



# Folsom City Council Staff Report

<b>MEETING DATE:</b>	4/14/2026
<b>AGENDA SECTION:</b>	Consent Calendar
<b>ITEM TITLE:</b>	Zoning Code Update – Accessory Dwelling Unit Ordinance Hearing and Determination that the Project is Exempt from CEQA; Ordinance No. 1361 - An Ordinance of the City of Folsom for the Repeal and Re-Enactment of Chapter 17.105 of the Folsom Municipal Code Pertaining to Accessory Dwelling Units (Second Reading and Adoption)
<b>FROM:</b>	Community Development Department

**RECOMMENDATION / CITY COUNCIL ACTION**

Staff respectfully requests that the City Council conduct the second reading and adopt Ordinance No. 1361 - An Ordinance of the City of Folsom for the Repeal and Re-Enactment of Chapter 17.105 of the Folsom Municipal Code Pertaining to Accessory Dwelling Units.

**BACKGROUND / ISSUE**

Since the City adopted its Accessory Dwelling Unit (ADU) Ordinance in 2020, the State has enacted several new laws affecting ADUs. As a result, some provisions of the City’s ADU Ordinance are no longer consistent with State Law.

On December 5, 2025, the California Department of Housing and Community Development (HCD) sent a letter to the City to request that the City update its Accessory Dwelling Unit (ADU) Ordinance to align with changes to State ADU law since the ordinance’s adoption in 2020. Pursuant to Government Code Section 66326, if the City is unable to provide HCD with an updated, State-compliant ADU Ordinance, the City’s existing ordinance will be deemed null and void, and the City will be required to enforce only the State’s ADU requirements. City staff provided HCD with a timeline to adopt an updated ADU Ordinance by April 2026, which HCD accepted. If the City fails to adopt and submit an updated ordinance by that date, the City risks having its ADU Ordinance declared null and void by HCD.

Staff have prepared the attached draft ADU Ordinance to replace the City's existing citywide regulations in Folsom Municipal Code Chapter 17.105. The draft ordinance ensures consistency with State law while maintaining and strengthening standards where the City is able to exercise local control, such as certain limited regulations related to size, height, and other objective design and development standards. The draft ordinance also standardizes and consolidates ADU requirements to increase readability and streamline the review process.

The proposed Ordinance was introduced to the City Council at its March 24, 2026, hearing. During the hearing, the City Council directed staff to amend proposed Ordinance No. 1361 Section FMC 17.105.190(E)(2)(c) to revise the design requirement for staircases serving second story accessory dwelling units by replacing the requirement that such staircases be "enclosed" with a requirement that they be "screened." With this amendment, the City Council voted (5-0-0-0: 5 votes in support, 0 opposed, 0 recusal, and 0 member absent) to introduce and conduct first reading of Ordinance No. 1361 - An Ordinance of the City of Folsom for the Repeal and Re-Enactment of Chapter 17.105 of the Folsom Municipal Code Pertaining to Accessory Dwelling Units.

Since the hearing, staff also have made a minor grammatical correction to FMC 17.105.200(C)(4)(b): "The window shall include flat trim measuring no more than three-and-one-half (3.5) inches ~~side~~ wide surrounding all sides of the window."

## **POLICY / RULE**

The City's draft ADU Ordinance is consistent with the City's 2035 General Plan, including the Land Use and Housing Elements. Specifically, the draft ADU Ordinance is consistent with the following City policies:

### General Plan Land Use (LU) and 2021-2029 Housing Element Policies:

- LU 6.1.2 Historic Folsom Residential Areas - Preserve and protect the residential character of Historic Folsom's residential areas.
- Policy H-1.5 - The City shall support the development of accessory dwelling units on single-family parcels.
- Policy H-2.1 - The City shall continually strive to shorten permit processing and review times to the greatest extent possible by allowing concurrent processing.
- Policy H-2.2 - The City shall strive to ensure that its current development impact fee structure does not unnecessarily constrain production of residential development.
- Policy H-2.4 - The City shall provide incentives to encourage the construction of accessory dwelling units and multi-generational housing units.
- Policy H-2.5 - The City shall endeavor through its development and design standards and decision making to provide consistent and predictable policy direction for residential project applicants.

- Policy H-5.1 - The City shall strive to ensure adequate and affordable housing for seniors and persons with disabilities, particularly in areas near public transportation, shopping, medical, and other essential services and facilities.

## ANALYSIS

Since the enactment of the current Accessory Dwelling Unit (ADU) Ordinance in 2020, the State has enacted several new laws affecting the manner in which the City can regulate ADUs. Some changes which affect the City’s existing ADU Ordinance include:

- Requirement that the City determine application completeness within 15 days of submittal, and to approve or deny an application for the creation of an ADU or JADU within 60 days. If the City fails to act within the 60-day timeframe, the application is automatically deemed approved (SB 543, 2025)
- Specifies that if the City fails to submit an adopted ADU ordinance to HCD or fails to respond to HCD’s findings regarding their ordinance, that the City’s ordinance is null and void and the City must only apply State ADU Law (SB 9, 2025)
- Prohibits the City from imposing any development or design standards on ADUs created pursuant to Government Code 66323 (also known as ‘state-mandated’ or ‘state-exempt’ ADUs, or ‘66323 Units’) (SB 1211, 2024).
- Expands the number of allowable detached ADUs on an existing multi-unit dwelling lot to eight, provided that the number of ADUs does not exceed the number of existing units on the lot (SB 1211, 2024).
- Prohibits the City from requiring owner occupancy for an ADU, or for a JADU with independent bathroom facilities (AB 1154, 2025).
- Prohibits requiring the replacement of uncovered off-street parking if demolished in conjunction with the construction of an ADU, and prohibits the City from imposing parking requirements for ADUs in many instances (SB 1211, 2024).
- Clarifies that single-unit lots are allowed to construct at least three types of ADUs and one JADU, for a total of up to four ADUs on a single-unit lot (SB 543, 2025)
- Requires ministerial approval of an application to create an ADU or JADU; ADUs cannot be subject to discretionary review or hearing (AB 68, 2019).
- Clarifies that ADU size limits are based on the interior livable space of the unit (SB 543, 2025).

Based on these changes, staff have prepared a new ADU Ordinance to ensure consistency with new State requirements. In addition to changes to accommodate the changes to State law outlined above, the draft ordinance also proposes to:

- Clarify that all ADUs are subject to a ministerial review, and are not subject to discretionary review or hearing. This includes changing the level of review for ADUs in the Historic District to a staff-level review.
- Standardize and align definitions and terminology with the California Government Code.

- Use a new format to increase readability, consolidate standards, and ensure consistency.
- Ensure design and development requirements are clear, objective, and enforceable.
- Add a new Carriage House style to the list of allowed architectural styles for ADUs located in the Historic District.
- Make minor modifications to standardize development requirements for different ADU types
- Outline process for a voluntary staff-level standard design review option for applicants to request deviations from the ADU objective design standards.

The intent of Ordinance No. 1361 is to maintain existing ADU requirements to the extent permitted by State law, and to standardize, clarify, and strengthen applicable regulations in order to ensure quality design. More detailed information about the changes proposed in Ordinance No. 1361 are discussed in the Planning Commission staff report provided in Attachment 5.

### **Historic District Commission Meeting**

The Historic District Commission considered this item at their March 4, 2026, meeting. Following the staff presentation on Ordinance No. 1361, the Commission requested clarification regarding the following items:

1. Department of Housing and Community Development (HCD) Timeline for updating the City's ADU Ordinance
  - a. Staff confirmed that a timeline was provided to HCD indicating the City's intent to adopt an updated ordinance by April, which HCD accepted. If the City does not adopt a compliant ordinance within this timeframe, it risks receiving a Notice of Violation and having its ADU ordinance deemed null and void by the State.
2. Applicability of design standards for ADUs created pursuant to Government Code 66323 (State-Mandated ADUs)
  - a. Staff confirmed that no local design standards can be applied to state-mandated ADUs, but can be applied to all other ADUs created pursuant to the City's ADU Ordinance.
3. Increased Number of Allowed ADUs on Multifamily Lots
  - a. Staff confirmed that existing multifamily properties may construct up to eight detached ADUs, not to exceed the number of existing primary units on the site, provided sufficient space is available. Additionally, non-livable spaces may be converted into ADUs, up to 25 percent of the number of existing primary units. New multifamily developments may construct up to two detached ADUs.
4. Utility Connection Fees for Certain ADUs
  - a. Staff confirmed that connection fees may not be charged unless the ADU is constructed concurrently with a new primary dwelling unit. Separate utility connections are not required to construct an ADU. However, if the utility provider

allows separate utility connections, the property owner may voluntarily install one for an ADU.

5. ADU Application Review Timeline Required by the State
  - a. Staff confirmed that ADU applications are subject to a 15 day application completeness review and have 60 days to make an approval or denial determination. If the City fails to issue a determination within 60 days, the application is deemed approved by the State. To avoid this outcome, the City is prepared to issue a denial prior to the 60 day deadline if the application is not able to meet the requirements of the City's ADU ordinance. Applicants may also request to pause the 60-day review timeline if additional time is needed to make corrections.
  
6. Optional Standard Design Review Process for Deviations from Objective Design Standards
  - a. Staff confirmed that an optional, standard staff-level design review process is available for applicants seeking to deviate from the objective design standards of the ADU ordinance. Under this process, the project would be evaluated based on standard design review findings, applicable design guidelines for the site, and would include public noticing and an opportunity for public comment.

During public comment, two Folsom residents had questions regarding FMC Section 17.105.070 of the draft ordinance, which requires that for all ADUs, the rental term be for a period longer than 30 days. The commentors asked how the City would treat existing nonconforming short term rentals of ADUs, and whether the City would consider modifying the language to allow for short term rentals in ADUs.

Draft Ordinance No. 1361 does not propose to change this requirement, which exists in the City's current ADU ordinance adopted in 2020. Further, Government Code Section 66323 requires that state-mandated ADUs be rented for a term longer than 30 days. AB 1154 (2025), which took effect on January 1, 2026, further expanded this requirement to include JADUs. The State of California has indicated through continued legislation that the intent for the encouragement of ADUs is to create more long-term housing units, which the City of Folsom reflected in the existing ADU ordinance adopted in 2020. As this policy decision was already made by the City in 2020, and is supported by State legislation, the proposed draft ordinance does not propose any changes to this requirement. The Historic District Commission provided feedback to staff to look into how the City would enforce the prohibition on short term rentals in ADUs created prior to 2020, and staff stated that they would look into the issue and reach out to the commentors to discuss their options.

The Historic District Commission voted to recommend approval of Ordinance No. 1361 to the City Council, based on the findings included in this report (5-0-0-2: 5 votes in support, 0 opposed, 0 recusal, and 2 members absent).

### **Planning Commission Meeting**

The Planning Commission considered this item at their March 18, 2026, meeting. Following the staff presentation on Ordinance No. 1361, the Commission requested clarification regarding the appeal process for staff-level, ministerial design review determinations on ADU projects. Staff

confirmed that, in accordance with the Government Code, all ministerial design reviews of ADUs can be appealed to the Planning Commission. Staff also clarified that this includes ADUs in the Historic District, as the Government Code is clear that the Planning Commission is the appellate body, and as a practical concern in light of the *Robert Delp v. City of Folsom et al.* decision which requires that all projects reviewed by the Historic District Commission also require final approval by the City Council. No members of the public provided comment on Ordinance No. 1361.

The Planning Commission voted to recommend approval of Ordinance No. 1361 to the City Council, based on the findings included in this report (6-0-0-1: 6 votes in support, 0 opposed, 0 recusal, and 1 member absent).

Since the hearing, some minor grammatical changes have been made to Ordinance No. 1361, however this does not substantively change the ordinance requirements or process. Once adopted by the City, the new ADU Ordinance will be subject to review and approval by the California Housing and Community Development Department (HCD) to have legal effect.

### **FINANCIAL IMPACT**

Staff anticipates that the proposed code changes requiring ministerial review for all ADUs, along with the clarification of existing requirements, will reduce the amount of staff resources needed for project review. Ministerial reviews do not require public noticing, which will reduce both staff time and the use of physical noticing materials. In addition, clearer and more objective ADU standards will streamline the review process by reducing the need for subjective interpretation of ambiguous provisions. ADUs within the Historic District will no longer require a Commission hearing, which will reduce staff time associated with preparing staff reports and attending meetings, including a reduction in the amount of compensatory time used by staff. As such, staff anticipates that the proposed changes would have a positive financial impact on City funds.

The City also is permitted under State law to charge processing fees to cover the cost for review of Accessory Dwelling Unit applications, and no change is proposed for these fees. With regard to impacts on City infrastructure, the draft ADU Ordinance allows the City to charge impact fees for ADUs larger than 750 square-feet proportional to the size of the ADU compared to the size of the primary residence, and no change is proposed to these impact fees.

### **ENVIRONMENTAL REVIEW**

Pursuant to Section 21080.17 of the California Public Resources Code (PRC), the adoption of the ordinance is statutorily exempt from the California Environmental Quality Act (CEQA). Under PRC Section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 of, or Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code (the State ADU law). The ordinance implements ADU regulations in the City of Folsom in a manner that is consistent with the requirements of state law. As such, the adoption of the ordinance is exempt from CEQA.

**ATTACHMENTS**

1. Ordinance No. 1361 - An Ordinance of the City of Folsom for the Repeal and Re-Enactment of Chapter 17.105 of the Folsom Municipal Code Pertaining to Accessory Dwelling Units
2. Amendment to Ordinance No. 1361, dated 3/24/26
3. Department of Housing and Community Development Letter of Technical Assistance, Dated 12/5/25
4. Historic District Commission Staff Report, Dated 3/4/26
5. Changes/Modifications to Historic District Commission Agenda, dated 3/4/26
6. Planning Commission Staff Report, Dated 3/18/26
7. Changes/Modifications to Planning Commission Agenda, dated 3/18/26

Submitted,



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PAM JOHNS

Community Development Director

# Attachment 1

Ordinance No. 1361 - An Ordinance  
of the City of Folsom for the Repeal  
and Re-Enactment of Chapter 17.105  
of the Folsom Municipal Code  
Pertaining to Accessory  
Dwelling Units

**ORDINANCE NO. 1361**

**AN ORDINANCE OF THE CITY OF FOLSOM FOR THE REPEAL AND RE-ENACTMENT OF CHAPTER 17.105 OF THE FOLSOM MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS**

The City Council of the City of Folsom does hereby ordain as follows:

**SECTION 1 PURPOSE**

The purpose of this ordinance is to amend the Folsom Municipal Code to conform with new State law regulations pertaining to Accessory Dwelling Units adopted since 2020.

**SECTION 2 REPEAL AND RE-ENACTMENT TO CODE**

Chapter 17.105 of the Folsom Municipal Code is hereby repealed and re-enacted to read as follows:

**Chapter 17.105**

**ACCESSORY DWELLING UNITS**

**Sections:**

- 17.105.010 Purpose, Applicability and Where Permitted.**
- 17.105.020 Definitions.**
- 17.105.030 Types.**
- 17.105.040 Density and Consistency.**
- 17.105.050 Processing Time and Submittal Requirements.**
- 17.105.060 Fee Requirements.**
- 17.105.070 Rental and Sale Limitations.**
- 17.105.080 Conditions for Nonconforming Uses and Structures.**
- 17.105.090 Accessory Dwelling Units Subject to Mandatory Approval.**
- 17.105.110 Accessory Dwelling Units Subject to Design Review**
- 17.105.120 Limitation on the Number of Accessory Dwelling Units.**
- 17.105.130 Standards Applicable to All Accessory Dwelling Units.**
- 17.105.140 Single-Unit Developments: Attached Accessory Dwelling Unit Standards.**
- 17.105.150 Single-Unit Developments: Detached Accessory Dwelling Unit Standards.**
- 17.105.160 Single-Unit Developments: Junior Accessory Dwelling Unit Standards.**
- 17.105.170 Two-Unit and Multi-Unit developments: Accessory Dwelling Unit Standards.**
- 17.105.180 Parking Requirements.**
- 17.105.190 All Zones—Design Standards.**
- 17.105.200 Historic District Zones—Design Standards.**

**17.105.010 Purpose, Applicability and Where Permitted.**

- A. Purpose. This chapter establishes regulations and procedures for reviewing and permitting accessory dwelling units in conformance with California Government Code Title 7, Division 1, Chapter 13.
- B. Applicability. Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit shall comply with the requirements of this chapter and the city’s building and fire codes, as modified by Government Code Title 7, Division 1, Chapter 13. For the purposes of this chapter, accessory dwelling units include attached, detached, and junior accessory dwelling units.
- C. Building Permit Required. Any accessory dwelling unit or junior accessory dwelling unit shall require a building permit, subject to all the standard application and processing fees and procedures that apply to building permits generally.
- D. Where Permitted. Accessory dwelling units are allowed on parcels zoned to allow for single-unit, two-unit, and/or multi-unit residential uses where such a parcel includes a proposed or existing primary dwelling unit. Junior accessory dwelling units are allowed on parcels zoned to allow for single-unit residential uses where such parcel includes a proposed or existing primary dwelling unit.

**17.105.020 Definitions.**

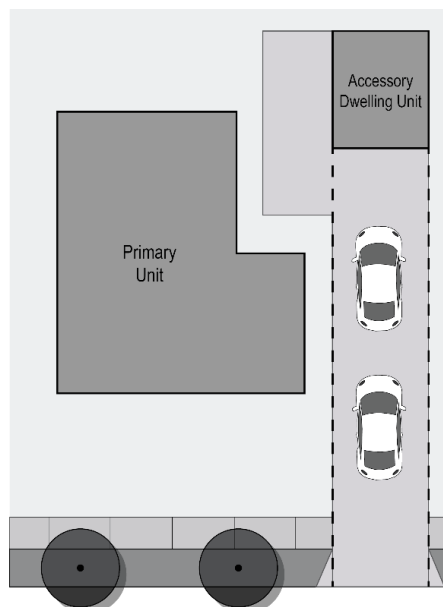
- A. “Accessory dwelling unit” (ADU) means an attached or a detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-unit or multi-unit dwelling is or will be situated, and include a permanent foundation and has a permanent connection to utility services. An accessory dwelling unit also includes the following:
  - 1. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
  - 2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- B. “Accessory building” means a detached subordinate building, the use of which is incidental to that of the main building on the same lot, or to the use of the land, such as a detached garage, shed or barn, etc.
- C. “Car share” means a program that allows customers hourly access to shared vehicles from a dedicated home location, with the vehicles required to be returned to that same location at the end of the trip.

- D. “Discretionary review” means the review of an application that involves a decision-makers judgement, and may involve public hearing and/or environmental review. Approvals are granted at the discretion of the City decision-maker. Discretionary review typically applies to projects which may have an impact to the surrounding area, require more analysis, and/or necessitate public feedback.
- E. “Efficiency kitchen” is defined for purposes of establishing a junior accessory dwelling unit as a cooking facility that includes all of the following:
1. A cooking facility with appliances; and
  2. A food preparation counter; and
  3. Storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- F. “Independent living facilities” means a residential dwelling unit having permanent provisions for living, sleeping, eating, cooking, and sanitation.
- G. “Junior accessory dwelling unit” (JADU) means a unit that is no more than five-hundred (500) square feet in size and contained entirely within a single-unit dwelling. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.
- H. “Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- I. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory building.
- J. “Ministerial review” means review of an application at a staff-level for compliance to clear and objective requirements, and does not involve public hearing. If an application subject to ministerial review meets all of the City’s requirements, then it shall be approved by staff. Ministerial reviews are exempt from the California Environmental Quality Act (CEQA) and cannot be appealed.
- K. “New construction” means the creation of new built space that did not previously exist. This includes a wholly new building, or an addition that increases the space beyond the existing building where new space was not previously a part of the building.
- L. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
- M. “Objective standards” means 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.

- N. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street or alley to one (1) entrance of the accessory dwelling unit.
- O. “Primary dwelling unit” means the single-unit dwelling or each multi-unit dwelling unit, but does not include an accessory dwelling unit or junior accessory dwelling unit. An attached garage is considered part of the primary dwelling unit.
- P. “Public transit” means a location, including but not limited to a bus stop or train station, where the public may access buses, trains, subway, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- Q. “Single-unit, two-unit, and multi-unit” mean the same, respectively, as single-family, duplex, and multi-family residential units.
- R. “Spindle work detailing” means a decorative element created by shaping wood on a spindle lathe to create symmetrical, repeating patterns like beads, coves, rings, and tapers. Spindlework detailing was often used as decorative spindles, balusters, posts, and trim on railings, porches, staircases, and other architectural features.
- S. “66323 unit” means accessory dwelling units that must be approved ministerially in accordance with Government Code Section [66323](#).
- T. “Tandem parking” means two or more automobiles parked on a driveway or in any other location on a parcel, lined up behind one another.

### Tandem Parking



### **17.105.030 Types.**

An accessory dwelling unit approved under this chapter shall be one of the following types:

- A. Attached. An accessory dwelling unit that meets the requirements of this chapter, and that is created as a result of new construction or conversion which is attached to an existing or proposed primary dwelling unit, such as through a shared structural wall, floor, ceiling, or roof. An attached accessory dwelling unit may also include, in part or in whole, a conversion of space within an existing primary dwelling unit, and/or an addition to an existing or proposed primary dwelling unit.
- B. Detached. An accessory dwelling unit that meets the requirements of this chapter, and that is created as a result of new construction or conversion which is detached and separate from an existing or proposed primary dwelling unit on the same parcel. A detached accessory dwelling unit may also include, in part or in whole, a conversion of space within an existing accessory building, and/or an addition to an existing or proposed accessory building, and/or a newly constructed standalone accessory dwelling unit.
- C. Junior Accessory Dwelling Unit. An accessory dwelling unit that is a unit that meets all the following requirements in addition to the requirements of this chapter:
  - 1. Is no more than five-hundred (500) square feet in size; and
  - 2. Is contained entirely within a proposed or existing single-unit primary dwelling; and
  - 3. Has a separate entrance from the main entrance to the proposed or existing single-unit primary dwelling; and
  - 4. Has a bathroom that is either shared with or separate from those of the single-unit primary dwelling; and
  - 5. Includes an efficiency kitchen.

### **17.105.040 Density and Consistency.**

An accessory dwelling unit that conforms to the requirements of this chapter shall:

- A. Not be considered for the purposes of evaluating the density requirements established in the General Plan.
- B. Be found consistent with the existing General Plan designation and zoning for the lot.
- C. Not be considered a new residential use for the purpose of calculating local agency connection fees of capacity charges for utilities, including water and sewer service.

- D. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.

