if the expansion will comply with the height limit and setbacks for new detached ADUs, except as provided in subsection (h)(5)(iii)(A).
  - (3) Expansion of floor area within a nonconforming setback is limited to 10 percent, or at least 150 square feet if necessary to accommodate ingress and egress.
- (k) **Standards for ADUs Used to Meet the Affordable Housing Program Requirement.** In addition to the standards set forth above, an ADU that is proposed to be made available for rent to another household in compliance with Article 89 requirements shall meet the following additional standards:
- (1) **Separate Parking and Pathway.** A designated parking space and a path of travel into the ADU that does not cross the private yard space of the main home.
  - (2) **Doorways.** No connecting doorways between the ADU and the main unit, except for a shared laundry room or vestibule; and
  - (3) **Yard.** Provision of a separate yard or open space area from that of the main dwelling. For ADUs located above other structures, this requirement may be met through the provision of a deck with no dimension of less than six feet.
- (l) **Design Standards.** ADUs involving addition of floor area shall meet all objective design standards that apply to the lot. No discretionary review or permits shall be required to establish an ADU.
- (m) **Construction Standards.** Not exclusive of other applicable State and local building and fire regulations, ADUs shall comply with the following requirements:
- (1) Structures within the State Responsibility Area (SRA) must comply with applicable local and State regulations for setbacks and fire-resistive construction.
  - (2) Structures outside of the SRA must comply with building code regulations for fire-resistive construction, unless more restrictive standards are required pursuant to state law or regulation.



- (3) Fire sprinklers shall not be required in the ADU if the primary residence is not required to have fire sprinklers. Fire sprinklers may be required if a structure containing an ADU is greater than 1,200 square feet.

(n) **Use Restrictions.**

- (1) **Ownership.** ADUs may be rented but shall not be sold or otherwise conveyed separate from the primary residence, except as specifically provided for by State law.
- (2) **Duration of Tenancy.** ADUs may not be rented for periods of less than 30 days.

**EXHIBIT B:**  
**SEC. 26-88-061 – JUNIOR ACCESSORY DWELLING UNITS**

- (a) **Purpose.** This section implements the requirements of Government Code § 65852.22 and the provisions of the General Plan Housing Element that encourage the production of affordable housing by means of accessory dwelling units.
- (b) **Definitions.** As used in this section:
  - (1) “Single-family residence” refers to the existing or proposed dwelling unit within which the junior accessory dwelling unit is established.
- (c) **Applicability.** Junior accessory dwelling units (JADUs) shall be ministerially permitted in zoning districts that allow single-family dwelling units as permitted uses, in compliance with Government Code § 65852.22, the requirements of this section, and all other requirements of the applicable zoning district. The Department shall act on an application to create an JADU within 60 days from the date it receives a completed application if there is an existing single-family dwelling on the lot.
- (d) **Permit Requirements and Fees.** Construction permits (including, but not limited to, a building, well, septic, and/or sewer permit) shall be required to establish a JADU. A JADU shall not be considered a separate or new dwelling unit for purposes of applying building codes, fire codes, well and septic requirements, or collection of impact fees.
- (e) **Timing.** A JADU may be established after or concurrently with the single-family residence.
- (f) **Development Standards.**
  - (1) **Number of Units.** One JADU is allowed per lot, within a single-family residence.
  - (2) **Unit Size.** The floor area of a JADU shall not exceed 500 square feet. If the bathroom is shared with the single-family residence, it shall not be included in the floor area.
  - (3) **Location.** A JADU shall be created from space in an existing, fully permitted, or proposed single-family dwelling or garage attached to the single-family residence.
  - (4) **Access.** A separate, exterior entrance to the JADU shall be provided.
  - (5) **Bathroom.** A JADU may include separate sanitation facilities, or may share sanitation facilities with the single-family residence.
  - (6) **Kitchen.** A JADU shall include an efficiency kitchen.
- (g) **Use Restrictions.**
  - (1) JADUs may be rented but shall not be sold separate from the single-family residence.
  - (2) JADUs may not be rented for periods of less than 30 days.

