



Community Development Department – Planning Division  
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## PLANNING COMMISSION STAFF REPORT FEBRUARY 20, 2020

### AGENDA ITEM 7.B ACCESSORY DWELLING UNIT ORDINANCE AMENDMENT

#### I. GENERAL INFORMATION

PROJECT SUMMARY: Ordinance amending NMC Sections 17.06.030 “Definitions” and 17.52.015, the City’s Accessory Dwelling Unit regulations

LOCATION OF PROPERTY: Citywide

GENERAL PLAN: Various

ZONING: Various

APPLICANT: City of Napa

STAFF PLANNER: Michael Walker, Senior Planner Phone: (707) 257-9530

#### II. PROJECT DESCRIPTION & BACKGROUND

##### BACKGROUND

Addressing the State’s housing crisis continued to be a priority in the 2019 legislative session. Specific to Accessory Dwelling Units (ADUs), six bills were passed – AB 68, AB 881, SB 13, AB 587, AB 670, and AB 671 – with the goals of reducing processing timelines, limiting owner-occupancy requirements, and limiting local agencies’ ability to restrict ADUs, among other things. All bills were signed by Governor Newsom and became effective on January 1, 2020.

Unique to this package of new housing legislation from past housing packages is a provision nullifying any local ADU ordinances not in compliance with the new laws when they became effective on January 1, 2020. Therefore, the City Council adopted an urgency ADU ordinance on December 17, 2019 amending the City’s ADU ordinance to make it consistent with the new State laws, which became effective immediately upon adoption. Urgency ordinances are intended to serve as an immediate preservation of the public peace, health and safety; therefore, staff has prepared a non-urgency ADU ordinance for consideration that includes the state-mandated ordinance amendments as well as some minor clean up items that were not addressed in the urgency ordinance.

## Proposed Amendments

Below is a summary of the proposed amendments to the ADU ordinance:

**General Standards** – Currently, ADUs are only permitted on lots with single-family homes – and those lots are limited to only one ADU or Junior ADU. Under new state laws, ADUs are permitted on all residential lots, including duplex, triplex, and multifamily lots. In addition, single family lots may now have an ADU and a JADU.

**Setback and Yard Requirements** – Consistent with new state laws, the minimum side and rear yard requirements have been reduced to four feet. No setbacks are required for any accessory structure converted to an ADU (currently, zero setbacks only apply to garages converted to ADUs).

**Height** – Consistent with new state laws, ADUs are now permitted to be up to 16 feet in height without any discretionary review.

**Definitions** – The definition of “Kitchen” has been amended to eliminate “dishwasher” as a requirement. This is not a state law requirement, but one staff is recommending to make it easier for home owners to construct ADUs.

## III. ENVIRONMENTAL REVIEW

City staff recommends that the Planning Commission determine that the recommended action is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which exempts the adoption of ordinances regarding accessory dwelling units.

## IV. REQUIRED FINDINGS

The Planning Commission’s consideration of this project is subject to the required findings in NMC Section 17.66.080 relating to Zoning Amendments. These findings are provided in the draft Ordinance attached to the Staff Report. Staff has determined that the proposed project could be deemed consistent with these findings and the attached Ordinance (see Attachment 1) contains the basis for this recommendation.

## V. PUBLIC NOTICE

Notice of the public hearing was published in the Napa Valley Register on February 7, 2020 and provided to people previously requesting notice on the matter at the same time notice was provided to the newspaper for publication.

## VI. STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a recommendation to the City Council to adopt an Ordinance amending NMC Sections 17.06.030 “Definitions” and 17.52.015 “Accessory Dwelling Units (ADU)”.

**VII. REQUIRED ACTION**

Final actions by the Planning Commission:

1. Forward a recommendation to the City Council to adopt an Ordinance amending Napa Municipal Code Section 17.06.030 “Definitions” and Section 17.52.015 “Accessory Dwelling Units (ADU)” and determining that the actions authorized by this Ordinance are exempt from CEQA.

**VIII. DOCUMENTS ATTACHED**

ATCH 1 – Draft Ordinance

ATCH 2 – ADU Ordinance O2019-008 approved December 17, 2019