**17.105.050 Processing Time and Submittal Requirements.**

- A. Processing time of an application for an accessory dwelling unit shall comply with Government Code Section [66317](#) and the standards below. Processing time of an application for a junior accessory dwelling unit shall comply with Government Code Section [66335](#) and the standards below. Where conflict occurs between the regulations of this section and the Government Code, the Government Code regulations shall apply.
1. Within fifteen (15) business days after the City receives an application, the City shall provide written notice whether the application is complete or incomplete.
    - a. If the City determines an application is incomplete, the City shall provide the applicant with a list of incomplete items, and a description of how the application can be made complete. The list and description shall be provided with the written notice, as required by paragraph (1).
    - b. After receiving a notice that the application is incomplete, an applicant may cure and address the items deemed incomplete by the City.
    - c. In the review of an application submitted pursuant to subparagraph (b), the City shall not require the application to include an item that was not included in the list required by subparagraph (a).
    - d. If an applicant submits supplemental information pursuant to subparagraph (b), the City shall determine whether the supplemental information has remedied all incomplete items listed in the determination issued pursuant to subparagraph (a). This additional application is subject to the timelines and requirements specified in paragraph (1).
    - e. If the City does not make a timely determination as required by this paragraph, the application or resubmitted application shall be deemed to be complete for the purposes of this paragraph.
  2. An application to create an accessory dwelling unit or junior accessory dwelling unit shall be approved or denied within sixty (60) days of submission of a complete application, unless:
    - a. The application to create an accessory dwelling unit or junior accessory dwelling unit is submitted concurrently with an application to create a new primary dwelling unit on the parcel, in which case the City shall not act on the application for the accessory

dwelling unit or junior accessory dwelling unit until the City acts on the application for the new primary dwelling unit, but the application to create an accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially; or

- b. The applicant requests a delay, in which case the sixty (60) day time period shall be tolled for the period of delay.
3. If the City has not acted upon the completed application for an accessory dwelling unit or junior accessory dwelling unit within sixty (60) days, and none of the above exceptions are met, then the application for the accessory dwelling unit or junior accessory dwelling unit shall be deemed approved.
- B. Submittal Requirements. The application for an accessory dwelling unit or junior accessory dwelling unit shall be submitted to the Community Development Director. An accessory dwelling unit or junior accessory dwelling unit shall be reviewed for compliance with the standards of this chapter through the planning process, if required, in addition to the established building permit process.
- C. Denial/Remedies. If the City denies an application for an accessory dwelling unit or junior accessory dwelling unit, the City will provide in writing a full set of comments within sixty (60) days to the applicant from the date the City received a complete application with a list of items that are defective, deficient, or not compliant, and a description of how the application can be remedied by the applicant. When the primary dwelling is proposed concurrently with the accessory dwelling unit, more than sixty (60) days can be taken by the City.
- D. Appeals. Appeals of a determination of incompleteness or a denial of an application by the Community Development Director may be made to the Planning Commission in accordance with Folsom Municipal Code Chapter 17.04, with the modification that all appeals of determinations made under this Chapter shall be decided within sixty (60) business days after receipt of the appeal. The Planning Commission's decision on appeals of determinations made under this Chapter is final and may not be further appealed.

#### **17.105.060 Fee Requirements.**

- A. Application and Permit Fees. All accessory dwelling units shall be subject to all standard application and processing fees that apply to building permits. If the accessory dwelling unit is required to undergo review through the planning process, the application is subject to a required application fee established by council resolution.
- B. Connection Fees or Capacity Charges. An accessory dwelling unit or junior accessory dwelling unit shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-unit dwelling.

### C. Impact Fees.

1. For the purposes of this subsection, impact fees do not include any connection fee or capacity charge for water or sewer service.
2. No City-imposed impact fees shall be charged to an accessory dwelling unit that is seven-hundred-fifty (750) square feet or less in floor area, or a junior accessory dwelling unit that has five hundred (500) square feet or less in floor area.
3. For accessory dwelling units more than seven-hundred-fifty (750) square feet, city-imposed impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit (e.g., the floor area of the accessory dwelling unit, divided by the floor area of the primary dwelling unit, times the typical fee amount charged for a new dwelling).
  - a. If any agency or special district other than the city imposes impact fees collected by the city, the city shall collect such fees in accordance with such agency's or district's fee schedule.

### **17.105.070 Rental and Sale Limitations.**

- A. Long-Term Rentals Only. An accessory dwelling unit and junior accessory dwelling unit may be rented separately from the primary residence; however, the rental shall be for a term of thirty (30) days or longer. Occupancy of the accessory dwelling unit or junior accessory dwelling unit shall not be allowed until the City approves the occupancy of the primary dwelling unit.
- B. Sale or Conveyance. An accessory dwelling unit may be sold or conveyed separately from the primary dwelling unit to a qualified buyer, as defined in Government Code Section 66341, if all the requirements of Government Code Section [66341](#) are met.

### **17.105.080 Conditions for Nonconforming Uses and Structures.**

- A. Nonconforming Conditions. Notwithstanding Chapter 17.64 of the Folsom Municipal Code, until January 1, 2030 or until a date specified in Health and Safety Code Section [17980.12](#), whichever is later, an owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances, in relation to the accessory dwelling unit, may request a delay of up to five (5) years in enforcement of a building standard, as long as the violation is not a health and safety issue as determined by the City, subject to compliance with Government Code Section [66331](#) and Health and Safety Code Section [17980.12](#) and the following conditions:
  1. The accessory dwelling unit was built before January 1, 2020; or

2. The accessory dwelling unit was built on or after January 1, 2020 during a time when the City had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

B. The City shall not deny an application for a permit to create an accessory dwelling unit or junior accessory dwelling unit due to the failure to correct nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit in compliance with Government Code Sections [66322](#) and [66336](#).

### **17.105.090 Accessory Dwelling Units Subject to Mandatory Approval.**

The city shall approve any application for an accessory dwelling unit as described in this section and specified in Government Code Section [66323](#), referred to as a “66323 Unit”. Approval or denial of an accessory dwelling unit specified in Government Code Section [66323](#) is a ministerial action not subject to discretionary review. The following types of 66323 Units are exempt from the design standards of this chapter and exempt from design review, however they are subject to applicable standards of Government Code Title 7, Division 1, Chapter 13:

- A. Any accessory dwelling unit on a lot with an existing or proposed single-unit primary dwelling that is a conversion of the space of a proposed or existing single-unit primary dwelling, and may include an expansion of not more than one-hundred fifty (150) square feet beyond the physical dimensions of the building for the sole purpose of accommodating ingress and egress;
- B. Any accessory dwelling unit on a lot with an existing or proposed single-unit primary dwelling that is a conversion of the space of an existing accessory building, and may include an expansion of not more than one-hundred fifty (150) square feet beyond the physical dimensions of the building for the sole purpose of accommodating ingress and egress;
- C. Any junior accessory dwelling unit;
- D. Any new construction detached accessory dwelling unit on a lot with an existing or proposed single-unit primary dwelling that is eight hundred (800) square feet or smaller in size, has a peak height above finished grade as allowed under the conditions specified in Government Code section [66321](#), and has a minimum four (4) foot wide side and rear yard setbacks;
- E. Any accessory dwelling unit that is a conversion of a portion of an existing multi-unit dwelling building that is not used as livable space;
- F. Any new construction detached accessory dwelling unit on a lot with an existing or proposed multi-unit primary dwelling that has a peak height above finished grade as allowed under the

conditions specified in Government Code section [66321](#), and has a minimum four (4) foot wide side and rear yard setbacks.

#### **17.105.110 Accessory Dwelling Units Subject to Design Review**

A. Ministerial Design Review Required. All accessory dwelling units which are not 66323 Units shall be subject to the objective design standards in Section 17.105.190 or 17.105.200, as applicable. Compliance with the objective design standards listed in Sections 17.105.190 and 17.105.200 shall be conducted in accordance with the ministerial design review process outlined in FMC 17.06.045, except as otherwise noted in this section. The city shall ministerially approve any application for an accessory dwelling unit subject to design review if all requirements in this chapter are met.

1. Review Authority. All accessory dwelling units shall be reviewed by the Community Development Director.
  - a. If a proposed detached accessory dwelling unit project includes proposed new garage space, the proposed new garage space shall be reviewed concurrently with the accessory dwelling unit through a ministerial design review process.
2. Design Review Findings. Notwithstanding the findings of [FMC 17.06](#), in approving or denying an application for ministerial design review under this chapter, the Community Development Director shall make the finding that the accessory dwelling unit complies with the objective design and development standards of this chapter.

B. Deviations from Design Standards. A request to deviate from the design standards contained in FMC 17.105.190 or FMC 17.105.200 may be made by application for design review, in accordance with the standard design review process outlined in [FMC 17.06](#), except as otherwise noted in this section.

1. Review Authority. Any deviations for accessory dwelling units from the objective design standards of this chapter shall be reviewed by the Community Development Director.

#### **17.105.120 Limitation on the Number of Accessory Dwelling Units.**

A. The number of accessory dwelling units allowed shall comply with Government Code Title 7, Division 1, Chapter 13, as listed below. Where conflict occurs between the regulations of this section and the Government Code, the Government Code regulations shall apply.

1. Accessory dwelling units are permitted in single-unit developments with an existing or proposed single-unit dwelling as long as the units satisfy the requirements of this chapter and the number does not exceed, per single-unit lot:
  - a. One (1) attached or detached accessory dwelling unit that complies with the requirements of this chapter; and

- b. One (1) accessory dwelling unit that is located within the proposed or existing space of a single-unit dwelling, or located within the existing space of an accessory building, consistent with Government Code section 66323(a)(1); and
  - c. One (1) junior accessory dwelling unit consistent with Government Code section 66323(a)(1); and
  - d. One (1) new construction detached accessory dwelling unit consistent with Government Code section 66323(a)(2).
2. Accessory dwelling units are permitted in multi-unit developments with an existing or proposed multi-unit dwelling as long as the units satisfy the requirements of this chapter and the number does not exceed:
- a. At least one (1) accessory dwelling unit that is a conversion of portions of existing multi-unit dwelling structures that are not used as livable space, up to a maximum of 25% of the original number of approved primary units within the development. When calculating the required number of allowed accessory dwelling units, any fractions of units shall be rounded to the next larger whole number.
  - b. Up to two (2) detached accessory dwelling units on a lot that has proposed multi-unit dwellings, or up to eight (8) detached accessory dwelling units on a lot that has existing multi-unit dwellings provided that the number of accessory dwelling units does not exceed the number of existing dwelling units on the lot.
3. Notwithstanding the above, no more than two units (including ADUs and JADUs) on a parcel created through a Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) lot split shall be allowed (Government Code section 66411.7(j)(1)).

### **17.105.130 Standards Applicable to All Accessory Dwelling Units.**

The following standards shall apply to all accessory dwelling units. Where conflict occurs between the regulations of this section and the Government Code, the Government Code regulations shall apply:

- A. **Passageways.** No passageway, breezeway, or similar connection between structures on the parcel shall be required in conjunction with the construction of an accessory dwelling unit.
- B. **Utility Connections.** All accessory dwelling units shall be connected to public utilities or their equivalent, including water, electric, and sewer services.
  - 1. The city shall not require the applicant to install a new or separate utility connection directly between the attached or detached accessory dwelling unit and the utility unless the utility connection is required by the utility provider. The applicant may voluntarily install a new or separate utility connection, subject to the approval of the utility provider.

Any utility charges or fees must be consistent with California Government Code Section [66311.5](#)

- C. **Septic System.** If allowed by the city pursuant to [FMC 13.20](#), the accessory dwelling unit may connect to an onsite water-treatment system. The owner shall include with the application a percolation test completed within the last five (5) years or, if the percolation test has been recertified, within the last ten (10) years. Such test must demonstrate the ability of the site to accommodate waste discharge associated with the accessory dwelling unit.
- D. **Open Space.** Accessory dwelling units shall not encroach into required open space areas on a residentially-zoned parcel. This requirement shall not apply to a 66323 unit.
- E. **Addressing.** An accessory dwelling unit shall have its own address according to the City's standard addressing procedure.

**17.105.140 Single-Unit Developments: Attached Accessory Dwelling Unit Standards.**

- A. **66323 Units.** An attached accessory dwelling unit shall qualify as a 66323 Unit if it meets all of the following requirements, in accordance with Government Code Section [66323](#):
  - 1. **Location.** Is a conversion of the space of a proposed or existing single-unit primary dwelling that may include an expansion of not more than one-hundred fifty (150) square feet beyond the physical dimensions of the building for the sole purpose of accommodating ingress and egress.
  - 2. **Size.** Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum).
  - 3. **Setbacks.** Has side and rear setbacks that comply with applicable building and fire codes.
  - 4. **Access.** Has exterior access that is independent of that for the proposed or existing primary dwelling unit.
- B. **All Other Attached Accessory Dwelling Units.** An attached accessory dwelling unit that is not a 66323 Unit shall meet all of the following requirements:
  - 1. **Location.** Is located on a single-unit parcel with an existing or proposed primary dwelling unit, and shares at least one common structural wall, floor, ceiling, or roof with the primary dwelling unit.
  - 2. **Size.** Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum), and at a maximum does not exceed eight-hundred-fifty (850) square feet if it has no more than one (1) bedroom, or one-thousand (1,000) square feet if

it has two (2) or more bedrooms. Subject to the foregoing maximum size limitation, the total floor area of an attached accessory dwelling unit shall not exceed fifty (50) percent of the existing primary dwelling unit.

3. Setbacks. Has a front yard setback that conforms to the front setback for the zone in which the attached accessory dwelling unit is located, has side and rear setbacks of at least four (4) feet, and complies with applicable building and fire codes.
  - a. Setback Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing primary dwelling unit may maintain the same setbacks as that of the existing primary dwelling unit; however, the accessory dwelling unit must comply with applicable fire and building codes.
4. Parcel Coverage. For any attached accessory dwelling unit, the parcel coverage standard and pervious surface standard, if applicable, for the zone in which it is located shall apply.
  - a. Rear Yard Coverage. Notwithstanding the parcel coverage standard, the area covered by an accessory dwelling unit shall not exceed forty (40) percent of the rear yard.
  - b. Parcel Coverage Exceptions. No adjustment to the existing parcel coverage and pervious surface standard, if applicable, is required for any portion of an accessory dwelling unit that is a conversion of the space of an existing primary dwelling unit; however, the accessory dwelling unit must comply with applicable fire and building codes.
5. Height. Height shall not exceed the height standard for the zone in which the attached accessory dwelling unit is located.
  - a. Additional Height Restrictions. Notwithstanding the height standard, any portion of an attached accessory dwelling unit that encroaches into the required setback area for the primary dwelling unit shall not exceed twenty-five (25) feet.
  - b. Height Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing primary dwelling unit may maintain the same height as that of the existing primary dwelling unit; however, the accessory dwelling unit must comply with applicable fire and building codes.
6. Access. Has exterior access that is independent of that for the proposed or existing primary dwelling unit. The entrance to the accessory dwelling unit shall be located on a different side of the building from the entrance to the primary dwelling unit, except as may be required to comply with applicable fire and building codes.

#### C. Additional Requirements.

1. Design Standards. Any accessory dwelling unit must comply with the design standards set forth in Sections 17.105.190 and 17.105.200 for an accessory dwelling unit in the historic district, or Section 17.105.190 for an accessory dwelling unit located outside of the historic district.
  - a. Design Standard Exceptions. Design Standards shall not apply to 66323 Units specified in Government Code section [66323](#)
2. Exceptions. Notwithstanding the standards of this section, in no event shall any of the standards of this section preclude the development of at least an eight-hundred (800) square foot accessory dwelling unit with four (4) foot side and rear setbacks, in compliance with all other development standards.

**17.105.150 Single-Unit Developments: Detached Accessory Dwelling Unit Standards.**

- A. 66323 Units. A detached accessory dwelling unit shall qualify as a 66323 Unit if it meets either of the following requirements, in accordance with Government Code Section [66323](#):
  1. New Construction Detached 66323 Units:
    - a. Location. Is detached from the primary dwelling unit and is entirely new construction.
    - b. Size. Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum), and at a maximum shall not exceed eight-hundred (800) square feet.
    - c. Setbacks. Has side and rear setbacks of four (4) feet, and complies with applicable building and fire codes.
      - i. Setback Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building may maintain the same setbacks as that of the existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
    - d. Height. Has a peak height above finished grade as allowed under the conditions specified in Government Code Section [66321](#).
      - i. Height Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building may maintain the same height as that of the existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
  2. Converted Detached 66323 Units:

- a. Location. Is detached from the primary dwelling unit and is a conversion of the space of an existing accessory building that may include an expansion of not more than one-hundred fifty (150) square feet beyond the physical dimensions of the building for the sole purpose of accommodating ingress and egress.
  - b. Size. Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum).
  - c. Setbacks. Has side and rear setbacks that comply with applicable building and fire codes.
    - i. Setback Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building may maintain the same setbacks as that of the existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
- B. All Other Detached Accessory Dwelling Units. A detached accessory dwelling unit that is not a 66323 Unit shall meet all of the following requirements:
- 1. Location. Is located on a single-unit parcel with an existing or proposed primary dwelling unit, and is detached from the primary dwelling unit.
  - 2. Size. Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum), and at a maximum shall not exceed eight-hundred-fifty (850) square feet if it has no more than one (1) bedroom or one-thousand (1,000) square feet if it has two (2) or more bedrooms.
  - 3. Setbacks. Has side and rear setbacks of at least four (4) feet, and complies with applicable building and fire codes. In no case shall the accessory dwelling unit break the front plane of the primary dwelling unit. Detached accessory dwelling units shall be located at least six (6) feet from the primary dwelling unit or an accessory building on the same parcel other than a fence or a wall.
    - a. Setback Exceptions.
      - i. Any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building may maintain the same setbacks as that of the existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
      - ii. Notwithstanding Chapter 17.64 of the Folsom Municipal Code, any accessory dwelling unit constructed that is built on top of an existing accessory building with side and/or rear setback of less than four (4) feet may maintain the same side

and/or rear setback of that accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes. Notwithstanding this exception, in no case shall the accessory dwelling unit break the front plane of the primary dwelling unit.

4. Parcel Coverage. For any detached accessory dwelling unit, the parcel coverage standard and pervious surface standard, if applicable, for the zone in which it is located shall apply.
  - a. Rear Yard Coverage. Notwithstanding the parcel coverage standard, the area covered by an accessory dwelling unit shall not exceed forty (40) percent of the rear yard.
  - b. Parcel Coverage Exceptions. No adjustment to the existing parcel coverage and pervious surface standard, if applicable, is required for any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
5. Height. Height shall not exceed twenty-five (25) feet or the height of the residence, whichever is less.
  - a. Accessory Dwelling Units near a Listed Historic Structure. Any accessory dwelling unit proposed for construction on or within fifty (50) feet of the property line of a parcel containing a structure listed on a State or Federal register of historic resources shall have a peak height above finished grade of as allowed under the conditions specified in Government Code section [66321](#).
  - b. Height Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building may maintain the same height as that of the existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
6. Access. The entrance to the accessory dwelling unit shall be located on a different side of the building from the entrance to the primary dwelling unit, except as may be required to comply with applicable fire and building codes.

C. Additional Requirements.

1. Design Standards. Any accessory dwelling unit must comply with the design standards set forth in Sections 17.105.190 and 17.105.200 for an accessory dwelling unit in the historic district, or Section 17.105.190 for an accessory dwelling unit located outside of the historic district.
  - a. Design Standard Exceptions. Design Standards shall not apply to 66323 Units specified in Government Code Section [66323](#).

2. Exceptions. Notwithstanding the standards of this section, in no event shall any of the standards of this section preclude the development of at least an eight-hundred (800) square foot accessory dwelling unit with four (4) foot side and rear setbacks, in compliance with all other development standards.

**17.105.160 Single-Unit Developments: Junior Accessory Dwelling Unit Standards.**

A. Generally. A junior accessory dwelling unit shall be allowed on a single-unit parcel with a proposed or existing primary dwelling unit, if the junior accessory dwelling unit meets all the following requirements:

1. Location. Is entirely within the proposed space of a primary dwelling unit or within the existing space of a primary dwelling unit.
2. Size. Size shall be measured based on the interior living space of the junior accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum), and at a maximum does not exceed five-hundred (500) square feet.
3. Setbacks. No adjustment to the existing setback is required for an existing space that is converted to a junior accessory dwelling unit; however, the junior accessory dwelling unit must comply with applicable fire and building codes.
4. Parcel Coverage. No adjustment to the existing parcel coverage and pervious surface standard, if applicable, is required for an existing space that is converted to a junior accessory dwelling unit; however, the junior accessory dwelling unit must comply with applicable fire and building codes.
5. Height. No adjustment to the existing height is required for an existing space that is converted to a junior accessory dwelling unit. The height of the existing primary dwelling unit being converted to a junior accessory dwelling unit shall not be increased.
6. Access. Has exterior access that is independent of that for the proposed or existing primary dwelling unit. The entrance to the junior accessory dwelling unit shall be located on a different side of the building from the entrance to the primary dwelling unit, except as may be required to comply with applicable fire and building codes. If the junior accessory dwelling unit does not include separate sanitation facilities, the junior accessory dwelling unit shall also include interior entry to the main living area of the primary dwelling unit.

B. Additional Requirements.

1. Efficiency Kitchen. The junior accessory dwelling unit shall include an efficiency kitchen.

2. Design Standards. No design standards shall be applied.
3. Deed Restriction. Prior to issuance of a building permit for a junior accessory dwelling unit, a deed restriction shall be recorded in the chain of title of the single-unit property. The form of the deed restriction shall be approved by the city attorney and shall provide that:
  - a. The junior accessory dwelling units shall not be sold separately from the primary dwelling unit.
  - b. The junior accessory dwelling units are restricted to the approved size and other attributes allowed by this chapter.
  - c. The deed restriction shall run with the land and shall be enforced against future property owners.
4. Owner Occupancy Requirements. All junior accessory dwelling units that have shared sanitation facilities shall be subject to an owner occupancy requirement. A person with legal or equitable title to the primary dwelling unit shall reside on the property in either the primary dwelling unit or junior accessory dwelling unit as that person's legal domicile and permanent residence.
  - a. Exceptions. Owner occupancy shall not be required if the junior accessory dwelling unit has separate sanitation facilities from the primary dwelling unit, or if the owner is a governmental agency, land trust, or nonprofit housing organization.

**17.105.170 Two-Unit and Multi-Unit Dwellings: Accessory Dwelling Unit Standards.**

Accessory dwelling units, in accordance with Government Code Section [66323](#), are permitted on a lot with existing or proposed two-unit and multi-unit dwellings as follows:

- A. Generally. An accessory dwelling unit conversion shall be allowed on a parcel with an existing multi-unit dwelling, if the accessory dwelling unit conversion meets all the following requirements:
  1. Location. Is converted from portions of a multi-unit dwelling that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that any such space converted to an accessory dwelling unit complies with minimum state building standards for dwellings.
  2. Size. Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum).

3. Setbacks. No adjustment to the existing setback is required for the space that is converted to an accessory dwelling unit; however, the accessory dwelling unit conversion must comply with applicable fire and building codes.
  4. Parcel Coverage. No adjustment to the existing parcel coverage and pervious surface standard, if applicable, is required for an existing space that is converted to an accessory dwelling unit; however, the converted accessory dwelling unit must comply with applicable fire and building codes.
  5. Height. No adjustment to the existing height is required for the space that is converted to an accessory dwelling unit. The height of the existing multi-unit dwelling being converted to an accessory dwelling unit shall not be increased.
  6. Design Standards. No design standards shall be applied.
- B. Generally. A detached accessory dwelling unit shall be allowed on a parcel with an existing or proposed two-unit or multi-unit dwelling, if the detached accessory dwelling unit meets all the following requirements:
1. Location. Is detached from the two-unit or multi-unit dwelling. The detached accessory dwelling unit may be attached to an accessory building or other detached accessory dwelling unit.
  2. Size. Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum), and at a maximum shall not exceed eight-hundred (800) square feet.
  3. Setbacks. Has side and rear setbacks of at least four (4) feet, and complies with applicable building and fire codes.
  4. Parcel Coverage. Accessory dwelling units that are eight-hundred (800) square feet or smaller shall not be required to adhere to the parcel coverage standard and pervious surface standard, if applicable.
  5. Height. Has a peak height above finished grade as allowed under the conditions specified in Government Code Section [66321](#).
  6. Design Standards. No design standards shall be applied.