- (3) The owner of the property must reside in either the single-family home or the newly created JADU.
- (4) **Deed Restriction.** The property owner shall record a deed restriction that:
  - (i) Prohibits sale of the JADU separate from the single-family residence;
  - (ii) Specifies that the deed restriction runs with the land and is enforceable against future property owners;
  - (iii) Restricts the size and attributes of the JADU to those established by this section and Government Code § 65852.22; and
  - (iv) Makes the County a third-party beneficiary of the deed restriction with the right to enforce the provisions of the deed restriction.

## **Attachment 3**

### **File No. ORD21-0002**

### **Planning Commission Staff Report, June 3, 2021**

#### **Existing Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinances (Sec. 26-88-060 & 26-88-061)**

Sec. 26-88-060. - Accessory dwelling units.

- (a) Purpose. This section implements the requirements of Government Code Section 65852.2 and the provisions of the general plan housing element that encourage the production of affordable housing by means of accessory dwelling units.
- (b) Applicability. Except as otherwise provided by this section, accessory dwelling units shall be ministerially permitted only in compliance with the requirements of this section, and all other requirements of the applicable zoning district in the following agricultural and residential zoning districts: LIA (Land Intensive Agriculture), LEA (Land Extensive Agriculture), DA (Diverse Agriculture), RRD (Rural Resources and Development), AR (Agricultural Residential), RR (Rural Residential), R1 (Low Density Residential), R2 (Medium Density Residential), and R3 (High Density Residential). Accessory dwelling units are prohibited in the Z (accessory dwelling unit exclusion) combining district.
  - (b.1) Where a parcel is eligible for one (1) or more agricultural units and an application has been filed for an accessory dwelling unit, that parcel shall be eligible for one (1) less agricultural housing unit. Where a property has created the total amount of agricultural housing permitted on the lot, that parcel is not permitted to create an accessory dwelling unit in addition to those agricultural housing units. For the purposes of this section, "agricultural housing unit" includes farm family, caretaker unit, year round farmworker, or agricultural employee units.
- (c) Permit Requirements. A ministerial zoning permit (Section 26-92-170) shall be required for an accessory dwelling unit. Additionally, accessory dwelling units must comply with all other applicable building codes, fire codes, and requirements, including evidence of adequate septic capacity and water yield.
- (d) Appeals. Notwithstanding the provisions of Article 92 or any other provision of this Chapter, decisions to approve an application for an accessory dwelling unit that meets all applicable standards set forth in this article, and decisions to deny an application for failure to meet all applicable standards, are final and not subject to appeal.
- (e) Time Limits. Unless a longer timeframe is voluntarily requested by the applicant, the required zoning and building permits for an accessory dwelling unit shall be approved or denied within one hundred twenty (120) days from submittal of an application that includes all materials required to process the permits.
- (f) Use. Accessory dwelling units may not be sold separately from the main unit or separated by subdivision, but may be rented separately. Occupant(s) need not be related to the property owner. Accessory dwelling units may not be rented on a transient occupancy basis (periods less than thirty (30) days). These requirements shall be included in a recorded deed restriction.

- (g) Unit Type. An accessory dwelling unit may be attached or detached from the primary dwelling on the site. A detached accessory dwelling unit may also be a manufactured home on a permanent foundation, in compliance with Section 26-02-140.
- (h) Timing. An accessory dwelling unit allowed by this section may be constructed prior to, concurrently with, or after construction of the primary dwelling.
- (i) Density. As provided by Government Code Section 65852.2(a)(1)(C), accessory dwelling units are exempt from the density limitations of the general plan, provided that no more than one (1) accessory dwelling unit may be located on any parcel. An accessory dwelling unit may not be located on any parcel already containing a dwelling unit that is non-conforming with respect to land use or density, or developed with a duplex, triplex, apartment or condominium.
- (j) Site Requirements.
  - (1) Water Availability.
    - (i) Except as provided in subsection (b) of this section, an accessory dwelling unit shall be permitted only in designated groundwater availability classification areas 1 or 2, or where public water is available.
    - (ii) An accessory dwelling unit in a Class 3 groundwater availability area shall be permitted only if:
      - (A) The domestic water source is located on the subject parcel, or a mutual water source is available; and
      - (B) Groundwater yield is sufficient for the existing and proposed use, pursuant to Section 7-12 of this code.
    - (iii) Accessory dwelling units shall not be established within designated Class 4 groundwater availability classification areas, or critical habitat areas as identified by the county and informed by the National Marine Fisheries Service Central Coast Coho Recovery Plan "Lower Russian River Priority Areas for Protection and Restoration" map and successor maps, except where both requirements for Class 3 areas, above, are met and a groundwater report prepared by a qualified professional certifies that the accessory dwelling unit would not result in a net increase in water use. On site water reduction may occur through implementation of water conservation measures, rainwater catchment or recycled water reuse system, water recharge project, or participation in a local groundwater management project. The director shall issue administrative guidelines to assist applicants in complying with these standards.
  - (2) Minimum Parcel Size.
    - (i) An accessory dwelling unit shall be permitted only on parcels with a minimum lot area as follows:

Accessory Dwelling Minimum Parcel and Unit Size

| Water and Sanitation                              | Minimum Parcel Size | Maximum Unit Size (Sq. Ft.) |
|---|---------------------|-----------------------------|
| Well and Septic                                   | 2.0 acres           | 1,200                       |
| Public or Community Water, or on-site well 1      | 1.5-1.99 acres      | 640/1-bdrm                  |
| Public or Community Water                         | 1.0-1.49 acres 2    | 640/1-bdrm                  |
| Public Water and Sewer within urban service areas | 5,000 square feet   | 1,200                       |

<sup>1</sup> On-site well must meet current potable water supply standards as defined in Sonoma County Code Chapter 25B-3

<sup>2</sup> Not in Waiver Prohibition Area

(k) Design and Development Standards.

- (1) Height. In designated urban service areas, an accessory dwelling unit shall not exceed sixteen feet (16') in height except that where the unit is attached to the primary unit, or where the accessory dwelling unit is proposed to be located above a garage, carport or barn, the maximum height shall be that established for the primary dwelling in the underlying zoning district. In no case shall the provision of an accessory dwelling unit result in a substantial reduction in solar access to surrounding properties.
- (2) Design. The accessory dwelling unit shall be similar or compatible in character to the primary residence on the site and to the surrounding residences in terms of roof pitch, eaves, building materials, colors and landscaping. Accessory units located within the SR (Scenic Resources) combining district shall be designed to meet the requirements in 26-24-020 (Community Separators and Scenic Landscape Units) or 26-24-030 (Scenic Corridors). Accessory units within the HD (Historic District) combining district shall meet the requirements of Section 26-68-025 (Standards Governing Decisions of County Landmarks Commission). However, review of accessory units within the HD combining district shall be completed administratively by the Director or his/her designee without public hearing. Accessory units located within the LG (Local Guidelines) Combining District shall meet the standards of Article 63 (LG Local Guidelines Combining District). Otherwise, no other design standards shall apply. Accessory dwelling units shall also meet all other standards set forth in any applicable combining district, specific plan or area plan, or local area development guidelines. Nothing in this subsection shall be construed to require discretionary review or permits for an accessory unit.
- (3) Size. An accessory unit shall not exceed one thousand two hundred (1,200) square feet in floor area.

- (i) Calculating the Size of Accessory Dwelling Units. Floor area shall be calculated by measuring the exterior perimeter of the accessory dwelling unit and the length of any common walls. In the case of straw bale or similar construction, floor area may be calculated using interior dimensions. Any storage space or other enclosed areas attached to the accessory dwelling unit shall be included in the size calculation, except: a) an attached garage, as described in subsection (i)(3)(ii) of this section; or b) where the accessory dwelling unit is constructed over or attached to an unconditioned accessory structure, as described in subsection (i)(3)(iii) of this section.

Accessory dwelling units located above garages of greater than four hundred (400) square feet shall be accessed through an exterior staircase only. Wherever an accessory dwelling unit is located above a garage, the total enclosed floor area of the second floor may not exceed the allowable floor area for the parcel.

- (ii) Allowable Garage Area. An attached garage up to four hundred (400) square feet in unconditioned floor area shall be permitted for an accessory dwelling unit provided that all required setbacks are met. No conditioned space shall be allowed within the garage area. An access door between the attached garage and the accessory dwelling unit may be provided. A deed restriction shall be recorded limiting the floor area of the accessory dwelling unit to the allowable floor area of the accessory unit for the parcel, and declaring that no portion of the attached garage is to be utilized as a part of the conditioned residential space.
- (iii) Units Attached to Accessory Structures. Notwithstanding subsection (i)(3)(ii) above, an accessory dwelling unit may be located above or attached to a garage of more than four hundred (400) square feet, or a barn or other unconditioned accessory structure only where the garage or accessory structure clearly serves the primary residential or agricultural use of the property. In such cases, access to the accessory dwelling unit from the garage or accessory structure shall be provided by an exterior entrance only. Access doors between the attached structure and the accessory dwelling unit are prohibited.

