



## Staff Reports

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**File #:** 2203-2019, **Version:** 1

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**To:** Honorable Mayor and Members of City Council  
**From:** Vincent Smith, Community Development Director  
**Prepared By:** Michael Walker, Senior Planner

**TITLE:**  
Accessory Dwelling Unit (ADU) Ordinance Amendment

**RECOMMENDED ACTION:**

First reading and introduction of an ordinance amending Napa Municipal Code Section 17.06.030 "Definitions", and repealing existing Section 17.52.015 "Accessory Dwelling Units (ADU)" in its entirety and replacing it with a new Section 17.52.015 "Accessory Dwelling Units (ADU)" and determining that the actions authorized by this Ordinance are exempt from CEQA.

**DISCUSSION:**

Effective January 1, 2020, there were a great number of new state laws related to increasing construction and access to affordable housing, including six bills focused on facilitating the construction of Accessory Dwelling Units ("ADUs"). On December 17, 2019, the Council adopted an emergency ordinance to make required changes to the City's ADU ordinance (Napa Municipal Code Section 17.52.015) prior to the deadlines established by the new state laws. Subsequently, City staff conducted a more complete evaluation of the City's ADU ordinance and obtained input from the Planning Commission on the recommended ordinance attached to this report. The only differences between the emergency ordinance previously adopted by Council on December 17, 2019 and the proposed ordinance is the definition of "Kitchen" in NMC Section 17.06.030 has been amended to eliminate "dishwasher" in order to make it easier for homeowners to construct ADUs. In addition, the junior ADU ("JADU") standards have been amended to allow JADUs in existing or proposed dwelling units and to eliminate the requirement for the JADU to include an existing bedroom consistent with the new state laws.

**Proposed Amendments**

Below is a summary of the proposed amendments to the ADU ordinance, most of which were included in the emergency ADU ordinance adopted by Council on December 17, 2019:

**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.

**Junior Accessory Dwelling Units (JADU)** - Consistent with new state laws, the JADU standards have been amended to allow JADUs in existing or proposed dwelling units and to eliminate the requirement for the JADU to include an existing bedroom.

**Definitions** - The definition of “Kitchen” has been amended to eliminate “dishwasher” as a requirement. This is not a state law requirement, but is recommended by staff to make it easier for homeowners to construct ADUs.

## PLANNING COMMISSION MEETING

The Planning Commission held a public hearing on February 20, 2020. The Commission heard a report from Staff and requested clarification on HOA restrictions, height limits, and utility and fee waivers. No public comment was received. The Commission unanimously recommended approval of the Ordinance amendment.

## FINANCIAL IMPACTS:

No direct financial impact to the City has been identified with this agenda item.

## CEQA:

City staff recommends that the City Council 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.

## DOCUMENTS ATTACHED:

ATCH 1 - Draft 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.

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

ATCH 3 - Planning Commission Staff Report (attachments removed to avoid duplication)

## NOTIFICATION:

Legal notices of report were published in the Napa Valley Register at least 10 days prior to the hearing date.