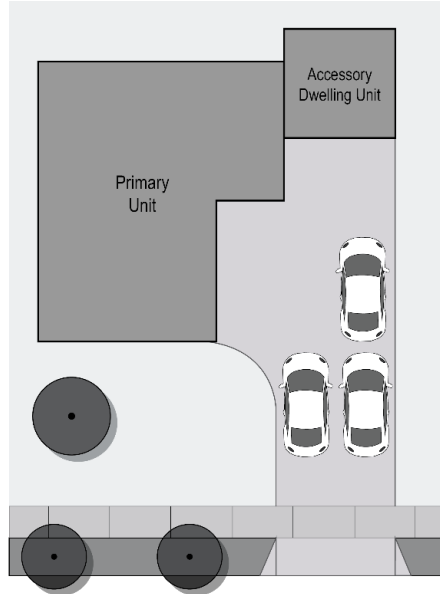
### **17.105.180 Parking Requirements**

Off-street parking space shall be provided in accordance with the following:

- A. Requirement. One (1) additional off-street parking space shall be required per accessory dwelling unit or per bedroom, whichever is less.

1. Parking may be provided in front and/or side setback areas on a driveway, or as tandem parking on a driveway. Parking spaces may also be provided through a mechanical vehicle parking lift if located in an enclosed parking garage.
- B. Exceptions. Additional parking for an accessory dwelling unit is not required in the following instances:
1. The accessory dwelling unit is located within one-half (0.5) mile walking distance of public transit, as defined in Section [17.105.020](#), including transit stations and bus stations.
  2. The accessory dwelling unit is located within the historic district.
  3. The accessory dwelling unit is a part of the proposed or existing primary dwelling unit (e.g., attached accessory dwelling unit or junior accessory dwelling unit), or an existing accessory building (e.g., detached accessory dwelling unit addition to an accessory building).
  4. When on-street parking permits are required by the city but not offered to the occupant of the accessory dwelling unit.
  5. When there is a car share vehicle located within one (1) block of the accessory dwelling unit.
  6. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-unit dwelling or multi-unit dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subdivision.
- C. Replacement Parking Not Required. When a garage, carport, uncovered parking space, or covered parking structure is removed in conjunction with the construction or conversion of an accessory dwelling unit, replacement parking is not required.

## Acceptable Location of Parking for Accessory Dwelling Units



### 17.105.190 All Zones—Design Standards.

- A. Applicability. An accessory dwelling unit shall comply with objective standards for accessory dwelling units in this section or any other objective design standards for accessory dwelling units, as adopted by resolution of the city council. The following objective design standards shall apply to all accessory dwelling units that are not 66323 Units specified in Government Code section [66323](#).
- B. Exterior Walls.
  1. Attached accessory dwelling units shall utilize the same exterior wall materials, including accent materials, as the existing or proposed primary dwelling unit.
  2. Detached accessory dwelling units shall utilize at least two (2) different exterior wall materials.
- C. Windows. The accessory dwelling unit shall incorporate at least one of the following features: windows, projections, bays, or recessed elements. Additionally, windows are subject to the following requirements:
  1. Any second story window that is within ten (10) feet or less of the side and/or rear property line shall have translucent glazing, or be one of the following window types: Transom windows, clerestory windows, or false windows.
- D. Roof Pitch. The accessory dwelling unit shall have the same roof pitch as the primary dwelling unit but may vary by up to 2/12 more or 2/12 less than the roof pitch of the primary

dwelling unit. However, if the unit is located in the historic district, it must follow the roof pitch requirements for design style allowed in that zone or subarea specified in FMC 17.105.200.

E. Two Story Accessory Dwelling Units. If the accessory dwelling unit is two stories, or is constructed on the second story or higher of an existing or proposed building, the following requirements shall apply:

1. Form and Massing. The building massing of the accessory dwelling unit shall be designed according to the following requirements:

a. Attached accessory dwelling units shall utilize at least one (1) of the following:

- i. Recessed or projecting windows, doors, or parts of the wall. Recessed windows and doors shall project a minimum of six (6) inches or shall be recessed a minimum of six (6) inches. Any projection must be behind the parcel side or rear yard setback line.
- ii. Cantilevered areas so long as area does not extend beyond the side or rear yard setback.
- iii. At least two different roof forms, such as a mix of different roof types (e.g., hipped, gabled, shed, etc.).

b. Detached accessory dwelling units shall utilize at least two (2) of the following:

- i. Different primary siding materials for each of the stories.
- ii. Recessed or projecting windows, doors, or parts of the wall. Recessed windows and doors shall project a minimum of six (6) inches or shall be recessed a minimum of six (6) inches. Any projection must be behind the parcel side or rear yard setback line.
- iii. Cantilevered areas so long as area does not extend beyond the side or rear yard setback.
- iv. At least two different roof forms, such as a mix of different roof types (e.g., hipped, gabled, shed, etc.) on the building.

2. Staircases. Staircases necessary to access a second story accessory dwelling unit shall comply with the following requirements:

- a. Location. The staircase shall be located internal to the building, or along the edge of the building.
  - b. Setback. Has side and rear setbacks that comply with applicable building and fire codes.
  - c. Design. The staircase shall be screened. If located along the edge of a building, the staircase exterior walls shall use the same colors and materials as used for the exterior of the building.
3. Balconies. One (1) second-story balcony is allowed, not to exceed twenty (20) square feet. Balconies shall not be located in the setback areas of the primary dwelling unit.
- F. Design Style Deviations. Applicants for accessory dwelling units may seek a waiver from a required design standard listed in this section by requesting a design review in accordance with FMC 17.105.110.

#### **17.105.200 Historic District Zones—Design Standards.**

- A. Applicability. In addition to the provisions of Section 17.105.190, if located in a historic district, an accessory dwelling unit shall comply with objective standards for accessory dwelling units in this section or any other objective design standards for accessory dwelling units, as adopted by resolution of the city council. The following objective design standards shall apply to all accessory dwelling units that are not 66323 Units specified in Government Code section [66323](#).
- B. Architectural Style. The architectural styles in the historic district reflect the types of design during the period from the 1850s to 1950s. The applicant for an accessory dwelling unit shall select an allowed architectural style for the historic district zone or subarea in which it is located and shall meet all required design elements. Acceptable styles by zone and subarea are as follows:
1. Figueroa Subarea: Queen Anne, Delta, Italianate, Spanish Eclectic, Craftsman, and Carriage House Styles.
  2. Central Subarea: Queen Anne, Delta, Italianate, Spanish Eclectic, Craftsman, and Carriage House Styles.
  3. Persifer-Dean Subarea: 1950s Ranch, Spanish Eclectic, Delta, and Craftsman Styles.
  4. The Preserve Subarea: Craftsman, Delta, Spanish Eclectic Styles.
  5. River Way Subarea: Delta, Spanish Eclectic, Craftsman Styles.

6. All other subareas: Queen Anne, Delta, Italianate, Spanish Eclectic, Craftsman and Carriage House Styles.

C. Required Design Elements. The specified design elements for each architectural style are set forth as follows:

1. Carriage House Style

- a. Limitations. This type may only be used for detached accessory dwelling units which include existing or proposed garage space.
- b. Massing/Form. This style may include garage space on the main story not to exceed eight-hundred (800) square-feet. The garage portion shall comply with the zoning requirements of the property.
  - i. Second Story. If a second story is used, the second story shall be located within the roof attic space. The second story shall not include any cantilever space above the main story.
- c. Roofs. Roof shall have a side-gable, side-gambrel, or hip roof and incorporate the following elements:
  - i. Roof Pitch. Roof pitch shall be between 4/12 and 12/12 for gabled roofs. If a gambrel roof is used, the roof pitch for the lower roof leg (i.e., the lower portion of the roof slope) shall be between 22/12 and 26/12 and the upper roof leg (i.e., upper portion of the roof slope) shall be between 5/12 and 8/12; the upper and lower roof legs shall be equal in length.
  - ii. Roof Detailing. A window or vent shall be provided on the gable or gambrel ends.
  - iii. Optional. Shed or gabled roof dormer(s) may be used; wall dormers are not permitted. A singular square-cupola or tower may be used, but shall not exceed the overall height maximum of the structure and shall not exceed four (4) square feet in size.
- d. Windows. Windows shall be square or vertically proportioned rectangular windows with a multi-pane grid.
- e. Exterior Walls. Exterior walls shall utilize the same siding materials of the primary dwelling unit, including the use of accent materials. If trim is used on the primary dwelling unit, the same type and width of trim shall be used.

- f. Garage Door. The garage door shall incorporate the following features:
  - i. Garage doors shall be a single-car door in size (i.e., two-car garage doors prohibited);
  - ii. Black metal hinges and handle door hardware;
  - iii. Wood board construction, or be of a material shaped to imitate wood board construction;
  - iv. If windows are used, windows shall include rectangular grids and shall be located on the upper third of the garage door; and
  - v. If panels are used, panels shall be narrow and rectangular and extend from bottom of door to top of door. If windows are also used, the panels shall extend from bottom of door to bottom of windows.

## 2. Craftsman Style.

- a. Roofs. Roofs shall be front-gabled, side-gabled, or cross-gabled and incorporate the following elements:
  - i. Roof Pitch. The roof pitch shall be between 3/12 and 8/12.
  - ii. Roof Detailing. The roof shall have unenclosed eave overhangs. Exposed roof rafter and/or braces under the gables (i.e., knee braces or corbels, etc.) shall be included.
  - iii. Optional. Shed or gabled roof dormers may be used.
- b. Windows. All windows on the front elevation shall be single- or double-hung sash windows with at least three (3) small panes above one (1) large pane (e.g., three (3) small panes over one (1) large pane, six (6) small panes over one (1) large pane window, etc.).
- c. Exterior Walls. Exterior walls shall be horizontal lap or shingle siding that is two-and-one-half (2.5) to six (6) inches wide, or board and batten siding, or shingle siding, or stone and mortar, or brick and mortar, or a mix of the siding options mentioned. Fiber cement board and shingles may be used in place of wood siding or shingles.
- d. Optional Porch. If an entry porch is provided, the porch shall be located under the roofline and supported by tapered or square columns with square bases that extend to the ground.

### 3. Queen Anne Style.

- a. Roofs. Roofs shall be hipped and/or gabled and incorporate the following elements:
  - i. Roof Pitch. The roof pitch shall be between 8/12 and 18/12.
  - ii. Roof Detailing. Front-gables, if used, shall include scalloped shingles with a window or vent.
  - iii. Optional. Multiple gables and dormers may be used.
- b. Windows. All windows on the front elevation shall be single- or double-hung sash windows with small panes above one (1) large. All windows on the building shall be vertically proportioned, with a minimum height of two (2) feet for every one (1) foot of width, and a maximum height of three-and-one-half (3.5) feet for every one (1) foot of width.
- c. Exterior Walls. Exterior walls shall be horizontal lap siding that is between two-and-one-half (2.5) to six (6) inches wide and/or shingle siding. Fiber cement siding may be used in place of wood siding.
- d. Optional Porch. If an entry porch is provided, the porch shall include turned spindle columns and railing. Porches may also include the use of spindlework detailing.
- e. Optional Features. Chamfered bay windows may be used. This feature is defined as an architectural projection that is either attached to the ground or projects from the building façade, contains windows that cover at least sixty percent (60%) of the projecting faces with glass area, and has side faces that are angled (chamfered) back toward the building rather than forming a right-angled corner.

### 4. Delta Style.

- a. Roofs. The roof shall be a single-front gabled roof and incorporate the following elements:
  - i. Roof Pitch. The roof pitch shall be between 6/12 to 12/12.
  - ii. Roof Detailing. A rectangular vent shall be utilized at ends of the front-facing gable. The roof shall have soffited eaves.
- b. Windows. All windows on the building shall be vertically proportioned, with a minimum height of two (2) feet for every one (1) foot of width. The window shall

include flat trim measuring no more than three-and-one-half (3.5) inches wide surrounding all sides of the window.

- c. Exterior Walls. Exterior walls shall be horizontal clapboard siding that is between two-and-one-half (2.5) to six (6) inches wide, or board and batten siding. Fiber cement siding may be used in place of wood siding.
- d. Optional Porch. If an entry porch is provided, the porch shall have a roof pitch that is no greater than 4/12, supported by square posts not to exceed 10 inches wide that extend to the ground, and include railing. Porches may also include the use of spindlework detailing.

5. Italianate Style.

- a. Roofs. The roof shall be a hipped roof and incorporate the following elements.
  - i. Roof Pitch. The roof pitch shall be between 3/12 and 6/12.
  - ii. Roof Detailing. The roof shall have eave overhangs that are at least twelve (12) inches, supported by large, decorative roof brackets under an ornamental cornice.
  - iii. Optional. A singular square-cupola or tower may be used, but shall not exceed the overall height maximum of the structure and shall not exceed six (6) square feet in size.
- b. Windows. All windows on the building shall be vertically proportioned, with a minimum height of two (2) feet for every one (1) foot of width, and a maximum height of three-and-one-half (3.5) feet for every one (1) foot of width.
- c. Exterior Walls. Exterior walls shall be horizontal lap siding that is between four (4) to six (6) inches side, or brick and mortar siding. Fiber cement siding may be used in place of wood siding.
- d. Optional Porch. If an entry porch is provided, the porch shall be a wrap-around porch (or smaller entry porch) with double columns.
- e. Optional Features. Angled bay cut-away forms and windows may be used on the front elevation. Paneled wood doors may also be used.

6. Spanish Eclectic Style (also known as Spanish Revival).

- a. Roofs. The roof shall be cross-gabled, hipped, or a combined hipped-and-gabled roof and incorporate the following elements:

- i. Roof Pitch. The roof pitch shall be between 2/12 and 5/12.
  - ii. Roof Detailing. The roof shall be red tile, include red tile vents on open gables, and shall not have a roof eave overhang that exceeds four (4) inches.
  - b. Windows. All windows shall be recessed casement windows. On the front elevation, one (1) window with a rounded arch shall be provided that is larger than any other window on the building.
  - c. Exterior Walls. Exterior walls shall be stucco.
  - d. Doors. Exterior doors shall be recessed, and be either wood plank or wood paneled doors. A rounded arch shall be provided over the main door.
  - e. Optional Porch. If a porch is provided, the porch shall be uncovered.
7. 1950s Ranch Style.

- a. Roofs. The roof shall be cross-gabled, side-gabled, hipped, or cross-hipped and incorporate the following elements:
  - i. Roof Pitch. The roof pitch shall be between 3/12 and 5/12.
  - ii. Roof Detailing. The roof shall have soffited eaves.
- b. Exterior Walls. Exterior walls shall be smooth stucco, horizontal lap siding, shingles, board-and-batten, stone, brick and mortar, or a combination of these materials. Fiber cement siding may be used in place of wood siding.
- c. Optional Window Detailing. Windows may include open shutters.
- d. Optional Porch. If an entry porch is provided, the porch shall not be greater than one-hundred (100) square-feet in size.

D. Design Style Deviations. Applicants for accessory dwelling units may seek a waiver from a required design standard listed in this section by requesting a design review in accordance with FMC 17.105.110.

### **SECTION 3 SCOPE**

Except as set forth in this ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

**SECTION 4 SEVERABILITY**

If any section, subsection, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, invalid, or ineffective.

**SECTION 5 EFFECTIVE DATE**

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on March 24, 2026 and the second reading occurred at the regular meeting of the City Council on April 14, 2026.

On a motion by Councilmember \_\_\_\_\_ seconded by Councilmember \_\_\_\_\_, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 14th day of April, 2026, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

\_\_\_\_\_  
Justin Raithel, MAYOR

ATTEST:

\_\_\_\_\_  
Christa Freemantle, CITY CLERK

**Attachment 2**  
**Amendment to Ordinance No. 1361**  
**Dated 3/24/26**

## AMENDMENT TO ORDINANCE NO. 1361

### AN ORDINANCE OF THE CITY OF FOLSOM FOR THE REPEAL AND RE-ENACTMENT OF CHAPTER 17.105 OF THE FOLSOM MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS

The City Council of the City of Folsom during the March 24, 2026 Public Hearing requested that the following section of Ordinance No. 1361 be modified as shown below:

#### **17.105.190 All Zones—Design Standards.**

- E. Two Story Accessory Dwelling Units. If the accessory dwelling unit is two stories, or is constructed on the second story or higher of an existing or proposed building, the following requirements shall apply:
2. Staircases. Staircases necessary to access a second story accessory dwelling unit shall comply with the following requirements:
    - a. Location. The staircase shall be located internal to the building, or along the edge of the building.
    - b. Setback. Has side and rear setbacks that comply with applicable building and fire codes.
    - c. Design. The staircase shall be **enclosed screened**. If located along the edge of a building, the staircase exterior walls shall use the same colors and materials as used for the exterior of the building.

A minor grammatical correction has also been made to the following section of Ordinance No. 1361 as shown below:

#### **17.105.200 Historic District Zones—Design Standards.**

- C. Required Design Elements. The specified design elements for each architectural style are set forth as follows:
4. Delta Style.
    - b. Windows. All windows on the building shall be vertically proportioned, with a minimum height of two (2) feet for every one (1) foot of width. The window shall include flat trim measuring no more than three-and-one-half (3.5) inches **side wide** surrounding all sides of the window.

**Attachment 3**  
**Department of Housing and**  
**Community Development Letter of**  
**Technical Assistance,**  
**Dated 12/5/25**

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

651 Bannon Street, Suite 400  
Sacramento, CA 95811  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



December 5, 2025

Pam Johns  
Contract City Planner  
City of Folsom  
50 Natoma Street  
Folsom, CA 95630

Dear Pam Johns:

**RE: City of Folsom – Accessory Dwelling Unit (ADU) Ordinance Updates – Letter of Technical Assistance**

The most recent ADU ordinance on file for the City with the California Department of Housing and Community Development (HCD) is from 2020. Given the numerous changes to State ADU Law since the adoption of the ordinance, the ordinance may be outdated and out of compliance with State ADU Law. If HCD's records are incorrect, and a new ordinance has been adopted, please submit it to the [ADU Portal](#) for HCD's review.

Below are the changes to State ADU Law that have occurred in recent years and may warrant an update to the City's ADU ordinance:

**Updates to the [ADU Handbook \(2025\)](#)**

- Clarifies that ADU Law prohibits deed restrictions on ADUs. A deed restriction would be an "additional standard" and thus cannot be imposed on ADUs (Gov. Code, § 66315).
- Clarifies that homeowners' associations (HOAs), as a third party, cannot influence the approval of an application to create an ADU. Third party reviews by an HOA or their representatives or agents would violate State ADU Law. (Gov. Code, § 66315.) No other local ordinances, policies, or regulations may be applied in the approval or denial of an ADU or junior ADU (JADU) permit application (Gov. Code, § 66317, subd. (c)).
- Clarifies that a local agency may not require parking as a condition to permitting a JADU, even when the JADU is converted from an attached garage (Gov. Code, § 66334, subd. (a)).

### Changes to ADU Law in 2025:

- Specifies that if a JADU has shared sanitation facilities with the primary structure, owner-occupancy will be required. If the JADU does *not* have shared sanitation facilities, owner-occupancy will *not* be required (Gov. Code, § 66333, subd. (b)).
- Require rental terms for JADUs for terms longer than 30 days (Gov. Code, § 66333, subd. (g)).
- Specifies that if a local agency fails to submit an adopted ADU ordinance to HCD within the 60-day timeline or fails to respond to HCD's findings regarding their ordinance within the 30-day timeline, that ordinance is null and void and the local agency must only apply State ADU Law when permitting ADUs (Gov. Code, § 66326, subd. (d)).
- Revises the definition of a "junior accessory dwelling unit" to require the size of a JADU to be no more than 500 square feet of interior livable space (Gov. Code, § 66313, subd. (d)).
- Revises the limitations on impact fees to, instead, prohibit impact fees upon the development of an ADU that has 750 square feet of interior livable space or less or a JADU that has 500 square feet of interior livable space or less, and to require that any impact fee on an ADU that has more than 750 square feet of interior livable space be charged proportionately in relation to the square footage of the primary dwelling unit (Gov. Code, § 66311.5, subds. (a) – (d)).
- Requires a permitting agency to determine whether an application for an ADU or JADU is complete and provide written notice of the determination not later than 15 business days after the permitting agency received the application (Gov. Code, § 66317, subd. (a)(2)(A)).
- Requires the permitting agency to provide the applicant with a list of incomplete items and a description of how the application can be made complete in the written notice and authorizes the applicant to cure and address the application, as specified, if it is determined that an application is incomplete (Gov. Code, § 66317, subd. (a)(2)(B)).
- Requires the permitting agency to provide a process for the applicant to appeal a denied application, as provided, and requires the permitting agency to provide a final written determination by not later than 60 business days after receipt of the written appeal if a permit application is determined to be incomplete or is denied (Gov. Code, § 66317, subd. (d)(1)).
- Specifies that an ADU or JADU that contains less than 500 square feet of interior livable space does not increase assessable space.
- Revises size limitations to be based on the square footage of interior living space of the ADU (Gov. Code, § 66321, subds. (b)(2)(A), (b)(2)(B), and (b)(3)).
- Specifies the number of allowable ADUs per lot with a proposed or existing single-family dwelling (Gov. Code, § 66323, subd. (a)).

- Clarifies that fire sprinklers are not required for a JADU if the primary residence does not have fire sprinklers and that the addition of a JADU cannot trigger the requirement for fire sprinklers (Gov. Code, § 66323, subd. (d)).
- Adds section 66333.5, which specifies that if a local agency fails to submit an adopted JADU ordinance to HCD within the 60-day timeline or fails to respond to HCD's findings regarding their ordinance within the 30-day timeline, that ordinance is null and void and the local agency must only apply State ADU Law when processing applications for ADUs.
- Requires a local agency to issue a certificate of occupancy for an ADU constructed in a county that is subject to a proclamation of a state of emergency made by the Governor on or after February 1, 2025, even if the primary dwelling has not yet been issued a certificate of occupancy, if certain requirements are met, including that the primary dwelling was substantially damaged or destroyed by an event referenced in the state of emergency proclamation (Gov. Code, § 66328).
- Creates an exception to areas that fall under the California Coastal Act by requiring a local government or the Coastal Commission, as specified, to either approve or deny a coastal development permit application for an ADU within 60 days of receiving a completed application (Gov. Code, § 66329, subd. (a).)
- Specifies that no reimbursement is required for school service charges, fees, or assessments sufficient to pay for the program or level of service within the meaning of Government Code section 17556 (Gov. Code, § 66329).
- Specifies that reasonable restrictions in covenants, restrictions, and conditions, as described in the Civil Code, shall not include any fees or other financial requirements (Civil Code, § 714.3, subd. (b)).

#### **Changes to ADU Law in 2024:**

- SB 477 (Chapter 7, Statutes of 2024) made changes to the numbering of the sections of the Government Code for State ADU and JADU Laws.
- Prohibits a local agency from denying a permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, for building code violations, unless the local agency makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building substandard (Gov. Code, § 66332, subs. (a)-(c)).
- Defines "livable space" as a space in a dwelling intended for human habitation, as the term appears in Government Code sections 66313, subdivision (e), and 66323, subdivision (a)(3)(A).
- Provides that uncovered, off-street parking spaces demolished in conjunction with the construction of an ADU do not need to be replaced (Gov. Code, § 66314, subd. (d)(11)).

- Changes the allowable number of detached ADUs on a lot with an existing multifamily dwelling to eight detached ADUs, provided that the number of ADUs does not exceed the number of existing units on the lot (Gov. Code, § 66323, subd. (a)(4)(A)(ii)).
- Prohibits a local agency from imposing any objective development standards on 66323 Units that are not authorized by the provisions of Government Code section 66323, subdivision (a) (Gov. Code, § 66323, subd. (b)).

#### **Changes to ADU Law in 2023:**

- Sunsets a former prohibition on a local agency imposing an owner occupancy requirement on any ADU and instead prohibits a local agency from requiring owner occupancy for an ADU (Gov. Code, § 66315).
- Allows a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and ADU(s) as condominiums, subject to certain conditions (Gov. Code, §§ 66340-66342).