- (4) Lot Coverage Limitation. The total lot coverage for parcels developed with an accessory dwelling unit shall not exceed that allowed within the applicable zoning district in which the parcel is located.

- (5) Setback and Location Requirements.

- (i) An accessory dwelling unit and any attached or detached garage must comply with the setback requirements of the applicable zoning district and combining districts in which the accessory dwelling unit is located, with the following exceptions:
  - (A) The rear yard setback for accessory dwelling units located in urban service areas within zone districts RR, R1, R2, and R3 shall be reduced to five feet (5').
  - (B) Setbacks for an accessory dwelling unit converted from a legal, permitted garage shall be reduced to zero feet (0'). Side and rear yard setbacks for an accessory dwelling unit constructed above a garage shall be reduced to five feet (5').

- (6) Access and Parking Requirements.

- (i) Driveway Access. Both the primary unit and the accessory dwelling unit are strongly encouraged to be served by one (1) common, all-weather surface access driveway with a minimum width of twelve feet (12'), connecting the accessory dwelling unit to a public or private road. Parking Required. One (1) off-street parking space with an all-weather surface shall be provided for the exclusive use of the accessory dwelling unit, in addition to the parking that is required for the primary dwelling. The parking space for the accessory dwelling unit may be allowed in the driveway and in tandem. Required parking shall be waived if:
    - (A) The parcel containing the accessory dwelling unit is within one-half (½) mile of a public transit stop; or
    - (B) The accessory dwelling unit is located within the HD (Historic District) combining zone; or
    - (C) The accessory dwelling unit is part of the existing single-family dwelling or an existing accessory structure; or
    - (D) On-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
    - (E) A car share vehicle is located within one (1) block of the property in which the accessory dwelling unit is located.
  - (ii) Replacing Required Parking. If a garage or carport that provides required parking space(s) for the primary unit is demolished or converted in conjunction with construction of an accessory dwelling unit, the required replacement spaces may be provided as covered or uncovered spaces.
  - (iii) Surfaces. Wherever feasible, the use of permeable surfaces for parking, driveway and walkway areas is strongly encouraged.
- (7) Public Water and Sewer Connections. Accessory dwelling units approved under section 26-88-060(l) (Conversion of an Existing Structure ) shall not be required to connect separately and directly to water or sewer systems and shall not be considered new residential uses for the purpose of calculating water and sewer connection fees or capacity charges. An accessory dwelling unit that is not approved under 26-88-060(k) may be required to connect separately and directly to water or sewer systems and may be subject to connection fees or capacity charges proportionate to the burden placed by the accessory dwelling unit on the utilities. Nothing in this subsection shall be construed to transfer responsibility for water and sewer services to the county from any utility district or zone or supersede the regulatory authority of any utility district or zone.
- (8) Standards for Accessory Dwelling Units Used to Meet the Affordable Housing Program Requirement. In addition to the standards set forth above, an accessory dwelling unit that is proposed to be made available for rent to another household in compliance with Article 89 requirements shall meet the following additional standards:
- (i) Separate Parking and Pathway. A designated parking space and a path of travel into the accessory dwelling unit that does not cross the private yard space of the main home.



- (ii) Doorways. No connecting doorways between the accessory dwelling unit and the main unit, except for a shared laundry room or vestibule; and
  - (iii) Yard. Provision of a separate yard or open space area from that of the main dwelling. For accessory dwelling units located above other structures, this requirement may be met through the provision of a deck with no dimension of less than six (6) feet.
- (l) Conversion of an Existing Structure in the R1 District. Notwithstanding the requirements of this section, a building permit for an accessory dwelling unit shall be approved if all the following circumstances are satisfied.
- (1) The parcel is located within the R1 (Low Density Residential) zoning district and is not within the Z (Accessory Dwelling Unit Exclusion) combining district; and
  - (2) The accessory dwelling unit is located within the existing space of a single-family dwelling or a legal, permitted accessory structure in existence as of January 1, 2017; and
  - (3) The accessory dwelling unit has exterior access independent from the single-family residence; and
  - (4) The converted structure has side and rear setbacks sufficient for fire safety; and
  - (5) The property owner records a deed restriction prohibiting transient occupancy (less than thirty (30) days) and separate sale, including subdivision.

