

ORDINANCE O2019-008

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AMENDING NAPA MUNICIPAL CODE SECTION 17.52.015 "ACCESSORY DWELLING UNITS (ADU)" TO IMPLEMENT STATE LEGISLATION THAT WILL BE EFFECTIVE ON JANUARY 1, 2020; AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS ORDINANCE ARE EXEMPT FROM CEQA

WHEREAS, the City of Napa adopted Ordinance No. O2019-006 on May 7, 2019, establishing regulations in Napa Municipal Code ("NMC") Section 17.52.015 for Accessory Dwelling Units ("ADU"); and

WHEREAS, the state legislature passed several bills specific to ADUs with the goals of reducing processing timelines, limiting owner-occupancy requirements, and limiting local agencies' ability to restrict ADUs; and

WHEREAS, all bills were signed by the Governor and will become effective on January 1, 2020, nullifying any local ordinances not in compliance with state laws; and

WHEREAS, pursuant to City Charter Section 62 and California Government Code Section 36937, the City is authorized to adopt an urgency ordinance by a four-fifths vote of the City Council if necessary for the immediate preservation of the public peace, health or safety; and

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

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

**SECTION 1:** The City Council hereby makes the following findings in accordance with Napa Municipal Code Section 17.66.080:

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

The proposed amendments are consistent with the General Plan in that the amendments simplify the permitting process for ADUs in an effort to encourage homeowners to construct ADUs. Specifically, the proposed amendments are consistent with Land Use Goal LU-4, which seeks to preserve and enhance the residential character of existing neighborhoods; Housing Goal H-2, which seeks to have a variety of housing types and choices; and Housing Policy H3.5 which seeks City encouragement of ADU con-

struction in residential neighborhoods throughout the City.

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

The proposed amendments are beneficial to the public health, safety and general welfare as they establish development standards for ADUs that are consistent with State Law.

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

The proposed amendment to the ADU regulations does not rezone land, including residential land identified as contributing to the City's ability to accommodate its share of the regional housing needs.

**SECTION 2.** The City Council hereby makes the following findings in accordance with City Charter Section 62 and California Government Code Section 36937:

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1. The new state laws nullify all local ordinances not in compliance when the new laws become effective on January 1, 2020 in their entirety.
2. The City has recently updated ADU regulations to reduce barriers to their construction and many of Napa's requirements are already in compliance with the new state laws.
3. The Urgency Ordinance preserves the City's compliant regulations while making necessary amendments to bring the local ordinance into full compliance with the new state laws and is necessary for the immediate preservation of the public peace, health and safety.

**SECTION 3: Amendment.** Napa Municipal Code Subsection 17.52.015 is hereby amended by deleting the current text and replacing it with:

**17.52.015 Accessory dwelling units (ADU).**

Each Accessory Dwelling Unit (ADU) shall be subject to building permit requirements and compliance with the standards set forth in this Section 17.52.015. Those ADUs described in Subsection C shall also be subject to the administrative permit requirements set forth in Chapter 17.58. ADUs are exempt from General Plan density requirements

and lot coverage percentages.

**A. General Standards for ADUs. Each ADU shall comply with the following standards:**

1. The ADU shall be constructed on a lot zoned for residential uses that includes an existing or proposed single family or multi-family dwelling unit.
2. Bedrooms: Two bedrooms maximum per ADU.
3. Maximum floor area: The maximum floor area for each ADU shall be 1,200 square feet.
4. Height: No ADU shall exceed 16 feet in height. However, an increase in height up to the limit allowed for the principal dwelling unit may be permitted with approval of an administrative permit in accordance with Subsection C below.
5. Setback and yard requirements:
  - a. Each attached ADU must comply with the setback requirements in the underlying zoning district for the principal dwelling unit except as otherwise provided herein.
  - b. Each detached ADU shall have a rear and side setback of four (4) feet.
  - c. No setback shall be required for an existing accessory structure that is converted to an ADU or an ADU that is constructed within the same location and to the same dimensions as an existing accessory structure.
6. Number of ADUs permitted.
  - a. Single family dwellings: One ADU or one ADU and one JADU may be constructed on lots with proposed or existing single family dwellings in accordance with Government Code Section 65852.2(e)(1)(A)-(B).
  - b. Multifamily dwellings: ADUs may be constructed on lots developed with existing multifamily dwellings in accordance with California Government Code Section 65852.2(e)(1)(C)-(D).
7. No ADU shall be used for transient occupancy, as defined by Section 17.06.030.
8. Parking:

- a. Each ADU shall have one parking space.
  - b. Parking spaces may be covered or uncovered, provided as tandem parking on an existing driveway, or on a paved surface in a setback or yard area.
  - c. Notwithstanding subsection (a) above, parking requirements shall be waived if the ADU is located: (1) within one-half (1/2) mile walking distance of a public transit stop; (2) in a designated historic district; (3) in part of a principal dwelling unit or an existing accessory structure; (4) in an area requiring on-street parking permits but the permits are not offered to the ADU occupant; or (5) within one block of a car-sharing pickup/drop-off location.
  - d. When a garage or other parking structure or area is demolished in conjunction with the construction of an ADU or converted to an ADU, replacement of the lost parking is not required. However, replacement parking is encouraged and may be located in any configuration on the same lot as the ADU as a covered, uncovered, or tandem parking space.
9. Each ADU shall include a kitchen as defined in Section 17.06.030.
- B. Additional Standards for Conversion of an Existing Accessory Structure to an Accessory Dwelling Unit.
  1. Conversion of a non-habitable accessory structure/garage or other living space to an ADU shall meet all building codes for residential occupancy.
- C. ADUs Requiring an Administrative Permit. Prior to building permit review and approval, an administrative permit issued in accordance with Chapter 17.58 shall be required for ADUs in the following circumstances:
  1. An ADU exceeding 16 feet in height.
  2. An ADU located on a lot containing a principal dwelling unit listed on the City's Historic Resources Inventory (HRI); provided however, an administrative permit shall not be required for conversion of an existing accessory structure that does not involve any exterior alterations.
- D. Fire Sprinkler Requirements.
  1. Each ADU shall comply with all applicable fire safety provisions of state law, as well as locally adopted building and fire codes under Chapter 15.04.

2. An ADU is not required to be equipped with fire sprinklers unless fire sprinkler installation is required for the principal dwelling unit.
- E. Junior Accessory Dwelling Units. Each Junior Accessory Dwelling Unit (JADU) shall be subject to compliance with the building permit requirements and the following standards:
1. Each JADU shall be constructed within the existing walls of the principal dwelling unit and shall include an existing bedroom within the principal dwelling unit.
  2. Each JADU may contain separate sanitation facilities or may share sanitation facilities with the principal dwelling unit.
  3. Each JADU shall include a separate entrance from the main entrance to the principal dwelling unit and may include an interior entry to the main living area. A second interior door may be included for sound attenuation.
  4. Each JADU shall, at a minimum, include an efficiency kitchen as defined in Section 17.06.030.
  5. One JADU is permitted per lot zoned for single-family dwellings that is developed or proposed to be developed with a single-family dwelling.
  6. Additional parking is not required for a JADU.
  7. The property owner shall reside in either the principal dwelling unit or the JADU.
  8. Prior to issuance of a building permit for the JADU, the property owner shall file with the City a deed restriction for recordation with the County Recorder, which shall run with the land and include the following provisions:
    - a. A prohibition on the sale of the JADU separate from the sale of the principal dwelling unit.
    - b. A restriction on the size and attributes of the JDAU that conforms with this Section
    - c. A prohibition on using the JADU for transient occupancy, as defined by Section 17.06.030.
    - d. A statement that the restrictions shall be binding upon any successor owner of the property and that failure to comply with the restrictions shall result in legal action against the owner.

**SECTION 4: Severability.** If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 5: Effective Date.** This Ordinance shall become effective immediately upon adoption.

City of Napa, a municipal corporation

MAYOR: Tee Techel

ATTEST: Tiffany Carranza  
CITY CLERK OF THE CITY OF NAPA

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

I, Tiffany Carranza, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance was adopted and passed during the public meeting of the City Council on the 17<sup>th</sup> day of December, 2019, by the following vote:

AYES: Sedgley, Alessio, Gentry, Luros, Techel

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: Tiffany Carranza  
Tiffany Carranza  
City Clerk

Approved as to Form:

Michael W. Barrett

Michael W. Barrett  
City Attorney