#### **Changes to ADU Law in 2021:**

- Allows a local agency to permit the separate conveyance of ADUs from the primary dwelling under Government Code section 66341 in certain circumstances.

#### **Changes to ADU Law in 2020:**

- Requires that an application for the creation of an ADU or JADU is deemed approved (not just subject to ministerial approval) if the local agency has not approved or denied the completed application within 60 days (Gov. Code, § 66317, subd. (a)).
- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU and one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met (Gov. Code, § 66323, subd. (a)(1)(A)).
- Allows for rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents (Civ. Code, §§ 4740, subd. (a); 4741, subd. (a)).
- Allows a homeowner to create “any of the following”: one converted or attached ADU; one detached, new construction ADU; and one JADU (Gov. Code, § 66323, subs. (a)(1)-(2)). More information can be found in HCD’s 2025 ADU Handbook.

### **Changes to ADU Law in 2019:**

- Prohibits a local agency from including requirements on minimum lot size in development standards for ADUs (Gov. Code, § 66314, subd. (b)(1)).
- Allows a local agency to designate areas where ADUs may be located based on the adequacy of water and sewer services, as well as on impacts on traffic flow and public safety (Gov. Code, § 66314, subd. (a)).
- Eliminates all owner occupancy requirements by a local agency for ADUs approved between January 1, 2020, and January 1, 2025 (Gov. Code, § 66315).
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet (Gov. Code, § 66321, subds. (b)(2), (b)(3)).
- Prohibits a local agency from requiring replacement of off-street parking spaces for ADUs created through the conversion of a garage, carport, or covered parking structure (Gov. Code, § 66314, subd. (d)(11)).
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, §§ 66317, subd. (a); 66335, subd. (2)).
- Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes, and are available to the public (Gov. Code, § 66313, subd. (m)).
- Adds impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees, but those fees must be proportional in size (by square foot) to fees charged for the primary dwelling unit (Gov. Code, § 66324, subd. (c)(1)).
- Defines of an “accessory structure” to mean a structure that is accessory and incidental to a dwelling on the same lot (Gov. Code, § 66313, subd. (b)).
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 66320).
- Allows for a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom and an interior entry into the single-family residence (Gov. Code, § 66333, subd. (d)).
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 66331; HSC, § 17980.12).

- Makes covenants, conditions, and restrictions that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use void and unenforceable (Civ. Code, § 4751)).

If an existing ADU ordinance fails to meet the requirements of State ADU Law, the ordinance is “null and void” and the local jurisdiction must apply the standards set forth in State ADU Law until it adopts an ordinance that complies with state law (Gov. Code, § 66316). HCD recommends that a local jurisdiction with a noncompliant ADU ordinance repeal the ordinance to provide clarity for ADU applicants who may otherwise rely on the outdated ordinance.

HCD requests a response by January 4, 2026 with either (1) a description of how the ADU ordinance continues to comply with State ADU Law despite the changes to the law, or (2) a plan and timeline to either repeal the current ordinance or adopt an amended, compliant ordinance and submit it to HCD for review.

If you have any questions or need additional information, please contact Shasta Garcia at [Shasta.garcia@hcd.ca.gov](mailto:Shasta.garcia@hcd.ca.gov).

Sincerely,



Jamie Candelaria  
Section Chief, ADU Policy  
Housing Accountability Unit

**Attachment 4**  
**Historic District Commission Staff**  
**Report, Dated 3/4/26**



**AGENDA ITEM NO. 1**  
**Type: Public Hearing**  
**Date: March 4, 2026**

## **Planning Commission Staff Report**

50 Natoma Street, Council Chambers  
Folsom, CA 95630

**Project:** Zoning Code Update – Accessory Dwelling Unit Ordinance and Determination that the Project is Exempt from CEQA  
**File #:** ZCAM26-00007  
**Request:** Recommend Council Repeal and Re-Enact Folsom Municipal Code Chapter 17.105 with the New Draft ADU Ordinance  
**Location:** City-wide  
**Parcel(s):** N/A  
**Staff Contact:** Nathan Stroud, Associate Planner, 916-461-6220  
[nstroud@folsom.ca.us](mailto:nstroud@folsom.ca.us)

**Recommendation:** Recommend to the City Council the repeal and replacement of Chapter 17.105 (Accessory Dwelling Units) of the Folsom Municipal Code (FMC) with Ordinance No. 1361.

**Project Summary:** Since the enactment of the current Accessory Dwelling Unit (ADU) Ordinance in 2020, the State has enacted several new laws affecting what the City is able to regulate for ADUs. As a result, several provisions of the City's existing ADU standards are now inconsistent with State Law. Unless the City updates the ADU Ordinance to comply with new State requirements, the City's ADU Ordinance may be deemed null and void by the California Housing and Community Development Department (HCD). In addition, staff have identified internal inconsistencies and conflicting standards within the existing ADU Ordinance that have complicated implementation and enforcement of its requirements. The proposed Ordinance No. 1361 seeks to remedy these issues.

Accessory dwelling units, when designed well, can provide a more affordable housing option in existing areas without significantly altering the residential character of the neighborhood. Staff have prepared the attached ADU Ordinance to replace the City's existing citywide regulations on ADUs contained in Chapter 17.105. The proposed ordinance seeks to ensure that the City's ADU requirements are consistent with State law, that all applicable standards are objective and enforceable, and that ADUs continue to adhere to the protections of the existing ordinance for privacy, good design, and respect for neighborhood context.

Accessory dwelling units, when designed well, can provide a more affordable housing option in existing areas without altering the character of the neighborhood.

**Environmental Review:** The proposed project is statutorily exempt from CEQA under

Historic District Commission  
Zoning Code Update – Accessory Dwelling Unit Ordinance (ZCAM26-00007)  
March 4, 2026

Section 21080.17 of the California Public Resources Code (PRC) and no further environmental review of the project is required. Under PRC Section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 of, or Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code (the State ADU law). The ordinance implements ADU regulations in the City of Folsom in a manner that is consistent with the requirements of state law. As such, the adoption of the ordinance is exempt from CEQA.

### **NOTICE OF PUBLIC HEARING**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Legal advertisement of this hearing was published in the Folsom Telegraph on February 6, 2026, at least 20 days prior to the hearing date.

### **Attachments:**

1. Ordinance No. 1361 - An Ordinance of the City of Folsom for the Repeal and Re-Enactment of Chapter 17.105 of the Folsom Municipal Code Pertaining to Accessory Dwelling Units
2. HCD Letter of Technical Assistance, dated 12-5-25

Submitted,



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PAM JOHNS  
Community Development Director

## DESCRIPTION/ANALYSIS

### DESCRIPTION

On December 5, 2025, the California Department of Housing and Community Development (HCD) sent a letter to the City requesting that the City repeal and update its Accessory Dwelling Unit (ADU) Ordinance to align with changes to State ADU law since the ordinance's adoption in 2020 (refer to Attachment 2). Pursuant to Government Code Section 66326, if the City is unable to provide HCD with an updated, State-compliant ADU Ordinance, the City's existing ordinance will be deemed null and void, and the City will be required to enforce only the State's ADU requirements. City staff provided HCD with a timeline to adopt an updated ADU Ordinance by April 2026, which HCD accepted. If the City fails to submit and adopt an updated ordinance by that date, the City risks having its ADU Ordinance declared null and void by HCD.

Since the enactment of the current Accessory Dwelling Unit (ADU) Ordinance in 2020, the State has enacted several new laws affecting the manner in which the City can regulate ADUs. Some changes which affect the City's existing ADU Ordinance include:

- Requirement that the City determine application completeness within 15 days of submittal, and to approve or deny an application for the creation of an ADU or JADU within 60 days. If the City fails to act within the 60-day timeframe, the application is automatically deemed approved (SB 543, 2025)
- Specifies that if the City fails to submit an adopted ADU ordinance to HCD or fails to respond to HCD's findings regarding their ordinance, that the City's ordinance is null and void and the City must only apply State ADU Law (SB 9, 2025)
- Prohibits the City from imposing any development or design standards on ADUs created pursuant to Government Code 66323 (also known as 'state-mandated' or 'state-exempt' ADUs, or '66323 Units') (SB 1211, 2024).
- Expands the number of allowable detached ADUs on an existing multi-unit dwelling lot to eight, provided that the number of ADUs does not exceed the number of existing units on the lot (SB 1211, 2024).
- Prohibits the City from requiring owner occupancy for an ADU, or for a JADU with independent bathroom facilities (AB 1154, 2025).
- Prohibits requiring the replacement of uncovered off-street parking if demolished in conjunction with the construction of an ADU, and prohibits the City from imposing parking requirements for ADUs in many instances (SB 1211, 2024).
- Clarifies that single-unit lots are allowed to construct at least three types of ADUs and one JADU total, for a total of up to four ADUs on a single-unit lot (SB 543, 2025)
- Requires ministerial approval of an application to create a state-mandated ADU or JADU (AB 68, 2019).
- Clarifies that ADU size limits are based on the interior livable space of the unit (SB 543, 2025).

Based on these changes, staff have prepared a new draft ADU Ordinance to ensure consistency with new State laws while maintaining and strengthening standards where the City is still able to exercise local control, such as size, height, and other objective design and development standards applied to any non-state-mandated ADU (also known as a non-66323 unit). Once adopted by the City, the City's new ADU Ordinance will be subject to review and approval by the California Housing and Community Development Department (HCD) to have legal effect.

In addition to the draft ADU Ordinance, once approved by HCD, staff also plan to update the City's Accessory Dwelling Unit Design Workbook to reflect the amended ADU requirements.

## **POLICY/RULE**

The City's draft ADU Ordinance is consistent with the City's 2035 General Plan including the Land Use and Housing Elements. Specifically, the draft ADU Ordinance is consistent with the following City policies:

### General Plan Land Use (LU) and 2021-2029 Housing Element Policies:

- *LU 6.1.2 Historic Folsom Residential Areas* - Preserve and protect the residential character of Historic Folsom's residential areas.
- *Policy H-1.5* - The City shall support the development of accessory dwelling units on single-family parcels.
- *Policy H-2.1* - The City shall continually strive to shorten permit processing and review times to the greatest extent possible by allowing concurrent processing.
- *Policy H-2.2* - The City shall strive to ensure that its current development impact fee structure does not unnecessarily constrain production of residential development.
- *Policy H-2.4* - The City shall provide incentives to encourage the construction of accessory dwelling units and multi-generational housing units.
- *Policy H-2.5* - The City shall endeavor through its development and design standards and decision making to provide consistent and predictable policy direction for residential project applicants.
- *Policy H-5.1* - The City shall strive to ensure adequate and affordable housing for seniors and persons with disabilities, particularly in areas near public transportation, shopping, medical, and other essential services and facilities.

## **ANALYSIS**

Staff is proposing Ordinance No. 1361 to replace Chapter 17.105 of the Folsom Municipal Code, as provided in Attachment 1. The draft ordinance is intended to ensure consistency with Government Code Title 7, Division 1, Chapter 13 (Accessory Dwelling Units) in

response to HCD’s request. A general list of the changes made under the draft ordinance are provided below:

1. Ensured consistency with Government Code Title 7, Division 1, Chapter 13 (Accessory Dwelling Units) by removing any conflicting standards, updating definitions and terminology, and adding requirements regarding procedure, fees, and processing time.
2. Ordinance reorganized and consolidated for clarity, readability, and consistent formatting/terminology; addressed inconsistent standards, and ensured standards are objective and enforceable.
3. Minor modifications to objective design standards to ensure good design that respects privacy and ensures neighborhood compatibility.
4. Added objective design standards for a new Carriage House style for ADUs located in the Historic District.
5. Clarified that all ADUs are subject to a ministerial review, and are not subject to discretionary review or hearing. This includes changing the level of review for ADUs in the Historic District to a staff-level review.
6. Outlined process for a voluntary staff-level discretionary design review option for applicants to request deviations from the ADU objective design standards.
7. Updated requirements for ADUs on lots with multi-unit developments.
8. Updated the total number of ADUs allowed on multi-unit and single-unit properties, in accordance with State Law.

The intent for these changes is to ensure that the City’s ADU Ordinance is consistent with State Law and thus enforceable, and that the City’s ADU requirements are simplified and easier to understand. The draft ordinance also seeks to bolster the City’s ADU requirements to ensure continued good design that respects privacy and encourages compatibility with the neighborhood within the limits allowed under State Law. The draft ordinance also addresses issues identified during implementation of the existing ADU ordinance.

A more detailed description of some of the important changes is provided in the subsequent sections of this staff report.

**Ensured Consistency with Government Code Title 7, Division 1, Chapter 13 (Accessory Dwelling Units)**

Generally, the draft ordinance modifies the City’s ADU requirements to ensure consistency with the Government Code. Notable changes include aligning definitions and terminology with State law, clarifying the level of review for ADUs, adding new sections to address new State-mandated requirements, and removing standards that potentially conflict with State law.

Regarding definitions, a significant change involves how attached and detached ADUs

are defined in the City’s ordinance. The existing ordinance defines attached ADUs as an ADU that is built as an expansion to an existing residence or accessory building, and a detached ADU as a new, standalone building. This definition is at odds with State Law, which defines ‘attached’ and ‘detached’ in reference to whether the ADU is physically attached or detached from the primary dwelling. For example, an ADU constructed above an existing detached garage is considered a detached ADU under State Law due to its separation from the primary dwelling, however this is considered an attached ADU under the City’s existing ADU ordinance. This inconsistency results in a conflict between the standards that are applied (e.g., maximum size, height, setbacks) and Government Code requirements. The draft ordinance revises these definitions to align with the Government Code. Additional definitions have also been added or modified to reflect updated Government Code terminology, including defining ADU size based on “livable space,” which reduces ambiguity in the implementation and enforcement of ADU requirements. Regarding the level of review, the draft ordinance also specifies that all ADUs are exempt from discretionary review or hearing, and are subject to only a ministerial review.

The draft ordinance also adds new sections regarding additional requirements mandated by State Law. This includes a new “Processing Time” section which outlines the State-mandated review timeframe for ADU applications. In accordance with Government Code Section 66317, the City must deem an application to “create or serve” an ADU complete or incomplete within 15 business days after receipt of the application. Additionally, the City must approve or deny a complete application within 60 days of receipt of a complete application. If the City fails to make a determination within 60 days, the State law requires that the ADU application is deemed approved. A new “Fee Requirements” section has also been added to consolidate all fee requirements of the existing ordinance, and ensures consistency with State Law. This includes limiting development impact fees for ADUs larger than 750 square-feet, and prohibiting the imposition of connection fees or capacity charges for ADUs not constructed alongside a new primary dwelling.

Finally, the draft ordinance removes or revises requirements that conflict with State Law. For example, the existing ordinance requires attached ADUs to comply with the side setback standards of the underlying zoning district; however, State law requires that attached ADUs be permitted with side and rear setbacks of no more than four feet. This standard has since been updated to be consistent with State Law. The draft ordinance also includes language stating that, in the event of a conflict between State law and the local ordinance, State law shall prevail. This provision is intended to account for future changes to State ADU law. Additionally, while development standards such as lot coverage and setbacks may continue to apply to non-State-mandated ADUs (i.e., ADUs not covered by Government Code Section 66323), the ordinance states that these standards may not preclude the development of at least one 800-square-foot ADU with four-foot side and rear setbacks, as required under State law.

Some standards that were modified in order to be consistent with State Law are shown in the table below; other standards that were modified are discussed in the other sections of this report:

<b>Standards Changed for Compliance with Government Code</b>			
<b>Applicability</b>	<b>Standard</b>	<b>Existing Requirement</b>	<b>Proposed Compliant Requirement</b>
State-Mandated Attached/ Detached ADU	Front Setback	20 feet	No Requirement
State-Mandated Detached ADU	Maximum Height	16 feet	16 feet; +2 feet if within one-half mile of a major transit stop; +2 feet more if matching roof pitch of primary dwelling
State-Mandated Attached ADU	Maximum Height	16 feet	25 Feet
Non-State-Mandated Attached ADU	Side/Rear Setback	Same as Zone	4 Feet

### **Reformatted Chapter 17.105 of Folsom Municipal Code**

In order to provide greater clarity regarding ADU requirements, certain provisions and sections of FMC 17.105 have been relocated and consolidated. Whereas the existing ADU Ordinance spread development standards across multiple different sections, the proposed draft ordinance consolidated all applicable development standards into singular, ADU-type specific sections with a standardized format. This framework reduces the number of sections an applicant needs to review to understand the ADU requirements prior to designing a project, and reduces the number of conflicting standards within the ordinance.

### **Design Standards Made Objective Where Necessary**

Government Code Section 66314 requires that a local ADU ordinance utilize only objective standards, which are defined as “standards that involve no personal or subjective judgment by a public official” and are clearly stated in the ADU ordinance. For example, requiring “wide roof eaves” is not objective, however requiring a “roof eave of at least 1.5 foot in width” is an objective and enforceable standard. Staff have updated the design standards for ADUs as needed to ensure that they are objective and enforceable by providing measurable requirements, replacing the use of “may be required” with “shall be required”, and removing other language indicating subjective interpretation. This has not substantively changed the existing requirements, but instead makes them clearer and more enforceable.

### **Standardized Requirements, Fixed Inconsistencies and Conflicts**

The existing ADU ordinance contains conflicting or inconsistent standards which need to be addressed to provide clarity for property owners. This includes height maximums that conflicted with different sections of the ordinance and with the Government Code, varied and confusing setback standards, and conflicts between the Historic District and general ADU Design Standards. Where possible, the draft ordinance provides uniform and consistent development standards based on the type of accessory dwelling unit without

substantively changing the requirement from the existing ordinance, with changes where needed to comply with State Law.

### **Added New Carriage House Style Option for Historic District Accessory Dwelling Units**

A new architectural style named the “Carriage House” style is proposed in the draft ordinance for Historic District ADUs to provide design standards for an above-garage ADU option. This additional style was added based on previous ADU projects in the Historic District, which frequently included a new garage with an above-garage ADU. The new style encourages the above-garage ADU to be built within the roof gable to limit the visual massing of the two-story structure, requires that exterior materials match the primary dwelling, and ensures that the garage itself has an appearance that imitates a traditional carriage house.

### **Clarification and Modification of Review Authority**

Under Government Code Section 66316, the City is required to provide a ministerial approval process for all ADUs in the City’s ADU Ordinance. Further, Government Code Section 66317 requires that ADU reviews be considered ministerially without discretionary review or a hearing. The draft ordinance has been updated consistent with this requirement, which applies to all types of ADUs, including both state mandated ADUs (e.g., those ADUs covered by Government Code Section 66323) and non-State-mandated ADUs.

In effect, this changes the level of review for ADUs in the Historic District. Whereas the City’s existing ADU Ordinance states that non-state-mandated ADUs require review by the Historic District Commission with a public hearing, the draft ordinance requires that all ADUs City-wide, including in the Historic District, are a staff-level ministerial review without public hearing, as required under State Law.

### **Standard Design Review Option for Deviations from Design Standards**

An optional standard design review process has been added to allow applicants to request deviations from the objective design standards provided in the draft ordinance. The intent is to provide flexibility to property owners to propose alternative and acceptable designs that may not necessarily satisfy the objective design standards outlined in the Folsom Municipal Code, such as if an alternative architectural style is proposed that is not from the approved list for ADUs within the Historic District, but is a style consistent with the 1850 and 1950 era of the Historic District. The project would undergo the standard staff-level design review process, which includes determining that it complies with all applicable design standards, such as the Historic District Design and Development Guidelines for example, and that it is compatible with the overall design character of the neighborhood, among other required findings.

The draft ordinance provides for an objective and ministerial process by default, as required by Government Code Section 66316, and this alternative, voluntary and optional discretionary process is intended to provide the applicant more flexibility should a good alternative design be proposed that does not necessarily adhere to the objective

standards. However, this would be a staff-level design review process so that the City can continue to comply with the 60 day timeline required for ADU approvals, as specified in Government Code Section 66317.

**Expanded Standards for Accessory Dwelling Units in Multi-Unit Developments**

To provide clarity regarding the objective development standards applicable to ADUs constructed on multi-unit lots, the draft ordinance includes standards, as allowed in the Government Code, for setbacks, height, parcel coverage, and size. The formatting is similar to that of the development standards for ADUs constructed on single-unit properties.

**Updated Total Number of ADUs allowed on Single-Unit and Multi-Unit Properties**

Pursuant to Government Code Sections 66323 and 66317, State law allows single-unit lots to contain at least three ADUs and one JADU. This includes one newly constructed detached ADU, one ADU created entirely through the conversion of existing building space, one JADU, and one additional ADU, either attached or detached, provided it complies with the City’s ADU Ordinance.

In addition, existing multi-unit developments are permitted to convert non-livable space into ADUs, up to a maximum of 25 percent of the number of existing primary dwelling units, and may also construct up to eight new detached ADUs so long as the number of ADUs does not exceed the number of existing units. Proposed new multi-unit developments may construct up to two detached ADUs.

**Other Modifications to ADU Ordinance**

The following additional modifications have been made to the ordinance, consistent with State law:

<b>Standards Changed for Compliance with Government Code</b>			
<b>Applicability</b>	<b>Standard</b>	<b>Existing Requirement</b>	<b>Proposed Compliant Requirement</b>
Non-State-Mandated Attached ADU	Front Setback	Same setback as zone if >16 feet tall and attached to primary dwelling; 20 feet if >16 feet tall and attached above an accessory structure	Same setback as zone*
Non-State-Mandated Detached ADU	Front Setback	Same setback as zone	Shall not break the front plane of the primary dwelling* (i.e., cannot be located closer to street than the main residence)
Non-State-Mandated Attached ADU	Maximum Height	25 feet in Historic District; 30 feet elsewhere. Height shall not exceed height of primary dwelling.	Same height requirement as zone; Height shall not exceed height of primary dwelling*

<b>Standards Changed for Compliance with Government Code</b>			
<b>Applicability</b>	<b>Standard</b>	<b>Existing Requirement</b>	<b>Proposed Compliant Requirement</b>
Non-State-Mandated Detached ADU	Maximum Height	25 feet in Historic District; 30 feet elsewhere. Height shall not exceed height of primary dwelling.	25 feet; Height shall not exceed height of primary dwelling*
Non-State-Mandated Attached/Detached ADU	Second Story Windows (All ADUs)	Any second story wall facing an abutting property is required to incorporate certain privacy features	Any second story window that is within ten (10) feet or less of the side and/or rear property line shall incorporate certain privacy features

\* Standard is enforceable for non-State-Mandated ADUs, unless it precludes the development of an 800 square-foot or larger ADU with 4-foot side and rear setbacks.

### **Conclusion**

The draft ordinance is not intended to drastically change the requirements applied to ADUs in the City of Folsom, but attempts to maintain, to the extent allowed by State Law, existing ADU requirements. The draft ordinance also attempts to standardize ADU requirements to streamline the process, and strengthen standards where needed to ensure better outcomes in design. Some significant changes include changing the level of review for ADUs in the Historic District to staff-level in order to comply with State requirements, increasing the number of allowed ADUs for single- and multi-unit properties, clarifying that all non-state-mandated ADUs require design review by the City, and reformatting the ordinance.

### General Plan Consistency

The draft ADU ordinance is consistent with the City of Folsom General Plan policies by promoting the development of ADUs, streamlining the ADU review process, and maintaining neighborhood compatibility within the limits of State law. The draft ordinance incentivizes the development of ADUs (as required in Policies H-1.5 and H-2.4) by providing a ministerial review process, as required for all ADUs, and clarifying development standards. By ensuring that impact fees apply only where allowed by State law, the draft ordinance does not unnecessarily constrain the production of residential development in accordance with Policy H-2.2.