Accessory dwelling units approved under this subsection shall not be required to provide new or separate water and sewer connections and shall not be charged a related connection fee or capacity charge.

- (m) Development Fees. Notwithstanding any other provision of the Sonoma County Code, Traffic and Park Development Fees otherwise assessed on new accessory dwelling units shall be waived or reduced as follows. These fee reductions may be modified at such time as a new fee study or fee schedule is adopted.

Development Impact Fees for Accessory Dwelling Units

| Size of Unit      | % of Development Impact Fees Assessed |
|-------------------|---------------------------------------|
| Up to 750 sq. ft. | 0%                                    |
| 751-1000 sq. ft.  | 50%                                   |
| 1001-1200 sq. ft. | 100%                                  |

- (n) Proposed accessory dwelling units that do not meet the minimum lot size requirements or the design and development standards may be considered on a case-by-case basis with a use permit application.

(Ord. No. [6285](#), § IV(Exh. B), 9-17-2019; Ord. No. [6222](#), § II(Exh. A), 5-8-2018; Ord. No. [6191](#), § II(Exh. A), 1-24-2017)

**Editor's note**— Ord. No. [6191](#), § II(Exh. A), adopted Jan. 24, 2017, amended § 26-88-060 in its entirety to read as herein set out. Former § 26-88-060 pertained to secondary dwelling units and derived from Ord. No. 5429, § 6, adopted in 2003; Ord. No. 5569, § 3, adopted in 2005; Ord. No. 5711, § 3(Exh. B), adopted in 2007; and Ord. No. 6129, § II(Att. A), adopted Aug. 18, 2015.

Sec. 26-88-061. - Junior accessory dwelling units.

- (a) Purpose. Consistent with Government Code Section 65852.22, this section implements the provisions of the General Plan Housing Element that encourage the production of affordable housing.
- (b) Applicability. Junior accessory dwelling units shall be permitted only in compliance with the requirements of this section, and all other requirements of the applicable zoning district, except as otherwise provided by this section, in the following zoning districts: LIA (Land Intensive Agriculture), LEA (Land Extensive Agriculture), DA (Diverse Agriculture), RRD (Resources and Rural Development), TP (Timber Production), AR (Agricultural Residential), RR (Rural Residential), R1 (Low Density Residential), R2 (Medium Density Residential), R3 (High Density Residential), PC (Planned Community), CO (Administrative and Professional Office), C1 (Neighborhood Commercial), C2 (Retail Business and Service), C3 (General Commercial), LC (Limited Commercial), CR (Commercial Rural), AS (Agricultural Services), K (Recreation and Visitor-Serving Commercial), MP (Industrial Park), M1 (Limited Urban Industrial), M2 (Heavy Industrial), and M3 (Limited Rural Industrial) zoning districts. This section does not apply to accessory dwelling units, which are regulated by Section 26-88-060.
- (c) Permit Requirements and Fees. A building permit shall be required for a junior accessory dwelling unit. A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for purposes of applying building codes, fire codes, well and septic requirements, collection of impact fees, or the provision of water, sewer, and power, including connection fees that might otherwise be associated with the provision of those services.
- (d) Time Limits. Unless a longer timeframe is voluntarily requested by the applicant, the required zoning and building permits for an accessory dwelling unit shall be approved or denied within one hundred twenty (120) days from submittal of an application that includes all materials required to process the permits.
- (e) Use. Junior accessory dwelling units may not be sold separately from the single-family dwelling, but may be rented separately. Occupant(s) need not be related to the property owner. Junior accessory dwelling units may not be rented on a transient occupancy basis (less than thirty (30) days). The single-family dwelling must be owner-occupied, but the owner may reside in either the junior accessory dwelling unit or the remaining portion of the single-family dwelling. This owner-occupancy requirement does not apply to single-family dwellings owned by a public agency, land trust, or non-profit housing organization.
- (f) Timing. A junior accessory dwelling unit allowed by this section must be installed after construction of the single-family dwelling.
- (g) Density. As provided by Government Code section 65852.22(d) and (e), junior accessory dwelling units are not considered new or separate dwelling units and, therefore, are exempt from the density limitations of the General Plan. No more than one (1) junior accessory dwelling unit may be located on a parcel.
- (h) Design and Development Standards. Junior accessory dwelling units shall conform with the development standards of the base zoning district. In addition, junior accessory dwelling units shall meet the following standards.
  - (1) Size. A junior accessory dwelling unit shall not exceed five hundred (500) square feet in floor area. If the bathroom is shared with the remainder of the single-family dwelling, it shall not be included in the square footage calculation.
  - (2) Location. A junior accessory dwelling unit shall be installed within a legally established bedroom within the existing walls of a fully permitted single-family dwelling. In the case of a legal, non-conforming single-family dwelling unit, the applicant must demonstrate adequate septic capacity for the bedroom count and utilize an existing, fully permitted bathroom.
  - (3) Access. A separate entrance to the junior accessory dwelling unit shall be provided, and interior access to the remainder of the single-family dwelling shall be maintained. Two (2) doors may be installed within one (1) frame for noise attenuation.

- (4) Kitchen. A junior accessory dwelling unit shall contain an efficiency kitchen, as defined in Section 26-02-140. The efficiency kitchen must be removed when the junior accessory dwelling unit use ceases.
- (5) Sanitation. A junior accessory dwelling unit may include a full bathroom, or the occupant(s) may use a full bathroom inside the remainder of the single-family dwelling.
- (6) Parking. A parking space is not required for the junior accessory dwelling unit.
- (i) Deed Restriction. A deed restriction shall be recorded that: prohibits the subdivision or sale of the junior accessory dwelling unit separate from the single-family dwelling; specifies that the deed restriction runs with the land and is therefore enforceable against future property owners; restricts the size and features of the junior accessory dwelling unit in accordance with this section; prohibits the junior accessory dwelling unit from being rented on a transient occupancy basis (less than thirty (30) days); and further that the County shall be a third party beneficiary of the deed restriction with the right to enforce the provisions of the deed restriction.

(Ord. No. [6191](#), § III(Exh. B), 1-24-2017)

## Attachment 4

File No. ORD21-0002

### Planning Commission Staff Report, June 3, 2021

**Table 1 – Overview of Changes to ADU Regulations**

| Standard                       | Existing Standard   | Proposed Standard Consistent with Government Code § 65852.2   |
|--------------------------------|---|---|
| <b>Permit Processing Time</b>  | 120 days from submission of a complete application  | 60 days from submission of a complete application   |
| <b>Minimum Parcel Size</b>     | See Table 2 below   | No minimum parcel size  |
| <b>Location Allowed</b>        | In all residential and agricultural zoning districts  | In all zoning districts that allow single-family or multifamily dwellings   |
| <b>Number of Units Allowed</b> | One ADU is allowed on a single family residential lot. ADUs are not permitted on lots with a multifamily dwelling. An ADU is not allowed on parcels nonconforming with respect to density.    | One ADU is allowed on a single-family residential lot   |
|                                |   | Two detached ADUs are allowed on a lot with an existing multifamily dwelling, or up to 25 percent of the existing units in the multifamily dwelling (at least one) converted from existing non-livable space in a multifamily structure.  |
|                                |   | One ADU is allowed on a lot with a proposed multifamily dwelling.   |
| <b>Unit Size</b>               | Between 640 square feet to 1,200 square feet depending on the parcel size and water/sanitation type (see Table 2)   | Up to 1,200 square feet for new construction, detached or attached, on parcels of any size where ADUs are allowed by zoning. Conversions of existing legally established space in a primary residence or legally established residential accessory structure are limited to an expansion of 150 square feet beyond existing dimensions for the purpose of accommodating ingress and egress only, or up to a maximum unit size of 1,200 square feet. |
| <b>Front Yard Setback</b>      | As established by the base zoning district  | No change   |
| <b>Side Yard Setback</b>       | As established by the base zoning district  | 4 feet, or 0 feet for conversions of existing legally established space   |
| <b>Rear Yard Setback</b>       | As established by the base zoning district, except that the rear yard setback for ADUs located in urban service areas within the RR, R1, R2, and R3 zoning districts may be reduced to 5 feet | 4 feet, or 0 feet for conversions of existing legally established space   |