In conjunction, the draft ordinance incentivizes the production of ADUs, providing more options for adequate and affordable housing for seniors and persons with disabilities (as required in Policy H-5.1). Regarding the General Plan policies related to efficiency and predictability (Policies H-2.1 and H-2.5), the draft ordinance also simplifies, clarifies, and consolidates requirements to provide a clear pathway to ADU development and outline required processing timelines for applications. Finally, by ensuring that the design standards, including the Historic District ADU design standards, are objective and enforceable, the draft ordinance also supports Policy LU 6.1.2.

## **ENVIRONMENTAL REVIEW**

Pursuant to Section 21080.17 of the California Public Resources Code, the adoption of the ordinance is statutorily exempt from the California Environmental Quality Act (CEQA). Under PRC Section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 of, or Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code (the State ADU law). The ordinance implements ADU regulations in the City of Folsom in a manner that is consistent with the requirements of state law. As such, the adoption of the ordinance is exempt from CEQA.

## **NOTICE OF PUBLIC HEARING**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Legal advertisement of this hearing was published in the Folsom Telegraph on February 6, 2026, at least 20 days prior to the hearing date.

## **RECOMMENDATION**

Staff recommends that the Commission approves a recommendation to City Council supporting the repeal and replacement of the existing Chapter 17.105 in Title 17 of the Folsom Municipal Code (FMC) with the new draft Accessory Dwelling Unit Ordinance No. 1361.

## **COMMISSION ACTION**

MOVE TO RECOMMEND CITY COUNCIL APPROVAL OF ORDINANCE NO. 1361, AN ORDINANCE OF THE CITY OF FOLSOM FOR THE REPEAL AND RE-ENACTMENT OF CHAPTER 17.105 OF THE FOLSOM MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS, PROVIDED IN ATTACHMENT 1, BASED ON THE FOLLOWING FINDINGS (FINDINGS A-C).

## **GENERAL FINDINGS**

- A. NOTICE OF PUBLIC HEARING HAS BEEN GIVEN AT THE TIME AND IN THE MANNER REQUIRED BY STATE LAW AND CITY CODE.
- B. THE PROPOSED AMENDMENTS ARE CONSISTENT WITH THE GENERAL PLAN, AND THE ZONING CODE OF THE CITY.

## **CEQA FINDING**

- C. THE PROPOSED ORDINANCE IS STATUTORILY EXEMPT FROM ENVIRONMENTAL REVIEW UNDER SECTION 21080.17 OF THE CALIFORNIA PUBLIC RESOURCES CODE BECAUSE CEQA DOES NOT APPLY TO THE ADOPTION OF AN ORDINANCE TO IMPLEMENT THE PROVISIONS OF SECTION 65852.1 OF, OR ARTICLE 2 (COMMENCING WITH SECTION 66314) OR ARTICLE 3 (COMMENCING WITH SECTION 66333) OF CHAPTER 13 OF DIVISION 1 OF TITLE 7 OF THE GOVERNMENT CODE.

## **Attachment 1**

# **Ordinance No. 1361 - An Ordinance of the City of Folsom for the Repeal and Re-Enactment of Chapter 17.105 of the Folsom Municipal Code Pertaining to Accessory Dwelling Units**

**ORDINANCE NO. 1361**

**AN ORDINANCE OF THE CITY OF FOLSOM FOR THE REPEAL AND RE-ENACTMENT OF CHAPTER 17.105 OF THE FOLSOM MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS**

The City Council of the City of Folsom does hereby ordain as follows:

**SECTION 1 PURPOSE**

The purpose of this ordinance is to amend the Folsom Municipal Code to conform with new State law regulations pertaining to Accessory Dwelling Units adopted since 2020.

**SECTION 2 REPEAL AND RE-ENACTMENT TO CODE**

Chapter 17.105 of the Folsom Municipal Code is hereby repealed and re-enacted to read as follows:

**Chapter 17.105**

**ACCESSORY DWELLING UNITS**

**Sections:**

- 17.105.010 Purpose, applicability and where permitted.**
- 17.105.020 Definitions.**
- 17.105.030 Types.**
- 17.105.040 Density and Consistency.**
- 17.105.050 Processing Time and Submittal Requirements.**
- 17.105.060 Fee Requirements.**
- 17.105.070 Rental and Sale Limitations.**
- 17.105.080 Conditions for Nonconforming Uses and Structures.**
- 17.105.090 Accessory dwelling units subject to mandatory approval.**
- 17.105.110 Accessory Dwelling Units Subject to Design Review**
- 17.105.120 Limitation on the number of accessory dwelling units.**
- 17.105.130 Standards applicable to all accessory dwelling units.**
- 17.105.140 Single-unit developments: Attached accessory dwelling unit standards.**
- 17.105.150 Single-unit developments: Detached accessory dwelling unit standards.**
- 17.105.160 Single-unit developments: Junior accessory dwelling unit standards.**
- 17.105.170 Two-unit and multi-unit developments: Accessory dwelling unit standards.**
- 17.105.180 Parking requirements.**
- 17.105.190 All zones—Design standards.**
- 17.105.200 Historic District zones—Design standards.**

**17.105.010 Purpose, applicability and where permitted.**

- A. Purpose. This chapter establishes regulations and procedures for reviewing and permitting accessory dwelling units in conformance with California Government Code Title 7, Division 1, Chapter 13.
- B. Applicability. Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit shall comply with the requirements of this chapter and the city’s building and fire codes, as modified by Government Code Title 7, Division 1, Chapter 13. For the purposes of this chapter, accessory dwelling units include attached, detached, and junior accessory dwelling units.
- C. Building Permit Required. Any accessory dwelling unit or junior accessory dwelling unit shall require a building permit, subject to all the standard application and processing fees and procedures that apply to building permits generally.
- D. Where Permitted. Accessory dwelling units are allowed on parcels zoned to allow for single-unit, two-unit, and/or multi-unit residential uses where such a parcel includes a proposed or existing primary dwelling unit. Junior accessory dwelling units are allowed on parcels zoned to allow for single-unit residential uses where such parcel includes a proposed or existing primary dwelling unit.

**17.105.020 Definitions.**

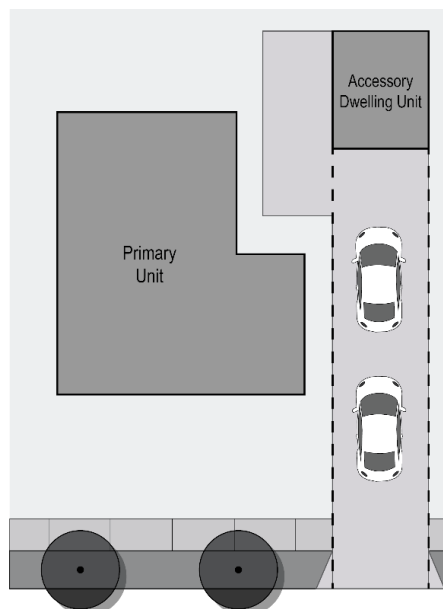
- A. “Accessory dwelling unit” (ADU) means an attached or a detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-unit or multi-unit dwelling is or will be situated, and include a permanent foundation and has a permanent connection to utility services. An accessory dwelling unit also includes the following:
  - 1. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
  - 2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- B. “Accessory building” means a detached subordinate building, the use of which is incidental to that of the main building on the same lot, or to the use of the land, such as a detached garage, shed or barn, etc.
- C. “Car share” means a program that allows customers hourly access to shared vehicles from a dedicated home location, with the vehicles required to be returned to that same location at the end of the trip.

- D. “Discretionary review” means the review of an application that involves a decision-makers judgement, and may involve public hearing and/or environmental review. Approvals are granted at the discretion of the City decision-maker. Discretionary review typically applies to projects which may have an impact to the surrounding area, require more analysis, and/or necessitate public feedback. Discretionary reviews often take longer to process than ministerial reviews.
- E. “Efficiency kitchen” is defined for purposes of establishing a junior accessory dwelling unit as a cooking facility that includes all of the following:
1. A cooking facility with appliances; and
  2. A food preparation counter; and
  3. Storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- F. “Independent living facilities” means a residential dwelling unit having permanent provisions for living, sleeping, eating, cooking, and sanitation.
- G. “Junior accessory dwelling unit” (JADU) means a unit that is no more than five-hundred (500) square feet in size and contained entirely within a single-unit dwelling. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.
- H. “Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- I. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory building.
- J. “Ministerial review” means review of an application at a staff-level for compliance to clear and objective requirements, and does not involve public hearing. If an application meets all of the City’s requirements, then it shall be approved by staff. Ministerial reviews are exempt from the California Environmental Quality Act (CEQA) and cannot be appealed.
- K. “New construction” means the creation of new built space that did not previously exist. This includes a wholly new building, or an addition that increases the space beyond the existing building where new space was not previously a part of the building.
- L. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
- M. “Objective standards” means 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.

- N. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street or alley to one (1) entrance of the accessory dwelling unit.
- O. “Primary dwelling unit” means the single-unit dwelling or each multi-unit dwelling unit, but does not include an accessory dwelling unit or junior accessory dwelling unit. An attached garage is considered part of the primary dwelling unit.
- P. “Public transit” means a location, including but not limited to a bus stop or train station, where the public may access buses, trains, subway, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- Q. “Single-unit, two-unit, and multi-unit” mean the same, respectively, as single-family, duplex, and multi-family residential units.
- R. “Spindlework detailing” means which a decorative element created by shaping wood on a spindle lathe to create symmetrical, repeating patterns like beads, coves, rings, and tapers. Spindlework detailing was often used as decorative spindles, balusters, posts, and trim on railings, porches, staircases, and other architectural features.
- S. “66323 unit” means accessory dwelling units that must be approved ministerially in accordance with Government Code Section [66323](#).
- T. “Tandem parking” means two or more automobiles parked on a driveway or in any other location on a parcel, lined up behind one another.

### Tandem Parking



### **17.105.030 Types.**

An accessory dwelling unit approved under this chapter shall be one of the following types:

- A. Attached. An accessory dwelling unit that meets the requirements of this chapter, and that is created as a result of new construction or conversion which is attached to an existing or proposed primary dwelling unit, such as through a shared structural wall, floor, ceiling, or roof. An attached accessory dwelling unit may also include, in part or in whole, a conversion of space within an existing primary dwelling unit, and/or an addition to an existing or proposed primary dwelling unit.
- B. Detached. An accessory dwelling unit that meets the requirements of this chapter, and that is created as a result of new construction or conversion which is detached and separate from an existing or proposed primary dwelling unit on the same parcel. A detached accessory dwelling unit may also include, in part or in whole, a conversion of space within an existing accessory building, and/or an addition to an existing or proposed accessory building, and/or a newly constructed standalone accessory dwelling unit.
- C. Junior Accessory Dwelling Unit. An accessory dwelling unit that is a unit that meets all the following requirements in addition to the requirements of this chapter:
  - 1. Is no more than five-hundred (500) square feet in size; and
  - 2. Is contained entirely within a proposed or existing single-unit primary dwelling; and
  - 3. Has a separate entrance from the main entrance to the proposed or existing single-unit primary dwelling; and
  - 4. Has a bathroom that is either shared with or separate from those of the single-unit primary dwelling; and
  - 5. Includes an efficiency kitchen.

### **17.105.040 Density and Consistency.**

An accessory dwelling unit that conforms to the requirements of this chapter shall:

- A. Not be considered for the purposes of evaluating the density requirements established in the General Plan.
- B. Be found consistent with the existing General Plan designation and zoning for the lot.
- C. Not be considered a new residential use for the purpose of calculating local agency connection fees of capacity charges for utilities, including water and sewer service.

- D. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.

**17.105.050 Processing Time and Submittal Requirements.**

- A. Processing time of an application for an accessory dwelling unit shall comply with Government Code Section [66317](#) and the standards below. Processing time of an application for a junior accessory dwelling unit shall comply with Government Code Section [66335](#) and the standards below. Where conflict occurs between the regulations of this section and the Government Code, the Government Code regulations shall apply.
1. Within fifteen (15) business days after the City receives an application, the City shall provide written notice whether the application is complete or incomplete.
    - a. If the City determines an application is incomplete, the City shall provide the applicant with a list of incomplete items, and a description of how the application can be made complete. The list and description shall be provided with the written notice, as required by paragraph (1).
    - b. After receiving a notice that the application is incomplete, an applicant may cure and address the items deemed incomplete by the City.
    - c. In the review of an application submitted pursuant to subparagraph (b), the City shall not require the application to include an item that was not included in the list required by subparagraph (a).
    - d. If an applicant submits supplemental information pursuant to subparagraph (b), the City shall determine whether the supplemental information has remedied all incomplete items listed in the determination issued pursuant to subparagraph (a). This additional application is subject to the timelines and requirements specified in paragraph (1).
    - e. If the City does not make a timely determination as required by this paragraph, the application or resubmitted application shall be deemed to be complete for the purposes of this paragraph.
  2. An application to create an accessory dwelling unit or junior accessory dwelling unit shall be approved or denied within sixty (60) days of submission of a complete application, unless:
    - a. The application to create an accessory dwelling unit or junior accessory dwelling unit is submitted concurrently with an application to create a new primary dwelling unit on the parcel, in which case the City shall not act on the application for the accessory

dwelling unit or junior accessory dwelling unit until the City acts on the application for the new primary dwelling unit, but the application to create an accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially; or

- b. The applicant requests a delay, in which case the sixty (60) day time period shall be tolled for the period of delay.
  3. If the City has not acted upon the completed application for an accessory dwelling unit or junior accessory dwelling unit within sixty (60) days, and none of the above exceptions are met, then the application for the accessory dwelling unit or junior accessory dwelling unit shall be deemed approved.
- B. Submittal Requirements. The application for an accessory dwelling unit or junior accessory dwelling unit shall be submitted to the Community Development Director. An accessory dwelling unit or junior accessory dwelling unit shall be reviewed for compliance with the standards of this chapter through the planning process, if required, in addition to the established building permit process.
- C. Denial/Remedies. If the City denies an application for an accessory dwelling unit or junior accessory dwelling unit, the City will provide in writing a full set of comments within sixty (60) days to the applicant from the date the City received a complete application with a list of items that are defective, deficient, or not compliant, and a description of how the application can be remedied by the applicant. When the primary dwelling is proposed concurrently with the accessory dwelling unit, more than sixty (60) days can be taken by the City.
- D. Appeals. Appeals of a determination of incompleteness or a denial of an application by the Community Development Director may be appealed to the Planning Commission in accordance with Folsom Municipal Code Chapter 17.04, with the modification that all appeals of determinations made under this Chapter shall be decided within sixty (60) business days after receipt of the appeal. The Planning Commission's decision on appeals of determinations made under this Chapter is final and may not be further appealed.

#### **17.105.060 Fee Requirements.**

- A. Application and Permit Fees. All accessory dwelling units shall be subject to all standard application and processing fees that apply to building permits. If the accessory dwelling unit is required to undergo review through the planning process, the application is subject to a required application fee established by council resolution.
- B. Connection Fees or Capacity Charges. An accessory dwelling unit or junior accessory dwelling unit shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-unit dwelling.

### C. Impact Fees.

1. For the purposes of this subsection, impact fees do not include any connection fee or capacity charge for water or sewer service.
2. No City-imposed impact fees shall be charged to an accessory dwelling unit that is seven-hundred-fifty (750) square feet or less in floor area, or a junior accessory dwelling unit that has five hundred (500) square feet or less in floor area.
3. For accessory dwelling units more than seven-hundred-fifty (750) square feet, city-imposed impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit (e.g., the floor area of the accessory dwelling unit, divided by the floor area of the primary dwelling unit, times the typical fee amount charged for a new dwelling).
  - a. If any agency or special district other than the city imposes impact fees collected by the city, the city shall collect such fees in accordance with such agency's or district's fee schedule.

### **17.105.070 Rental and Sale Limitations.**

- A. Long-Term Rentals Only. An accessory dwelling unit and junior accessory dwelling unit may be rented separately from the primary residence; however, the rental shall be for a term of thirty (30) days or longer. Occupancy of the accessory dwelling unit or junior accessory dwelling unit shall not be allowed until the City approves the occupancy of the primary dwelling unit.
- B. Sale or Conveyance. An accessory dwelling unit may be sold or conveyed separately from the primary dwelling unit to a qualified buyer, as defined in Government Code Section 66341, if all the requirements of Government Code Section [66341](#) are met.

### **17.105.080 Conditions for Nonconforming Uses and Structures.**

- A. Nonconforming Conditions. Notwithstanding Chapter 17.64 of the Folsom Municipal Code, until January 1, 2030 or until a date specified in Health and Safety Code Section [17980.12](#), whichever is later, an owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances, in relation to the accessory dwelling unit, may request a delay of up to five (5) years in enforcement of a building standard, as long as the violation is not a health and safety issue as determined by the City, subject to compliance with Government Code Section [66331](#) and Health and Safety Code Section [17980.12](#) and the following conditions:

1. The accessory dwelling unit was built before January 1, 2020; or

2. The accessory dwelling unit was built on or after January 1, 2020 during a time when the City had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

B. The City shall not deny an application for a permit to create an accessory dwelling unit or junior accessory dwelling unit due to the failure to correct nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit in compliance with Government Code Sections [66322](#) and [66336](#).

**17.105.090 Accessory dwelling units subject to mandatory approval.**

The city shall approve any application for an accessory dwelling unit as described in this section and specified in Government Code Section [66323](#), referred to as a “66323 Unit”. Approval or denial of an accessory dwelling unit specified in Government Code Section [66323](#) is a ministerial action not subject to discretionary review. The following types of 66323 Units are exempt from the design standards of this chapter and exempt from design review, however they are subject to applicable standards of Government Code Title 7, Division 1, Chapter 13:

- A. Any accessory dwelling unit on a lot with an existing or proposed single-unit primary dwelling that is a conversion of the space of a proposed or existing single-unit primary dwelling, and may include an expansion of not more than one-hundred fifty (150) square feet beyond the physical dimensions of the building for the sole purpose of accommodating ingress and egress;
- B. Any accessory dwelling unit on a lot with an existing or proposed single-unit primary dwelling that is a conversion of the space of an existing accessory building, and may include an expansion of not more than one-hundred fifty (150) square feet beyond the physical dimensions of the building for the sole purpose of accommodating ingress and egress;
- C. Any junior accessory dwelling unit;
- D. Any new construction detached accessory dwelling unit on a lot with an existing or proposed single-unit primary dwelling that is eight hundred (800) square feet or smaller in size, has a peak height above finished grade as allowed under the conditions specified in Government Code section [66321](#), and has a minimum four (4) foot wide side and rear yard setbacks;
- E. Any accessory dwelling unit that is a conversion of a portion of an existing multi-unit dwelling building that is not used as livable space;
- F. Any new construction detached accessory dwelling unit on a lot with an existing or proposed multi-unit primary dwelling that has a peak height above finished grade as allowed under the

conditions specified in Government Code section [66321](#), and has a minimum four (4) foot wide side and rear yard setbacks.

#### **17.105.110 Accessory Dwelling Units Subject to Design Review**

A. Ministerial Design Review Required. All accessory dwelling units which are not 66323 Units shall be subject to the objective design standards in Section 17.105.190 or 17.105.200, as applicable. Compliance with the objective design standards listed in Sections 17.105.190 and 17.105.200 shall be conducted in accordance with the ministerial design review process outlined in FMC 17.06.045, except as otherwise noted in this section. The city shall ministerially approve any application for an accessory dwelling unit subject to design review if all requirements in this chapter are met.

1. Review Authority. All accessory dwelling units shall be reviewed by the Community Development Director.
  - a. If a proposed detached accessory dwelling unit project includes proposed new garage space, the proposed new garage space shall be reviewed concurrently with the accessory dwelling unit through a ministerial design review process.
2. Design Review Findings. Notwithstanding the findings of [FMC 17.06](#), in approving or denying an application for ministerial design review under this chapter, the Community Development Director shall make the finding that the accessory dwelling unit complies with the objective design and development standards of this chapter.

B. Deviations from Design Standards. A request to deviate from the design standards contained in FMC 17.105.190 or FMC 17.105.200 may be made by application for design review, in accordance with the standard design review process outlined in [FMC 17.06](#), except as otherwise noted in this section.

1. Review Authority. Any deviations for accessory dwelling units from the objective design standards of this chapter shall be reviewed by the Community Development Director.

#### **17.105.120 Limitation on the number of accessory dwelling units.**

A. The number of accessory dwelling units allowed shall comply with Government Code Title 7, Division 1, Chapter 13, as listed below. Where conflict occurs between the regulations of this section and the Government Code, the Government Code regulations shall apply.

1. Accessory dwelling units are permitted in single-unit developments with an existing or proposed single-unit dwelling as long as the units satisfy the requirements of this chapter and the number does not exceed, per single-unit lot:
  - a. One (1) attached or detached accessory dwelling unit that complies with the requirements of this chapter; and

- b. One (1) accessory dwelling unit that is located within the proposed or existing space of a single-unit dwelling, or located within the existing space of an accessory building, consistent with Government Code section 66323(a)(1); and
  - c. One (1) junior accessory dwelling unit consistent with Government Code section 66323(a)(1); and
  - d. One (1) new construction detached accessory dwelling unit consistent with Government Code section 66323(a)(2).
2. Accessory dwelling units are permitted in multi-unit developments with an existing or proposed multi-unit dwelling as long as the units satisfy the requirements of this chapter and the number does not exceed:
- a. At least one (1) accessory dwelling unit that is a conversion of portions of existing multi-unit dwelling structures that are not used as livable space, up to a maximum of 25% of the original number of approved primary units within the development. When calculating the required number of allowed accessory dwelling units, any fractions of units shall be rounded to the next larger whole number.
  - b. Up to two (2) detached accessory dwelling units on a lot that has proposed multi-unit dwellings, or up to eight (8) detached accessory dwelling units on a lot that has existing multi-unit dwellings provided that the number of accessory dwelling units does not exceed the number of existing dwelling units on the lot.
3. Notwithstanding the above, no more than two units (including ADUs and JADUs) on a parcel created through a Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) lot split shall be allowed (Government Code section 66411.7(j)(1)).

**17.105.130 Standards applicable to all accessory dwelling units.**

The following standards shall apply to all accessory dwelling units. Where conflict occurs between the regulations of this section and the Government Code, the Government Code regulations shall apply:

- A. Passageways. No passageway, breezeway, or similar connection between structures on the parcel shall be required in conjunction with the construction of an accessory dwelling unit.
- B. Utility Connections. All accessory dwelling units shall be connected to public utilities or their equivalent, including water, electric, and sewer services.
  - 1. The city shall not require the applicant to install a new or separate utility connection directly between the attached or detached accessory dwelling unit and the utility unless the utility connection is required by the utility provider. The applicant may voluntarily install a new or separate utility connection, subject to the approval of the utility provider.

Any utility charges or fees must be consistent with California Government Code Section [66311.5](#)

- C. **Septic System.** If allowed by the city pursuant to [FMC 13.20](#), the accessory dwelling unit may connect to an onsite water-treatment system. The owner shall include with the application a percolation test completed within the last five (5) years or, if the percolation test has been recertified, within the last ten (10) years. Such test must demonstrate the ability of the site to accommodate waste discharge associated with the accessory dwelling unit.
- D. **Open Space.** Accessory dwelling units shall not encroach into required open space areas on a residentially-zoned parcel. This requirement shall not apply to a 66323 unit.
- E. **Addressing.** An accessory dwelling unit shall have its own address according to the City's standard addressing procedure.

**17.105.140 Single-unit developments: Attached accessory dwelling unit standards.**

- A. **66323 Units.** An attached accessory dwelling unit shall qualify as a 66323 Unit if it meets all of the following requirements, in accordance with Government Code Section [66323](#):
  - 1. **Location.** Is a conversion of the space of a proposed or existing single-unit primary dwelling that may include an expansion of not more than one-hundred fifty (150) square feet beyond the physical dimensions of the building for the sole purpose of accommodating ingress and egress.
  - 2. **Size.** Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum).
  - 3. **Setbacks.** Has side and rear setbacks that are sufficient for fire and safety.
  - 4. **Access.** Has exterior access that is independent of that for the proposed or existing primary dwelling unit.
- B. **All Other Attached Accessory Dwelling Units.** An attached accessory dwelling unit that is not a 66323 Unit shall meet all of the following requirements:
  - 1. **Location.** Is located on a single-unit parcel with an existing or proposed primary dwelling unit, and shares at least one common structural wall, floor, ceiling, or roof with the primary dwelling unit.
  - 2. **Size.** Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum), and at a maximum does not exceed eight-hundred-fifty (850) square feet if it has no more than one (1) bedroom, or one-thousand (1,000) square feet if

it has two (2) or more bedrooms. Subject to the foregoing maximum size limitation, the total floor area of an attached accessory dwelling unit shall not exceed fifty (50) percent of the existing primary dwelling unit.

3. Setbacks. Has a front yard setback that conforms to the front setback for the zone in which the attached accessory dwelling unit is located, has side and rear setbacks of at least four (4) feet, and complies with applicable building and fire codes.
  - a. Setback Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing primary dwelling unit may maintain the same setbacks as that of the existing primary dwelling unit; however, the accessory dwelling unit must comply with applicable fire and building codes.
4. Parcel Coverage. For any attached accessory dwelling unit, the parcel coverage standard and pervious surface standard, if applicable, for the zone in which it is located shall apply.
  - a. Rear Yard Coverage. Notwithstanding the parcel coverage standard, the area covered by an accessory dwelling unit shall not exceed forty (40) percent of the rear yard or eight-hundred (800) square feet, whichever is greater.
  - b. Parcel Coverage Exceptions. No adjustment to the existing parcel coverage and pervious surface standard, if applicable, is required for any portion of an accessory dwelling unit that is a conversion of the space of an existing primary dwelling unit; however, the accessory dwelling unit must comply with applicable fire and building codes.
5. Height. Height shall not exceed the height standard for the zone in which the attached accessory dwelling unit is located.
  - a. Additional Height Restrictions. Notwithstanding the height standard, any portion of an attached accessory dwelling unit that encroaches into the required setback area for the primary dwelling unit shall not exceed twenty-five (25) feet.
  - b. Height Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing primary dwelling unit may maintain the same height as that of the existing primary dwelling unit; however, the accessory dwelling unit must comply with applicable fire and building codes.
6. Access. Has exterior access that is independent of that for the proposed or existing primary dwelling unit. The entrance to the accessory dwelling unit shall be located on a different side of the building from the entrance to the primary dwelling unit, except as may be required to comply with applicable fire and building codes.

#### C. Additional Requirements.

1. Design Standards. Any accessory dwelling unit must comply with the design standards set forth in Sections 17.105.190 and 17.105.200 for an accessory dwelling unit in the historic district, or Section 17.105.190 for an accessory dwelling unit located outside of the historic district.
  - a. Design Standard Exceptions. Design Standards shall not apply to 66323 Units specified in Government Code section [66323](#)
2. Exceptions. Notwithstanding the standards of this section, in no event shall any of the standards of this section preclude the development of at least an eight-hundred (800) square foot accessory dwelling unit with four (4) foot side and rear setbacks, in compliance with all other development standards.

**17.105.150 Single-unit developments: Detached accessory dwelling unit standards.**

A. 66323 Units. A detached accessory dwelling unit shall qualify as a 66323 Unit if it meets either of the following requirements, in accordance with Government Code Section [66323](#):

1. New Construction Detached 66323 Units:
  - a. Location. Is detached from the primary dwelling unit and is entirely new construction.
  - b. Size. Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum), and at a maximum shall not exceed eight-hundred (800) square feet.
  - c. Setbacks. Has side and rear setbacks of four (4) feet, and complies with applicable building and fire codes.
    - i. Setback Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building may maintain the same setbacks as that of the existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
  - d. Height. Has a peak height above finished grade as allowed under the conditions specified in Government Code Section [66321](#).
    - i. Height Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building may maintain the same height as that of the existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
2. Converted Detached 66323 Units:

- a. Location. Is detached from the primary dwelling unit and is a conversion of the space of an existing accessory building that may include an expansion of not more than one-hundred fifty (150) square feet beyond the physical dimensions of the building for the sole purpose of accommodating ingress and egress.
  - b. Size. Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum).
  - c. Setbacks. Has side and rear setbacks sufficient for fire and safety.
    - i. Setback Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building may maintain the same setbacks as that of the existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
- B. All Other Detached Accessory Dwelling Units. A detached accessory dwelling unit that is not a 66323 Unit shall meet all of the following requirements:
- 1. Location. Is located on a single-unit parcel with an existing or proposed primary dwelling unit, and is detached from the primary dwelling unit.
  - 2. Size. Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum), and at a maximum shall not exceed eight-hundred-fifty (850) square feet if it has no more than one (1) bedroom or one-thousand (1,000) square feet if it has two (2) or more bedrooms.
  - 3. Setbacks. Has side and rear setbacks of at least four (4) feet, and complies with applicable building and fire codes. In no case shall the accessory dwelling unit break the front plane of the primary dwelling unit. Detached accessory dwelling units shall be located at least six (6) feet from the primary dwelling unit or an accessory building on the same parcel other than a fence or a wall.
    - a. Setback Exceptions.
      - i. Any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building may maintain the same setbacks as that of the existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
      - ii. Notwithstanding Chapter 17.64 of the Folsom Municipal Code, any accessory dwelling unit constructed that is built on top of an existing accessory building with side and/or rear setback of less than four (4) feet may maintain the same side and/or rear setback of that accessory building; however, the accessory dwelling

unit must comply with applicable fire and building codes. Notwithstanding this exception, in no case shall the accessory dwelling unit break the front plane of the primary dwelling unit.

4. Parcel Coverage. For any detached accessory dwelling unit that is larger than eight-hundred (800) square feet, the parcel coverage standard and pervious surface standard, if applicable, for the zone in which it is located shall apply.
  - a. Rear Yard Coverage. Notwithstanding the parcel coverage standard, the area covered by an accessory dwelling unit shall not exceed forty (40) percent of the rear yard or at least eight-hundred (800) square feet, whichever is greater.
  - b. Parcel Coverage Exceptions. No adjustment to the existing parcel coverage and pervious surface standard, if applicable, is required for any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
5. Height. Height shall not exceed twenty-five (25) feet or the height of the residence, whichever is less.
  - a. Accessory Dwelling Units near a Listed Historic Structure. Any accessory dwelling unit proposed for construction on or within fifty (50) feet of the property line of a parcel containing a structure listed on a State or Federal register of historic resources shall have a peak height above finished grade of as allowed under the conditions specified in Government Code section [66321](#).
  - b. Height Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building may maintain the same height as that of the existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
6. Access. The entrance to the accessory dwelling unit shall be located on a different side of the building from the entrance to the primary dwelling unit, except as may be required to comply with applicable fire and building codes.

C. Additional Requirements.

1. Design Standards. Any accessory dwelling unit must comply with the design standards set forth in Sections 17.105.190 and 17.105.200 for an accessory dwelling unit in the historic district, or Section 17.105.190 for an accessory dwelling unit located outside of the historic district.
  - a. Design Standard Exceptions. Design Standards shall not apply to 66323 Units specified in Government Code Section [66323](#).

2. Exceptions. Notwithstanding the standards of this section, in no event shall any of the standards of this section preclude the development of at least an eight-hundred (800) square foot accessory dwelling unit with four (4) foot side and rear setbacks, in compliance with all other development standards.

**17.105.160 Single-unit developments: Junior accessory dwelling unit standards.**

A. Generally. A junior accessory dwelling unit shall be allowed on a single-unit parcel with a proposed or existing primary dwelling unit, if the junior accessory dwelling unit meets all the following requirements:

1. Location. Is entirely within the proposed space of a primary dwelling unit or within the existing space of a primary dwelling unit.
2. Size. Size shall be measured based on the interior living space of the junior accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum), and at a maximum does not exceed five-hundred (500) square feet.
3. Setbacks. No adjustment to the existing setback is required for an existing space that is converted to a junior accessory dwelling unit; however, the junior accessory dwelling unit must comply with applicable fire and building codes.
4. Parcel Coverage. No adjustment to the existing parcel coverage and pervious surface standard, if applicable, is required for an existing space that is converted to a junior accessory dwelling unit; however, the junior accessory dwelling unit must comply with applicable fire and building codes.
5. Height. No adjustment to the existing height is required for an existing space that is converted to a junior accessory dwelling unit. The height of the existing primary dwelling unit being converted to a junior accessory dwelling unit shall not be increased.
6. Access. Has exterior access that is independent of that for the proposed or existing primary dwelling unit. The entrance to the junior accessory dwelling unit shall be located on a different side of the building from the entrance to the primary dwelling unit, except as may be required to comply with applicable fire and building codes. If the junior accessory dwelling unit does not include separate sanitation facilities, the junior accessory dwelling unit shall also include interior entry to the main living area of the primary dwelling unit.

B. Additional Requirements.

1. Efficiency Kitchen. The junior accessory dwelling unit shall include an efficiency kitchen.

2. Design Standards. No design standards shall be applied.
3. Deed Restriction. Prior to issuance of a building permit for a junior accessory dwelling unit, a deed restriction shall be recorded in the chain of title of the single-unit property. The form of the deed restriction shall be approved by the city attorney and shall provide that:
  - a. The junior accessory dwelling units shall not be sold separately from the primary dwelling unit.
  - b. The junior accessory dwelling units are restricted to the approved size and other attributes allowed by this chapter.
  - c. The deed restriction shall run with the land and shall be enforced against future property owners.
4. Owner Occupancy Requirements. All junior accessory dwelling units that have shared sanitation facilities shall be subject to an owner occupancy requirement. A person with legal or equitable title to the primary dwelling unit shall reside on the property in either the primary dwelling unit or junior accessory dwelling unit as that person's legal domicile and permanent residence.
  - a. Exceptions. Owner occupancy shall not be required if the junior accessory dwelling unit has separate sanitation facilities from the primary dwelling unit, or if the owner is a governmental agency, land trust, or nonprofit housing organization.

**17.105.170 Two-unit and multi-unit dwellings: Accessory dwelling unit standards.**

Accessory dwelling units, in accordance with Government Code Section [66323](#), are permitted on a lot with existing or proposed two-unit and multi-unit dwellings as follows:

- A. Generally. An accessory dwelling unit conversion shall be allowed on a parcel with an existing multi-unit dwelling, if the accessory dwelling unit conversion meets all the following requirements:
  1. Location. Is converted from portions of a multi-unit dwelling that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that any such space converted to an accessory dwelling unit complies with minimum state building standards for dwellings.
  2. Size. Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum).

3. Setbacks. No adjustment to the existing setback is required for the space that is converted to an accessory dwelling unit; however, the accessory dwelling unit conversion must comply with applicable fire and building codes.
  4. Parcel Coverage. No adjustment to the existing parcel coverage and pervious surface standard, if applicable, is required for an existing space that is converted to an accessory dwelling unit; however, the converted accessory dwelling unit must comply with applicable fire and building codes.
  5. Height. No adjustment to the existing height is required for the space that is converted to an accessory dwelling unit. The height of the existing multi-unit dwelling being converted to an accessory dwelling unit shall not be increased.
  6. Design Standards. No design standards shall be applied.
- B. Generally. A detached accessory dwelling unit shall be allowed on a parcel with an existing or proposed two-unit or multi-unit dwelling, if the detached accessory dwelling unit meets all the following requirements:
1. Location. Is detached from the two-unit or multi-unit dwelling. The detached accessory dwelling unit may be attached to an accessory building or other detached accessory dwelling unit.
  2. Size. Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum), and at a maximum shall not exceed eight-hundred (800) square feet.
  3. Setbacks. Has side and rear setbacks of at least four (4) feet, and complies with applicable building and fire codes.
  4. Parcel Coverage. Accessory dwelling units that are eight-hundred (800) square feet or smaller shall not be required to adhere to the parcel coverage standard and pervious surface standard, if applicable.
  5. Height. Has a peak height above finished grade as allowed under the conditions specified in Government Code Section [66321](#).
  6. Design Standards. No design standards shall be applied.

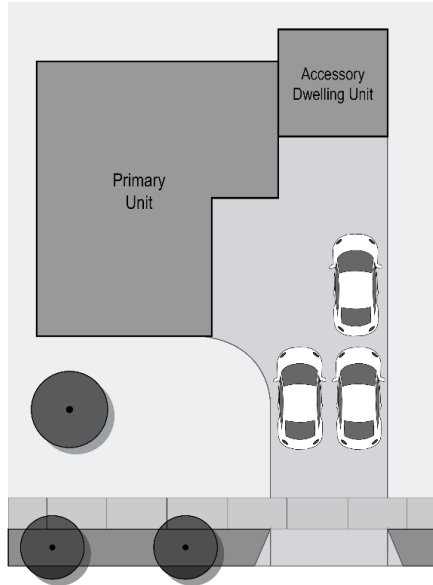
### **17.105.180 Parking requirements**

Off-street parking space shall be provided in accordance with the following:

- A. Requirement. One (1) additional off-street parking space shall be required per accessory dwelling unit or per bedroom, whichever is less.

1. Parking may be provided in front and/or side setback areas on a driveway, or as tandem parking on a driveway. Parking spaces may also be provided through a mechanical vehicle parking lift if located in an enclosed parking garage.
- B. Exceptions. Additional parking for an accessory dwelling unit is not required in the following instances:
1. The accessory dwelling unit is located within one-half (0.5) mile walking distance of public transit, as defined in Section [17.105.020](#), including transit stations and bus stations.
  2. The accessory dwelling unit is located within the historic district.
  3. The accessory dwelling unit is a part of the proposed or existing primary dwelling unit (e.g., attached accessory dwelling unit or junior accessory dwelling unit), or an existing accessory building (e.g., detached accessory dwelling unit addition to an accessory building).
  4. When on-street parking permits are required by the city but not offered to the occupant of the accessory dwelling unit.
  5. When there is a car share vehicle located within one (1) block of the accessory dwelling unit.
  6. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-unit dwelling or multi-unit dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subdivision.
- C. Replacement Parking Not Required. When a garage, carport, uncovered parking space, or covered parking structure is removed in conjunction with the construction or conversion of an accessory dwelling unit, replacement parking is not required.

### **Acceptable Location of Parking for Accessory Dwelling Units**



**17.105.190 All zones—Design standards.**

- A. Applicability. An accessory dwelling unit shall comply with objective standards for accessory dwelling units in this section or any other objective design standards for accessory dwelling units, as adopted by resolution of the city council. The following objective design standards shall apply to all accessory dwelling units that are not 66323 Units specified in Government Code section [66323](#).
- B. Exterior Walls.
1. Attached accessory dwelling units shall utilize the same exterior wall materials, including accent materials, as the existing or proposed primary dwelling unit.
  2. Detached accessory dwelling units shall utilize at least two (2) different exterior wall materials.
- C. Windows. The accessory dwelling unit shall incorporate at least one of the following features: windows, projections, bays, or recessed elements. Additionally, windows are subject to the following requirements:
1. Any second story window that is within ten (10) feet or less of the side and/or rear property line shall have translucent glazing, or be one of the following window types: Transom windows, clerestory windows, or false windows.
- D. Roof Pitch. The accessory dwelling unit shall have the same roof pitch as the primary dwelling unit but may vary by up to 2/12 more or 2/12 less than the roof pitch of the primary dwelling unit. However, if the unit is located in the historic district, it must follow the roof

pitch requirements for design style allowed in that zone or subarea specified in FMC 17.105.200.

E. Accessory dwelling units above the main story. If the accessory dwelling unit is two-stories, or is constructed on the second story or higher of an existing or proposed building, the following requirements shall apply:

1. Form and Massing. The building massing of the accessory dwelling unit shall be designed according to the following requirements:

a. Attached accessory dwelling units shall utilize at least one (1) of the following:

- i. Recessed or projecting windows, doors, or parts of the wall. Recessed windows and doors shall project a minimum of six (6) inches or shall be recessed a minimum of six (6) inches. Any projection must be behind the parcel side or rear yard setback line.
- ii. Cantilevered areas so long as area does not extend beyond the side or rear yard setback.
- iii. At least two different roof forms, such as a mix of different roof types (e.g., hipped, gabled, shed, etc.).

b. Detached accessory dwelling units shall utilize at least one (1) of the following:

- i. Different building materials for each of the stories.
- ii. Recessed or projecting windows, doors, or parts of the wall. Recessed windows and doors shall project a minimum of six (6) inches or shall be recessed a minimum of six (6) inches. Any projection must be behind the parcel side or rear yard setback line.
- iii. Cantilevered areas so long as area does not extend beyond the side or rear yard setback.
- iv. At least two different roof forms, such as a mix of different roof types (e.g., hipped, gabled, shed, etc.).

2. Staircases. Staircases necessary to access a second story accessory dwelling unit shall comply with the following requirements:

a. Location. The staircase shall be located internal to the building, or along the edge of the building.

- b. Setback. Has side and rear setbacks that are sufficient for fire and safety.
  - c. Design. The staircase shall be enclosed. If located along the edge of a building, the staircase exterior walls shall use the same colors and materials as used for the exterior of the building.
3. Balconies. One (1) second-story balcony is allowed, not to exceed twenty (20) square feet. Balconies shall not be located in the setback areas of the primary dwelling unit.
- F. Design Style Deviations. Applicants for accessory dwelling units may seek a waiver from a required design standard listed in this section by requesting a design review in accordance with FMC 17.105.110.

**17.105.200 Historic District zones—Design standards.**

- A. Applicability. In addition to the provisions of Section 17.105.190, if located in a historic district, an accessory dwelling unit shall comply with objective standards for accessory dwelling units in this section or any other objective design standards for accessory dwelling units, as adopted by resolution of the city council. The following objective design standards shall apply to all accessory dwelling units that are not 66323 Units specified in Government Code section [66323](#).
- B. Architectural Style. The architectural styles in the historic district reflect the types of design during the period from the 1850s to 1950s. The applicant for an accessory dwelling unit shall select an allowed architectural style for the historic district zone or subarea in which it is located and shall meet all required design elements. Acceptable styles by zone and subarea are as follows:
- 1. Figueroa Subarea: Queen Anne, Delta, Italianate, Spanish Eclectic, Craftsman, and Carriage House Styles.
  - 2. Central Subarea: Queen Anne, Delta, Italianate, Spanish Eclectic, Craftsman, and Carriage House Styles.
  - 3. Persifer-Dean Subarea: 1950s Ranch, Spanish Eclectic, Delta, and Craftsman Styles.
  - 4. The Preserve Subarea: Craftsman, Delta, Spanish Eclectic Styles.
  - 5. River Way Subarea: Delta, Spanish Eclectic, Craftsman Styles.
  - 6. All other subareas: Queen Anne, Delta, Italianate, Spanish Eclectic, Craftsman and Carriage House Styles.

C. Required Design Elements. The specified design elements for each architectural style are set forth as follows:

1. Carriage House Style

- a. Limitations. This type may only be used for detached accessory dwelling units which include existing or proposed garage space.
- b. Massing/Form. This style may include garage space on the main story not to exceed eight-hundred (800) square-feet. The garage portion shall comply with the zoning requirements of the property.
  - i. Second Story. If a second story is used, the second story shall be located within the roof attic space. The second story shall not include any cantilever space above the main story.
- c. Roofs. Roof shall have a side-gable, side-gambrel, or hip roof and incorporate the following elements:
  - i. Roof Pitch. Roof pitch shall be between 4/12 and 12/12 for gabled roofs. If a gambrel roof is used, the roof pitch for the lower roof leg (i.e., the lower portion of the roof slope) shall be between 22/12 and 26/12 and the upper roof leg (i.e., upper portion of the roof slope) shall be between 5/12 and 8/12; the upper and lower roof legs shall be equal in length.
  - ii. Roof Detailing. A window or vent shall be provided on the gable or gambrel ends.
  - iii. Optional. Shed or gabled roof dormer(s) may be used; wall dormers are not permitted. A singular square-cupola or tower may be used, but shall not exceed the overall height maximum of the structure and shall not exceed four (4) square feet in size.
- d. Windows. Windows shall be square or vertically proportioned rectangular windows with a traditional multi-pane grid.
- e. Exterior Walls. Exterior walls shall utilize the same siding materials of the primary dwelling unit, including the use of accent materials. If trim is used on the primary dwelling unit, the same type and width of trim shall be used.
- f. Garage Door. The garage door shall incorporate the following features:

- i. Garage doors shall be a single-car door in size (i.e., two-car garage doors prohibited);
  - ii. Black metal hinges and handle door hardware;
  - iii. Wood board construction, or be of a material shaped to imitate wood board construction;
  - iv. If windows are used, windows shall include rectangular grids and shall be located on the upper third of the garage door; and
  - v. If panels are used, panels shall be narrow and rectangular and extend from bottom of door to top of door. If windows are also used, the panels shall extend from bottom of door to bottom of windows.
2. Craftsman Style.
- a. Roofs. Roofs shall be front-gabled, side-gabled, or cross-gabled and incorporate the following elements:
    - i. Roof Pitch. The roof pitch shall be between 3/12 and 8/12.
    - ii. Roof Detailing. The roof shall have unenclosed eave overhangs. Exposed roof rafter and/or braces under the gables (i.e., knee braces or corbels, etc.) shall be included.
    - iii. Optional. Shed or gabled roof dormers may be used.
  - b. Windows. All windows on the front elevation shall be single- or double-hung sash windows with at least three (3) small panes above one (1) large pane (e.g., three (3) small panes over one (1) large pane, six (6) small panes over one (1) large pane window, etc.).
  - c. Exterior Walls. Exterior walls shall be horizontal lap or shingle siding that is two-and-one-half (2.5) to six (6) inches wide, or board and batten siding, or shingle siding, or stone and mortar, or brick and mortar, or a mix of the siding options mentioned. Fiber cement board and shingles may be used in place of wood siding or shingles.
  - d. Optional Porch. If an entry porch is provided, the porch shall be located under the roofline and supported by tapered or square columns with square bases that extend to the ground.

3. Queen Anne Style.

- a. Roofs. Roofs shall be hipped and/or gabled and incorporate the following elements:
  - i. Roof Pitch. The roof pitch shall be between 8/12 and 18/12.
  - ii. Roof Detailing. Front-gables, if used, shall include scalloped shingles with a window or vent.
  - iii. Optional. Multiple gables and dormers may be used.
- b. Windows. All windows on the front elevation shall be single- or double-hung sash windows with small panes above one (1) large. All windows on the building shall be vertically proportioned, with a minimum height of two (2) feet for every one (1) foot of width, and a maximum height of three-and-one-half (3.5) feet for every one (1) foot of width.
- c. Exterior Walls. Exterior walls shall be horizontal lap siding that is between two-and-one-half (2.5) to six (6) inches wide and/or shingle siding. Fiber cement siding may be used in place of wood siding.
- d. Optional Porch. If an entry porch is provided, the porch shall include turned spindle columns and railing. Porches may also include the use of spindlework detailing.
- e. Optional Features. Chamfered bay windows may be used. This feature is defined as an architectural projection that is either attached to the ground or projects from the building façade, contains windows that cover at least sixty percent (60%) of the projecting faces with glass area, and has side faces that are angled (chamfered) back toward the building rather than forming a right-angled corner.

4. Delta Style.

- a. Roofs. The roof shall be a single-front gabled roof and incorporate the following elements:
  - i. Roof Pitch. The roof pitch shall be between 6/12 to 12/12.
  - ii. Roof Detailing. A rectangular vent shall be utilized at ends of the front-facing gable. The roof shall have soffited eaves.
- b. Windows. All windows on the building shall be vertically proportioned, with a minimum height of two (2) feet for every one (1) foot of width. The window shall

include flat trim measuring no more than three-and-one-half (3.5) inches side surrounding all sides of the window.