|  |  |   |
|--|--|---|
| <b>Exceptions for Garage Conversion or Above Garage ADUs</b> | Setbacks for an ADU converted from a legal, permitted garage may be reduced to 0 feet. Side and rear yard setbacks for an ADU constructed above a garage may be reduced to 5 feet.   | No setback is required for conversions of existing legally established space within a primary residence or a residential accessory structure, or for an ADU constructed in the same location and to the same dimensions as an existing residential accessory structure.   |
| <b>Height Limit</b>  | As established by the base zoning district. In designated urban service areas, an ADU may not exceed 16 feet in height except that where the unit is attached to the primary unit, or where the ADU is proposed to be located above a garage, carport or barn, the maximum height must be that established for the primary dwelling in the base zoning district. | <p><b>Detached, new construction:</b> On parcels with a single-family residence, ADUs shall be limited to the height limit for accessory structures established by base zoning district, except that the maximum allowed height shall not be less than 16 feet. On parcels with multifamily dwellings, ADUs shall be limited to 16 feet in height.</p> <p><b>Attached to or converted from existing space in a primary single-family residence or multifamily dwelling:</b> The ADU shall be limited to the height limit established by the base zoning district.</p> <p><b>Attached to or converted from the entirety of or a portion of an accessory structure:</b> The ADU shall be limited to the current height of the accessory structure, or 16 feet for new construction. In General Plan-designated Urban Service Areas, and where the unit is proposed to be located above an accessory structure, the maximum height shall be that established for the primary dwelling in the base zoning district.</p> |
| <b>Lot Coverage</b>  | As established by the base zoning district   | The lot coverage limitation of the base zoning district is applied, unless it would not permit an ADU of 800 square feet, 16 feet in height, meeting 4 foot side and rear yard setbacks.  |

|                                   |  |  |
|-----------------------------------|--|--|
| <p><b>Parking</b></p>             | <p>One off-street space is required for the ADU, except if the ADU meets any of the following criteria: (A) The parcel containing the ADU is within one-half (½) mile of a public transit stop; or (B)The ADU is located within the HD (Historic District) combining zone; or (C)The ADU is part of the existing single-family dwelling or an existing accessory structure; or (D) On-street parking permits are required but not offered to the occupant of the ADU; or (E) A car share vehicle is located within one (1) block of the property in which the ADU is located.</p>  | <p>No change, except the proposed ordinance clarifies that ADUs with zero bedrooms (studios) are not required to provide a parking space.</p>  |
| <p><b>Replacement Parking</b></p> | <p>If a garage or carport that provides required parking space(s) for the primary unit is demolished or converted in conjunction with construction of an ADU, the required replacement spaces may be provided as covered or uncovered spaces.</p>  | <p>Replacement parking shall not be required when the ADU is created by converting an existing garage that provides parking for the primary dwelling unit.</p>   |
| <p><b>Design Standards</b></p>    | <p>ADUs required to be similar or compatible in character to the primary residence on the site and to the surrounding residences in terms of roof pitch, eaves, building materials, colors and landscaping. ADUs located within the SR (Scenic Resources), HD (Historic District), or LG (Local Guidelines) combining districts shall be designed to meet the requirements of those districts. Review of ADUs within the HD combining district shall be completed administratively by the Director or his/her designee without public hearing. ADUs must also meet all other standards set forth in any applicable combining district, specific plan or area plan, or local area development guidelines.</p> | <p>ADUs shall meet all objective design standards applicable to the lot. A list of current objective design standards will be published on the Permit Sonoma website for reference by the public and staff, and will be updated as needed to reflect code changes.</p> |

**Table 2 – Minimum Parcel Size and Unit Size Requirements in Existing ADU Ordinance**

| <b>Water and Sanitation</b>                              | <b>Minimum Parcel Size</b> | <b>Maximum Unit Size (Sq. Ft.)</b> |
|--|----------------------------|------------------------------------|
| <b>Well and Septic</b>                                   | 2.0 acres                  | 1200                               |
| <b>Public or Community Water, or on-site well</b>        | 1.5-1.99 acres             | 640/1 bedroom                      |
| <b>Public or Community Water</b>                         | 1.0-1.49 acres             | 640/1 bedroom                      |
| <b>Public Water and Sewer within urban service areas</b> | 5,000 square feet          | 1200                               |