- c. Exterior Walls. Exterior walls shall be horizontal clapboard siding that is between two-and-one-half (2.5) to six (6) inches wide, or board and batten siding. Fiber cement siding may be used in place of wood siding.
- d. Optional Porch. If an entry porch is provided, the porch shall have a roof pitch that is no greater than 4/12, supported by square posts not to exceed 10 inches wide that extend to the ground, and include railing. Porches may also include the use of spindlework detailing.

5. Italianate Style.

- a. Roofs. The roof shall be a hipped roof and incorporate the following elements.
  - i. Roof Pitch. The roof pitch shall be between 3/12 and 6/12.
  - ii. Roof Detailing. The roof shall have eave overhangs that are at least twelve (12) inches, supported by large, decorative roof brackets under an ornamental cornice.
  - iii. Optional. A singular square-cupola or tower may be used, but shall not exceed the overall height maximum of the structure and shall not exceed six (6) square feet in size.
- b. Windows. All windows on the building shall be vertically proportioned, with a minimum height of two (2) feet for every one (1) foot of width, and a maximum height of three-and-one-half (3.5) feet for every one (1) foot of width.
- c. Exterior Walls. Exterior walls shall be horizontal lap siding that is between four (4) to six (6) inches side, brick and mortar, or board-and-batten siding. Fiber cement siding may be used in place of wood siding.
- d. Optional Porch. If an entry porch is provided, the porch shall be a wrap-around porch (or smaller entry porch) with double columns.
- e. Optional Features. Angled bay cut-away forms and windows may be used on the front elevation. Paneled wood doors may also be used.

6. Spanish Eclectic Style (also known as Spanish Revival).

- a. Roofs. The roof shall be cross-gabled, hipped, or a combined hipped-and-gabled roof and incorporate the following elements:

- i. Roof Pitch. The roof pitch shall be between 2/12 and 5/12.
  - ii. Roof Detailing. The roof shall be red tile, include red tile vents on open gables, and shall not have a roof eave overhang that exceeds four (4) inches.
  - b. Windows. All windows shall be recessed casement windows. On the front elevation, one (1) window with a rounded arch shall be provided that is larger than any other window on the building.
  - c. Exterior Walls. Exterior walls shall be stucco.
  - d. Doors. Exterior doors shall be recessed, and be either wood plank or wood paneled doors. A rounded arch shall be provided over the main door.
  - e. Optional Porch. If a porch is provided, the porch shall be uncovered.
7. 1950s Ranch Style.

- a. Roofs. The roof shall be cross-gabled, side-gabled, hipped, or cross-hipped and incorporate the following elements:
  - i. Roof Pitch. The roof pitch shall be between 3/12 and 5/12.
  - ii. Roof Detailing. The roof shall have soffited eaves.
- b. Exterior Walls. Exterior walls shall be smooth stucco, horizontal lap siding, shingles, board-and-batten, stone, brick and mortar, or a combination of these materials. Fiber cement siding may be used in place of wood siding.
- c. Optional Window Detailing. Windows may include open shutters.
- d. Optional Porch. If an entry porch is provided, the porch shall not be greater than one-hundred (100) square-feet in size.

D. Design Style Deviations. Applicants for accessory dwelling units may seek a waiver from a required design standard listed in this section by requesting a design review in accordance with FMC 17.105.110.

### **SECTION 3 SCOPE**

Except as set forth in this ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

**SECTION 4 SEVERABILITY**

If any section, subsection, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, invalid, or ineffective.

**SECTION 5 EFFECTIVE DATE**

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on March 24, 2026 and the second reading occurred at the regular meeting of the City Council on April 14, 2026.

On a motion by Councilmember \_\_\_\_\_ seconded by Councilmember \_\_\_\_\_, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 14th day of April, 2026, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

\_\_\_\_\_  
Justin Raithel, MAYOR

ATTEST:

\_\_\_\_\_  
Christa Freemantle, CITY CLERK

**Attachment 2**  
**HCD Letter of Technical Assistance**  
**Dated 12-5-25**

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

651 Bannon Street, Suite 400  
Sacramento, CA 95811  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



December 5, 2025

Pam Johns  
Contract City Planner  
City of Folsom  
50 Natoma Street  
Folsom, CA 95630

Dear Pam Johns:

**RE: City of Folsom – Accessory Dwelling Unit (ADU) Ordinance Updates – Letter of Technical Assistance**

The most recent ADU ordinance on file for the City with the California Department of Housing and Community Development (HCD) is from 2020. Given the numerous changes to State ADU Law since the adoption of the ordinance, the ordinance may be outdated and out of compliance with State ADU Law. If HCD's records are incorrect, and a new ordinance has been adopted, please submit it to the [ADU Portal](#) for HCD's review.

Below are the changes to State ADU Law that have occurred in recent years and may warrant an update to the City's ADU ordinance:

**Updates to the [ADU Handbook \(2025\)](#)**

- Clarifies that ADU Law prohibits deed restrictions on ADUs. A deed restriction would be an "additional standard" and thus cannot be imposed on ADUs (Gov. Code, § 66315).
- Clarifies that homeowners' associations (HOAs), as a third party, cannot influence the approval of an application to create an ADU. Third party reviews by an HOA or their representatives or agents would violate State ADU Law. (Gov. Code, § 66315.) No other local ordinances, policies, or regulations may be applied in the approval or denial of an ADU or junior ADU (JADU) permit application (Gov. Code, § 66317, subd. (c)).
- Clarifies that a local agency may not require parking as a condition to permitting a JADU, even when the JADU is converted from an attached garage (Gov. Code, § 66334, subd. (a)).

### Changes to ADU Law in 2025:

- Specifies that if a JADU has shared sanitation facilities with the primary structure, owner-occupancy will be required. If the JADU does *not* have shared sanitation facilities, owner-occupancy will *not* be required (Gov. Code, § 66333, subd. (b)).
- Require rental terms for JADUs for terms longer than 30 days (Gov. Code, § 66333, subd. (g)).
- Specifies that if a local agency fails to submit an adopted ADU ordinance to HCD within the 60-day timeline or fails to respond to HCD's findings regarding their ordinance within the 30-day timeline, that ordinance is null and void and the local agency must only apply State ADU Law when permitting ADUs (Gov. Code, § 66326, subd. (d)).
- Revises the definition of a "junior accessory dwelling unit" to require the size of a JADU to be no more than 500 square feet of interior livable space (Gov. Code, § 66313, subd. (d)).
- Revises the limitations on impact fees to, instead, prohibit impact fees upon the development of an ADU that has 750 square feet of interior livable space or less or a JADU that has 500 square feet of interior livable space or less, and to require that any impact fee on an ADU that has more than 750 square feet of interior livable space be charged proportionately in relation to the square footage of the primary dwelling unit (Gov. Code, § 66311.5, subds. (a) – (d)).
- Requires a permitting agency to determine whether an application for an ADU or JADU is complete and provide written notice of the determination not later than 15 business days after the permitting agency received the application (Gov. Code, § 66317, subd. (a)(2)(A)).
- Requires the permitting agency to provide the applicant with a list of incomplete items and a description of how the application can be made complete in the written notice and authorizes the applicant to cure and address the application, as specified, if it is determined that an application is incomplete (Gov. Code, § 66317, subd. (a)(2)(B)).
- Requires the permitting agency to provide a process for the applicant to appeal a denied application, as provided, and requires the permitting agency to provide a final written determination by not later than 60 business days after receipt of the written appeal if a permit application is determined to be incomplete or is denied (Gov. Code, § 66317, subd. (d)(1)).
- Specifies that an ADU or JADU that contains less than 500 square feet of interior livable space does not increase assessable space.
- Revises size limitations to be based on the square footage of interior living space of the ADU (Gov. Code, § 66321, subds. (b)(2)(A), (b)(2)(B), and (b)(3)).
- Specifies the number of allowable ADUs per lot with a proposed or existing single-family dwelling (Gov. Code, § 66323, subd. (a)).

- Clarifies that fire sprinklers are not required for a JADU if the primary residence does not have fire sprinklers and that the addition of a JADU cannot trigger the requirement for fire sprinklers (Gov. Code, § 66323, subd. (d)).
- Adds section 66333.5, which specifies that if a local agency fails to submit an adopted JADU ordinance to HCD within the 60-day timeline or fails to respond to HCD's findings regarding their ordinance within the 30-day timeline, that ordinance is null and void and the local agency must only apply State ADU Law when processing applications for ADUs.
- Requires a local agency to issue a certificate of occupancy for an ADU constructed in a county that is subject to a proclamation of a state of emergency made by the Governor on or after February 1, 2025, even if the primary dwelling has not yet been issued a certificate of occupancy, if certain requirements are met, including that the primary dwelling was substantially damaged or destroyed by an event referenced in the state of emergency proclamation (Gov. Code, § 66328).
- Creates an exception to areas that fall under the California Coastal Act by requiring a local government or the Coastal Commission, as specified, to either approve or deny a coastal development permit application for an ADU within 60 days of receiving a completed application (Gov. Code, § 66329, subd. (a).)
- Specifies that no reimbursement is required for school service charges, fees, or assessments sufficient to pay for the program or level of service within the meaning of Government Code section 17556 (Gov. Code, § 66329).
- Specifies that reasonable restrictions in covenants, restrictions, and conditions, as described in the Civil Code, shall not include any fees or other financial requirements (Civil Code, § 714.3, subd. (b)).

#### **Changes to ADU Law in 2024:**

- SB 477 (Chapter 7, Statutes of 2024) made changes to the numbering of the sections of the Government Code for State ADU and JADU Laws.
- Prohibits a local agency from denying a permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, for building code violations, unless the local agency makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building substandard (Gov. Code, § 66332, subs. (a)-(c)).
- Defines "livable space" as a space in a dwelling intended for human habitation, as the term appears in Government Code sections 66313, subdivision (e), and 66323, subdivision (a)(3)(A).
- Provides that uncovered, off-street parking spaces demolished in conjunction with the construction of an ADU do not need to be replaced (Gov. Code, § 66314, subd. (d)(11)).

- Changes the allowable number of detached ADUs on a lot with an existing multifamily dwelling to eight detached ADUs, provided that the number of ADUs does not exceed the number of existing units on the lot (Gov. Code, § 66323, subd. (a)(4)(A)(ii)).
- Prohibits a local agency from imposing any objective development standards on 66323 Units that are not authorized by the provisions of Government Code section 66323, subdivision (a) (Gov. Code, § 66323, subd. (b)).

#### **Changes to ADU Law in 2023:**

- Sunsets a former prohibition on a local agency imposing an owner occupancy requirement on any ADU and instead prohibits a local agency from requiring owner occupancy for an ADU (Gov. Code, § 66315).
- Allows a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and ADU(s) as condominiums, subject to certain conditions (Gov. Code, §§ 66340-66342).

#### **Changes to ADU Law in 2021:**

- Allows a local agency to permit the separate conveyance of ADUs from the primary dwelling under Government Code section 66341 in certain circumstances.

#### **Changes to ADU Law in 2020:**

- Requires that an application for the creation of an ADU or JADU is deemed approved (not just subject to ministerial approval) if the local agency has not approved or denied the completed application within 60 days (Gov. Code, § 66317, subd. (a)).
- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU and one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met (Gov. Code, § 66323, subd. (a)(1)(A)).
- Allows for rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents (Civ. Code, §§ 4740, subd. (a); 4741, subd. (a)).
- Allows a homeowner to create “any of the following”: one converted or attached ADU; one detached, new construction ADU; and one JADU (Gov. Code, § 66323, subs. (a)(1)-(2)). More information can be found in HCD’s 2025 ADU Handbook.

### **Changes to ADU Law in 2019:**

- Prohibits a local agency from including requirements on minimum lot size in development standards for ADUs (Gov. Code, § 66314, subd. (b)(1)).
- Allows a local agency to designate areas where ADUs may be located based on the adequacy of water and sewer services, as well as on impacts on traffic flow and public safety (Gov. Code, § 66314, subd. (a)).
- Eliminates all owner occupancy requirements by a local agency for ADUs approved between January 1, 2020, and January 1, 2025 (Gov. Code, § 66315).
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet (Gov. Code, § 66321, subds. (b)(2), (b)(3)).
- Prohibits a local agency from requiring replacement of off-street parking spaces for ADUs created through the conversion of a garage, carport, or covered parking structure (Gov. Code, § 66314, subd. (d)(11)).
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, §§ 66317, subd. (a); 66335, subd. (2)).
- Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes, and are available to the public (Gov. Code, § 66313, subd. (m)).
- Adds impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees, but those fees must be proportional in size (by square foot) to fees charged for the primary dwelling unit (Gov. Code, § 66324, subd. (c)(1)).
- Defines of an “accessory structure” to mean a structure that is accessory and incidental to a dwelling on the same lot (Gov. Code, § 66313, subd. (b)).
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 66320).
- Allows for a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom and an interior entry into the single-family residence (Gov. Code, § 66333, subd. (d)).
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 66331; HSC, § 17980.12).

- Makes covenants, conditions, and restrictions that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use void and unenforceable (Civ. Code, § 4751)).

If an existing ADU ordinance fails to meet the requirements of State ADU Law, the ordinance is “null and void” and the local jurisdiction must apply the standards set forth in State ADU Law until it adopts an ordinance that complies with state law (Gov. Code, § 66316). HCD recommends that a local jurisdiction with a noncompliant ADU ordinance repeal the ordinance to provide clarity for ADU applicants who may otherwise rely on the outdated ordinance.

HCD requests a response by January 4, 2026 with either (1) a description of how the ADU ordinance continues to comply with State ADU Law despite the changes to the law, or (2) a plan and timeline to either repeal the current ordinance or adopt an amended, compliant ordinance and submit it to HCD for review.

If you have any questions or need additional information, please contact Shasta Garcia at [Shasta.garcia@hcd.ca.gov](mailto:Shasta.garcia@hcd.ca.gov).

Sincerely,



Jamie Candelaria  
Section Chief, ADU Policy  
Housing Accountability Unit

**Attachment 5**  
**Changes/Modifications to Historic**  
**District Commission Agenda,**  
**dated 3/4/26**

**March 4, 2026  
CHANGES/MODIFICATIONS TO  
HISTORIC DISTRICT COMMISSION AGENDA**

**Agenda Item No. 1**

**Zoning Code Update – Accessory Dwelling Unit Ordinance and Determination that the Project is Exempt from CEQA**

**Revisions to Staff Report**

Correction to Title

**Planning-Historic District Commission Staff Report**

Correction to table provided in “Ensured Consistency with Government Code Title 7, Division 1, Chapter 13 (Accessory Dwelling Units)” Section of Staff Report analysis

This is a correction to the previously provided information. State-mandated attached ADUs are not subject to height limits in Government Code Section 66323. Since this type of unit can only be a conversion of existing space of a primary dwelling unit, this unit is unable to build additional height beyond what is already existing.

<b>Standards Changed for Compliance with Government Code</b>			
<b>Applicability</b>	<b>Standard</b>	<b>Existing Requirement</b>	<b>Proposed Compliant Requirement</b>
State-Mandated Attached/ Detached ADU	Front Setback	20 feet	No Requirement
State-Mandated Detached ADU	Maximum Height	16 feet	16 feet; +2 feet if within one-half mile of a major transit stop; +2 feet more if matching roof pitch of primary dwelling
<del>State-Mandated Attached ADU</del>	<del>Maximum Height</del>	<del>16 feet</del>	<del>25 Feet</del>
Non-State-Mandated Attached ADU	Side/Rear Setback	Same as Zone	4 Feet

Correction to table provided in “Other Modifications to ADU Ordinance” Section of Staff Report analysis

This is a correction to the previously provided information. The table title and columns have been updated to clarify that the changes were not made to comply with the Government Code, but rather for other reasons within what is allowed under State Law.

The maximum height standard for non-state-mandated attached ADUs has also been corrected to reflect the proposed standard in the draft ordinance.

<b><u>Standards Changed for Compliance with Government Code Other Standards Modified</u></b>			
<b>Applicability</b>	<b>Standard</b>	<b>Existing Requirement</b>	<b>Proposed <del>Compliant</del> Requirement</b>
Non-State-Mandated Attached ADU	Front Setback	Same setback as zone if >16 feet tall and attached to primary dwelling; 20 feet if >16 feet tall and attached above an accessory structure	Same setback as zone*
Non-State-Mandated Detached ADU	Front Setback	Same setback as zone	Shall not break the front plane of the primary dwelling* (i.e., cannot be located closer to street than the main residence)
Non-State-Mandated Attached ADU	Maximum Height	25 feet in Historic District; 30 feet elsewhere. Height shall not exceed height of primary dwelling.	<del>Same height requirement as zone; Height shall not exceed height of primary dwelling*</del> <b><u>Same height requirement as zone; 25 feet maximum for portions that encroach into setback area of primary residence*</u></b>
Non-State-Mandated Detached ADU	Maximum Height	25 feet in Historic District; 30 feet elsewhere. Height shall not exceed height of primary dwelling.	25 feet; Height shall not exceed height of primary dwelling*
Non-State-Mandated Attached/ Detached ADU	Second Story Windows (All ADUs)	Any second story wall facing an abutting property is required to incorporate certain privacy features	Any second story window that is within ten (10) feet or less of the side and/or rear property line shall incorporate certain privacy features

\* Standard is enforceable for non-State-Mandated ADUs, unless it precludes the development of an 800 square-foot or larger ADU with 4-foot side and rear setbacks.

**Attachment 6**  
**Planning Commission Staff**  
**Report, Dated 3/18/26**



**AGENDA ITEM NO. 4**  
**Type: Public Hearing**  
**Date: March 18, 2026**

## **Planning Commission Staff Report**

50 Natoma Street, Council Chambers  
Folsom, CA 95630

**Project:** Zoning Code Update – Accessory Dwelling Unit Ordinance and Determination that the Project is Exempt from CEQA  
**File #:** ZCAM26-00007  
**Request:** Recommend Council Repeal and Re-Enact Folsom Municipal Code Chapter 17.105 with the New Draft ADU Ordinance  
**Location:** City-wide  
**Parcel(s):** N/A  
**Staff Contact:** Nathan Stroud, Associate Planner, 916-461-6220  
[nstroud@folsom.ca.us](mailto:nstroud@folsom.ca.us)

**Recommendation:** Recommend to the City Council the repeal and replacement of Chapter 17.105 (Accessory Dwelling Units) of the Folsom Municipal Code (FMC) with Ordinance No. 1361.

**Project Summary:** Since the enactment of the current Accessory Dwelling Unit (ADU) Ordinance in 2020, the State has enacted several new laws affecting what the City is able to regulate for ADUs. As a result, several provisions of the City’s existing ADU standards are now inconsistent with State Law. Unless the City updates the ADU Ordinance to comply with new State requirements, the City’s ADU Ordinance may be deemed null and void by the California Housing and Community Development Department (HCD). In addition, staff have identified internal inconsistencies and conflicting standards within the existing ADU Ordinance that have complicated implementation and enforcement of its requirements. The proposed Ordinance No. 1361 seeks to remedy these issues.

Accessory dwelling units, when designed well, can provide a more affordable housing option in existing areas without significantly altering the residential character of the neighborhood. Staff have prepared the attached ADU Ordinance to replace the City’s existing citywide regulations on ADUs contained in Chapter 17.105. The proposed ordinance seeks to ensure that the City’s ADU requirements are consistent with State law, that all applicable standards are objective and enforceable, and that ADUs continue to adhere to the protections of the existing ordinance for privacy, good design, and respect for neighborhood context. Accessory dwelling units, when designed well, can provide a more affordable housing option in existing areas without altering the character of the neighborhood.

The Historic District Commission considered the proposed ordinance at its March 4, 2026, hearing. At this hearing, two members of the public had questions regarding the

requirement that all ADUs be rented for a term longer than 30 days outlined in FMC Section 17.105.070 of the draft ordinance. This requirement exists in the City's current ADU Ordinance, and no change has been proposed to this provision in draft Ordinance No. 1361. More information about this topic is discussed further in this staff report.

**Environmental Review:** The proposed project is statutorily exempt from CEQA under Section 21080.17 of the California Public Resources Code (PRC) and no further environmental review of the project is required. Under PRC Section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 of, or Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code (the State ADU law). The ordinance implements ADU regulations in the City of Folsom in a manner that is consistent with the requirements of state law. As such, the adoption of the ordinance is exempt from CEQA.

### **NOTICE OF PUBLIC HEARING**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Legal advertisement of this hearing was published in the Folsom Telegraph on February 20, 2026, at least 20 days prior to the hearing date.

### **Attachments:**

1. Ordinance No. 1361 - An Ordinance of the City of Folsom for the Repeal and Re-Enactment of Chapter 17.105 of the Folsom Municipal Code Pertaining to Accessory Dwelling Units
2. HCD Letter of Technical Assistance, dated 12-5-25

Submitted,



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PAM JOHNS  
Community Development Director

## DESCRIPTION/ANALYSIS

### DESCRIPTION

On December 5, 2025, the California Department of Housing and Community Development (HCD) sent a letter to the City requesting that the City repeal and update its Accessory Dwelling Unit (ADU) Ordinance to align with changes to State ADU law since the ordinance's adoption in 2020 (refer to Attachment 2). Pursuant to Government Code Section 66326, if the City is unable to provide HCD with an updated, State-compliant ADU Ordinance, the City's existing ordinance will be deemed null and void, and the City will be required to enforce only the State's ADU requirements. City staff provided HCD with a timeline to adopt an updated ADU Ordinance by April 2026, which HCD accepted. If the City fails to submit and adopt an updated ordinance by that date, the City risks having its ADU Ordinance declared null and void by HCD.

Since the enactment of the current Accessory Dwelling Unit (ADU) Ordinance in 2020, the State has enacted several new laws affecting the manner in which the City can regulate ADUs. Some changes which affect the City's existing ADU Ordinance include:

- Requirement that the City determine application completeness within 15 days of submittal, and to approve or deny an application for the creation of an ADU or JADU within 60 days. If the City fails to act within the 60-day timeframe, the application is automatically deemed approved (SB 543, 2025)
- Specifies that if the City fails to submit an adopted ADU ordinance to HCD or fails to respond to HCD's findings regarding their ordinance, that the City's ordinance is null and void and the City must only apply State ADU Law (SB 9, 2025)
- Prohibits the City from imposing any development or design standards on ADUs created pursuant to Government Code 66323 (also known as 'state-mandated' or 'state-exempt' ADUs, or '66323 Units') (SB 1211, 2024).
- Expands the number of allowable detached ADUs on an existing multi-unit dwelling lot to eight, provided that the number of ADUs does not exceed the number of existing units on the lot (SB 1211, 2024).
- Prohibits the City from requiring owner occupancy for an ADU, or for a JADU with independent bathroom facilities (AB 1154, 2025).
- Prohibits requiring the replacement of uncovered off-street parking if demolished in conjunction with the construction of an ADU, and prohibits the City from imposing parking requirements for ADUs in many instances (SB 1211, 2024).
- Clarifies that single-unit lots are allowed to construct at least three types of ADUs and one JADU total, for a total of up to four ADUs on a single-unit lot (SB 543, 2025)
- Requires ministerial approval of an application to create an ADU or JADU; ADUs cannot be subject to discretionary review or hearing (AB 68, 2019).
- Clarifies that ADU size limits are based on the interior livable space of the unit (SB 543, 2025).

Based on these changes, staff have prepared a new draft ADU Ordinance to ensure consistency with new State laws while maintaining and strengthening standards where the City is still able to exercise local control, such as size, height, and other objective design and development standards applied to any non-state-mandated ADU (also known as a non-66323 unit). Once adopted by the City, the City's new ADU Ordinance will be subject to review and approval by the California Housing and Community Development Department (HCD) to have legal effect.

In addition to the draft ADU Ordinance, once approved by HCD, staff also plan to update the City's Accessory Dwelling Unit Design Workbook to reflect the amended ADU requirements.

## **POLICY/RULE**

The City's draft ADU Ordinance is consistent with the City's 2035 General Plan including the Land Use and Housing Elements. Specifically, the draft ADU Ordinance is consistent with the following City policies:

### General Plan Land Use (LU) and 2021-2029 Housing Element Policies:

- *LU 6.1.2 Historic Folsom Residential Areas* - Preserve and protect the residential character of Historic Folsom's residential areas.
- *Policy H-1.5* - The City shall support the development of accessory dwelling units on single-family parcels.
- *Policy H-2.1* - The City shall continually strive to shorten permit processing and review times to the greatest extent possible by allowing concurrent processing.
- *Policy H-2.2* - The City shall strive to ensure that its current development impact fee structure does not unnecessarily constrain production of residential development.
- *Policy H-2.4* - The City shall provide incentives to encourage the construction of accessory dwelling units and multi-generational housing units.
- *Policy H-2.5* - The City shall endeavor through its development and design standards and decision making to provide consistent and predictable policy direction for residential project applicants.
- *Policy H-5.1* - The City shall strive to ensure adequate and affordable housing for seniors and persons with disabilities, particularly in areas near public transportation, shopping, medical, and other essential services and facilities.

## **ANALYSIS**

Staff is proposing Ordinance No. 1361 to replace Chapter 17.105 of the Folsom Municipal Code, as provided in Attachment 1. The draft ordinance is intended to ensure consistency with Government Code Title 7, Division 1, Chapter 13 (Accessory Dwelling Units) in

response to HCD’s request. A general list of the changes made under the draft ordinance are provided below:

1. Ensured consistency with Government Code Title 7, Division 1, Chapter 13 (Accessory Dwelling Units) by removing any conflicting standards, updating definitions and terminology, and adding requirements regarding procedure, fees, and processing time.
2. Ordinance reorganized and consolidated for clarity, readability, and consistent formatting/terminology; addressed inconsistent standards, and ensured standards are objective and enforceable.
3. Minor modifications to objective design standards to ensure good design that respects privacy and ensures neighborhood compatibility.
4. Added objective design standards for a new Carriage House style for ADUs located in the Historic District.
5. Clarified that all ADUs are subject to a ministerial review, and are not subject to discretionary review or hearing. This includes changing the level of review for ADUs in the Historic District to a staff-level review.
6. Outlined process for a voluntary staff-level discretionary design review option for applicants to request deviations from the ADU objective design standards.
7. Updated requirements for ADUs on lots with multi-unit developments.
8. Updated the total number of ADUs allowed on multi-unit and single-unit properties, in accordance with State Law.

The intent for these changes is to ensure that the City’s ADU Ordinance is consistent with State Law and thus enforceable, and that the City’s ADU requirements are simplified and easier to understand. The draft ordinance also seeks to bolster the City’s ADU requirements to ensure continued good design that respects privacy and encourages compatibility with the neighborhood within the limits allowed under State Law. The draft ordinance also addresses issues identified during implementation of the existing ADU ordinance.

A more detailed description of some of the important changes is provided in the subsequent sections of this staff report.

### **Ensured Consistency with Government Code Title 7, Division 1, Chapter 13 (Accessory Dwelling Units)**

Generally, the draft ordinance modifies the City’s ADU requirements to ensure consistency with the Government Code. Notable changes include aligning definitions and terminology with State law, clarifying the level of review for ADUs, adding new sections to address new State-mandated requirements, and removing standards that potentially conflict with State law.

Regarding definitions, a significant change involves how attached and detached ADUs

are defined in the City’s ordinance. The existing ordinance defines attached ADUs as an ADU that is built as an expansion to an existing residence or accessory building, and a detached ADU as a new, standalone building. This definition is at odds with State Law, which defines ‘attached’ and ‘detached’ in reference to whether the ADU is physically attached or detached from the primary dwelling. For example, an ADU constructed above an existing detached garage is considered a detached ADU under State Law due to its separation from the primary dwelling, however this is considered an attached ADU under the City’s existing ADU ordinance. This inconsistency results in a conflict between the standards that are applied (e.g., maximum size, height, setbacks) and Government Code requirements. The draft ordinance revises these definitions to align with the Government Code. Additional definitions have also been added or modified to reflect updated Government Code terminology, including defining ADU size based on “livable space,” which reduces ambiguity in the implementation and enforcement of ADU requirements. Regarding the level of review, the draft ordinance also specifies that all ADUs are exempt from discretionary review or hearing, and are subject to only a ministerial review.

The draft ordinance also adds new sections regarding additional requirements mandated by State Law. This includes a new “Processing Time” section which outlines the State-mandated review timeframe for ADU applications. In accordance with Government Code Section 66317, the City must deem an application to “create or serve” an ADU complete or incomplete within 15 business days after receipt of the application. Additionally, the City must approve or deny a complete application within 60 days of receipt of a complete application. If the City fails to make a determination within 60 days, the State law requires that the ADU application is deemed approved. A new “Fee Requirements” section has also been added to consolidate all fee requirements of the existing ordinance, and ensures consistency with State Law. This includes limiting development impact fees for ADUs larger than 750 square-feet, and prohibiting the imposition of connection fees or capacity charges for ADUs not constructed alongside a new primary dwelling.

Finally, the draft ordinance removes or revises requirements that conflict with State Law. For example, the existing ordinance requires attached ADUs to comply with the side setback standards of the underlying zoning district; however, State law requires that attached ADUs be permitted with side and rear setbacks of no more than four feet. This standard has since been updated to be consistent with State Law. The draft ordinance also includes language stating that, in the event of a conflict between State law and the local ordinance, State law shall prevail. This provision is intended to account for future changes to State ADU law. Additionally, while development standards such as lot coverage and setbacks may continue to apply to non-State-mandated ADUs (i.e., ADUs not covered by Government Code Section 66323), the ordinance states that these standards may not preclude the development of at least one 800-square-foot ADU with four-foot side and rear setbacks, as required under State law.

Some standards that were modified in order to be consistent with State Law are shown in the table below; other standards that were modified are discussed in the other sections of this report:

<b>Standards Changed for Compliance with Government Code</b>			
<b>Applicability</b>	<b>Standard</b>	<b>Existing Requirement</b>	<b>Proposed Compliant Requirement</b>
State-Mandated Attached/ Detached ADU	Front Setback	20 feet	No Requirement
State-Mandated Detached ADU	Maximum Height	16 feet	16 feet; +2 feet if within one-half mile of a major transit stop; +2 feet more if matching roof pitch of primary dwelling
Non-State-Mandated Attached ADU	Side/Rear Setback	Same as Zone	4 feet

**Reformatted Chapter 17.105 of Folsom Municipal Code**

In order to provide greater clarity regarding ADU requirements, certain provisions and sections of FMC 17.105 have been relocated and consolidated. Whereas the existing ADU Ordinance spread development standards across multiple different sections, the proposed draft ordinance consolidated all applicable development standards into singular, ADU-type specific sections with a standardized format. This framework reduces the number of sections an applicant needs to review to understand the ADU requirements prior to designing a project, and reduces the number of conflicting standards within the ordinance.

**Design Standards Made Objective Where Necessary**

Government Code Section 66314 requires that a local ADU ordinance utilize only objective standards, which are defined as “standards that involve no personal or subjective judgment by a public official” and are clearly stated in the ADU ordinance. For example, requiring “wide roof eaves” is not objective, however requiring a “roof eave of at least 1.5 foot in width” is an objective and enforceable standard. Staff have updated the design standards for ADUs as needed to ensure that they are objective and enforceable by providing measurable requirements, replacing the use of “may be required” with “shall be required”, and removing other language indicating subjective interpretation. This has not substantively changed the existing requirements, but instead makes them clearer and more enforceable.

**Standardized Requirements, Fixed Inconsistencies and Conflicts**

The existing ADU ordinance contains conflicting or inconsistent standards which need to be addressed to provide clarity for property owners. This includes height maximums that conflicted with different sections of the ordinance and with the Government Code, varied and confusing setback standards, and conflicts between the Historic District and general ADU Design Standards. Where possible, the draft ordinance provides uniform and consistent development standards based on the type of accessory dwelling unit without substantively changing the requirement from the existing ordinance, with changes where needed to comply with State Law.

### **Added New Carriage House Style Option for Historic District Accessory Dwelling Units**

A new architectural style named the “Carriage House” style is proposed in the draft ordinance for Historic District ADUs to provide design standards for an above-garage ADU option. This additional style was added based on previous ADU projects in the Historic District, which frequently included a new garage with an above-garage ADU. The new style encourages the above-garage ADU to be built within the roof gable to limit the visual massing of the two-story structure, requires that exterior materials match the primary dwelling, and ensures that the garage itself has an appearance that imitates a traditional carriage house.

### **Clarification and Modification of Review Authority**

Under Government Code Section 66316, the City is required to provide a ministerial approval process for all ADUs in the City’s ADU Ordinance. Further, Government Code Section 66317 requires that ADU reviews be considered ministerially without discretionary review or a hearing. The draft ordinance has been updated consistent with this requirement, which applies to all types of ADUs, including both state mandated ADUs (e.g., those ADUs covered by Government Code Section 66323) and non-State-mandated ADUs.

In effect, this changes the level of review for ADUs in the Historic District. Whereas the City’s existing ADU Ordinance states that non-state-mandated ADUs require review by the Historic District Commission with a public hearing, the draft ordinance requires that all ADUs City-wide, including in the Historic District, are a staff-level ministerial review without public hearing, as required under State Law.

### **Standard Design Review Option for Deviations from Design Standards**

An optional standard design review process has been added to allow applicants to request deviations from the objective design standards provided in the draft ordinance. The intent is to provide flexibility to property owners to propose alternative and acceptable designs that may not necessarily satisfy the objective design standards outlined in the Folsom Municipal Code, such as if an alternative architectural style is proposed that is not from the approved list for ADUs within the Historic District, but is a style consistent with the 1850 and 1950 era of the Historic District. The project would undergo the standard staff-level design review process, which includes determining that it complies with all applicable design standards, such as the Historic District Design and Development Guidelines for example, and that it is compatible with the overall design character of the neighborhood, among other required findings.

The draft ordinance provides for an objective and ministerial process by default, as required by Government Code Section 66316, and this alternative, voluntary and optional discretionary process is intended to provide the applicant more flexibility should a good alternative design be proposed that does not necessarily adhere to the objective standards. However, this would be a staff-level design review process so that the City can continue to comply with the 60 day timeline required for ADU approvals, as specified

in Government Code Section 66317.

**Expanded Standards for Accessory Dwelling Units in Multi-Unit Developments**

To provide clarity regarding the objective development standards applicable to ADUs constructed on multi-unit lots, the draft ordinance includes standards, as allowed in the Government Code, for setbacks, height, parcel coverage, and size. The formatting is similar to that of the development standards for ADUs constructed on single-unit properties.

**Updated Total Number of ADUs allowed on Single-Unit and Multi-Unit Properties**

Pursuant to Government Code Sections 66323 and 66317, State law allows single-unit lots to contain at least three ADUs and one JADU. This includes one newly constructed detached ADU, one ADU created entirely through the conversion of existing building space, one JADU, and one additional ADU, either attached or detached, provided it complies with the City’s ADU Ordinance.

In addition, existing multi-unit developments are permitted to convert non-livable space into ADUs, up to a maximum of 25 percent of the number of existing primary dwelling units, and may also construct up to eight new detached ADUs so long as the number of ADUs does not exceed the number of existing units. Proposed new multi-unit developments may construct up to two detached ADUs.

**Other Modifications to ADU Ordinance**

The following additional modifications have been made to the ordinance, consistent with State law:

Other Standards Modified			
Applicability	Standard	Existing Requirement	Proposed Requirement
Non-State-Mandated Attached ADU	Front Setback	Same setback as zone if >16 feet tall and attached to primary dwelling; 20 feet if >16 feet tall and attached above an accessory structure	Same setback as zone*
Non-State-Mandated Detached ADU	Front Setback	Same setback as zone	Shall not break the front plane of the primary dwelling* (i.e., cannot be located closer to street than the main residence)
Non-State-Mandated Attached ADU	Maximum Height	25 feet in Historic District; 30 feet elsewhere. Height shall not exceed height of primary dwelling.	Same height requirement as zone; 25 feet maximum for portions that encroach into setback area of primary residence*
Non-State-Mandated Detached ADU	Maximum Height	25 feet in Historic District; 30 feet elsewhere. Height shall not exceed height of primary dwelling.	25 feet; Height shall not exceed height of primary dwelling*

Other Standards Modified			
Applicability	Standard	Existing Requirement	Proposed Requirement
Non-State-Mandated Attached/Detached ADU	Second Story Windows (All ADUs)	Any second story wall facing an abutting property is required to incorporate certain privacy features	Any second story window that is within ten (10) feet or less of the side and/or rear property line shall incorporate certain privacy features

\* Standard is enforceable for non-State-Mandated ADUs, unless it precludes the development of an 800 square-foot or larger ADU with 4-foot side and rear setbacks.

### Historic District Commission Hearing

The Historic District Commission considered this item at their March 4, 2026, meeting. After the staff presentation on Ordinance No. 1361, the Commission asked for clarification regarding some of the new State ADU requirements related to the number of ADUs allowed for multi-family developments, the 60 day review timeline for ADUs, and the option for applicants to deviate from the objective design standards through a standard, staff-level design review process. During public comment, two Folsom residents had questions regarding FMC Section 17.105.070 of the draft ordinance, which requires that for all ADUs, the rental term be for a period longer than 30 days. The commentors asked how the City would treat existing nonconforming short term rentals of ADUs, and whether the City would consider modifying the language to allow for short term rentals in ADUs.

Draft Ordinance No. 1361 does not propose to change this requirement, which exists in the City’s current ADU ordinance adopted in 2020. Further, Government Code Section 66323 requires that state-mandated ADUs be rented for a term longer than 30 days. AB 1154 (2025), which took effect on January 1, 2026, further expanded this requirement to include JADUs. The State of California has indicated through continued legislation that the intent for the encouragement of ADUs is to create more long-term housing units, which the City of Folsom reflected in the existing ADU ordinance adopted in 2020. As this policy decision was already made by the City in 2020, and is supported by State legislation, the proposed draft ordinance does not propose any changes to this requirement. Regarding enforcement for existing nonconforming short term rentals in ADUs, staff will look into the issue and reach out to the commentors to discuss their options.

The Historic District Commission voted to recommend approval of Ordinance No. 1361 to the City Council, subject to the findings included in this report (5-0-0-2: 5 votes in support, 0 opposed, 0 recusal, and 2 members absent).

Since the hearing, some minor grammatical changes have been made to Ordinance No. 1361, however this does not substantively change the ordinance requirements or process.

### Conclusion

The draft ordinance is not intended to drastically change the requirements applied to ADUs in the City of Folsom, but attempts to maintain, to the extent allowed by State Law,

existing ADU requirements. The draft ordinance also attempts to standardize ADU requirements to streamline the process, and strengthen standards where needed to ensure better outcomes in design. Some significant changes include changing the level of review for ADUs in the Historic District to staff-level in order to comply with State requirements, increasing the number of allowed ADUs for single- and multi-unit properties, clarifying that all non-state-mandated ADUs require design review by the City, and reformatting the ordinance.

### General Plan Consistency

The draft ADU ordinance is consistent with the City of Folsom General Plan policies by promoting the development of ADUs, streamlining the ADU review process, and maintaining neighborhood compatibility within the limits of State law. The draft ordinance incentivizes the development of ADUs (as required in Policies H-1.5 and H-2.4) by providing a ministerial review process, as required for all ADUs, and clarifying development standards. By ensuring that impact fees apply only where allowed by State law, the draft ordinance does not unnecessarily constrain the production of residential development in accordance with Policy H-2.2.

In conjunction, the draft ordinance incentivizes the production of ADUs, providing more options for adequate and affordable housing for seniors and persons with disabilities (as required in Policy H-5.1). Regarding the General Plan policies related to efficiency and predictability (Policies H-2.1 and H-2.5), the draft ordinance also simplifies, clarifies, and consolidates requirements to provide a clear pathway to ADU development and outline required processing timelines for applications. Finally, by ensuring that the design standards, including the Historic District ADU design standards, are objective and enforceable, the draft ordinance also supports Policy LU 6.1.2.

### **ENVIRONMENTAL REVIEW**

Pursuant to Section 21080.17 of the California Public Resources Code, the adoption of the ordinance is statutorily exempt from the California Environmental Quality Act (CEQA). Under PRC Section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 of, or Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code (the State ADU law). The ordinance implements ADU regulations in the City of Folsom in a manner that is consistent with the requirements of state law. As such, the adoption of the ordinance is exempt from CEQA.

### **NOTICE OF PUBLIC HEARING**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Legal advertisement of this hearing was published in the Folsom Telegraph on February 20, 2026, at least 20 days prior to the hearing date.

### **RECOMMENDATION**

Staff recommends that the Commission approves a recommendation to City Council supporting the repeal and replacement of the existing Chapter 17.105 in Title 17 of the

Folsom Municipal Code (FMC) with the new draft Accessory Dwelling Unit Ordinance No. 1361.

**COMMISSION ACTION**

MOVE TO RECOMMEND CITY COUNCIL APPROVAL OF ORDINANCE NO. 1361, AN ORDINANCE OF THE CITY OF FOLSOM FOR THE REPEAL AND RE-ENACTMENT OF CHAPTER 17.105 OF THE FOLSOM MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS, PROVIDED IN ATTACHMENT 1, BASED ON THE FOLLOWING FINDINGS (FINDINGS A-C).

**GENERAL FINDINGS**

- A. NOTICE OF PUBLIC HEARING HAS BEEN GIVEN AT THE TIME AND IN THE MANNER REQUIRED BY STATE LAW AND CITY CODE.
- B. THE PROPOSED AMENDMENTS ARE CONSISTENT WITH THE GENERAL PLAN, AND THE ZONING CODE OF THE CITY.

**CEQA FINDING**

- C. THE PROPOSED ORDINANCE IS STATUTORILY EXEMPT FROM ENVIRONMENTAL REVIEW UNDER SECTION 21080.17 OF THE CALIFORNIA PUBLIC RESOURCES CODE BECAUSE CEQA DOES NOT APPLY TO THE ADOPTION OF AN ORDINANCE TO IMPLEMENT THE PROVISIONS OF SECTION 65852.1 OF, OR ARTICLE 2 (COMMENCING WITH SECTION 66314) OR ARTICLE 3 (COMMENCING WITH SECTION 66333) OF CHAPTER 13 OF DIVISION 1 OF TITLE 7 OF THE GOVERNMENT CODE.

## **Attachment 1**

# **Ordinance No. 1361 - An Ordinance of the City of Folsom for the Repeal and Re-Enactment of Chapter 17.105 of the Folsom Municipal Code Pertaining to Accessory Dwelling Units**

**ORDINANCE NO. 1361**

**AN ORDINANCE OF THE CITY OF FOLSOM FOR THE REPEAL AND RE-ENACTMENT OF CHAPTER 17.105 OF THE FOLSOM MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS**

The City Council of the City of Folsom does hereby ordain as follows:

**SECTION 1 PURPOSE**

The purpose of this ordinance is to amend the Folsom Municipal Code to conform with new State law regulations pertaining to Accessory Dwelling Units adopted since 2020.

**SECTION 2 REPEAL AND RE-ENACTMENT TO CODE**

Chapter 17.105 of the Folsom Municipal Code is hereby repealed and re-enacted to read as follows:

**Chapter 17.105**

**ACCESSORY DWELLING UNITS**

**Sections:**

- 17.105.010 Purpose, Applicability and Where Permitted.**
- 17.105.020 Definitions.**
- 17.105.030 Types.**
- 17.105.040 Density and Consistency.**
- 17.105.050 Processing Time and Submittal Requirements.**
- 17.105.060 Fee Requirements.**
- 17.105.070 Rental and Sale Limitations.**
- 17.105.080 Conditions for Nonconforming Uses and Structures.**
- 17.105.090 Accessory Dwelling Units Subject to Mandatory Approval.**
- 17.105.110 Accessory Dwelling Units Subject to Design Review**
- 17.105.120 Limitation on the Number of Accessory Dwelling Units.**
- 17.105.130 Standards Applicable to All Accessory Dwelling Units.**
- 17.105.140 Single-Unit Developments: Attached Accessory Dwelling Unit Standards.**
- 17.105.150 Single-Unit Developments: Detached Accessory Dwelling Unit Standards.**
- 17.105.160 Single-Unit Developments: Junior Accessory Dwelling Unit Standards.**
- 17.105.170 Two-Unit and Multi-Unit developments: Accessory Dwelling Unit Standards.**
- 17.105.180 Parking Requirements.**
- 17.105.190 All Zones—Design Standards.**
- 17.105.200 Historic District Zones—Design Standards.**

**17.105.010 Purpose, Applicability and Where Permitted.**

- A. Purpose. This chapter establishes regulations and procedures for reviewing and permitting accessory dwelling units in conformance with California Government Code Title 7, Division 1, Chapter 13.
- B. Applicability. Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit shall comply with the requirements of this chapter and the city’s building and fire codes, as modified by Government Code Title 7, Division 1, Chapter 13. For the purposes of this chapter, accessory dwelling units include attached, detached, and junior accessory dwelling units.
- C. Building Permit Required. Any accessory dwelling unit or junior accessory dwelling unit shall require a building permit, subject to all the standard application and processing fees and procedures that apply to building permits generally.
- D. Where Permitted. Accessory dwelling units are allowed on parcels zoned to allow for single-unit, two-unit, and/or multi-unit residential uses where such a parcel includes a proposed or existing primary dwelling unit. Junior accessory dwelling units are allowed on parcels zoned to allow for single-unit residential uses where such parcel includes a proposed or existing primary dwelling unit.

**17.105.020 Definitions.**

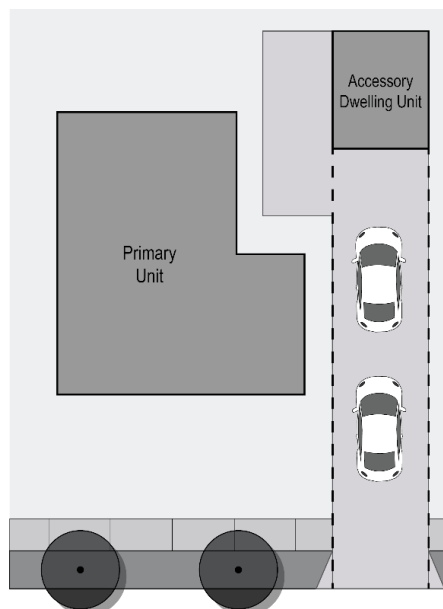
- A. “Accessory dwelling unit” (ADU) means an attached or a detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-unit or multi-unit dwelling is or will be situated, and include a permanent foundation and has a permanent connection to utility services. An accessory dwelling unit also includes the following:
  - 1. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
  - 2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- B. “Accessory building” means a detached subordinate building, the use of which is incidental to that of the main building on the same lot, or to the use of the land, such as a detached garage, shed or barn, etc.
- C. “Car share” means a program that allows customers hourly access to shared vehicles from a dedicated home location, with the vehicles required to be returned to that same location at the end of the trip.

- D. “Discretionary review” means the review of an application that involves a decision-makers judgement, and may involve public hearing and/or environmental review. Approvals are granted at the discretion of the City decision-maker. Discretionary review typically applies to projects which may have an impact to the surrounding area, require more analysis, and/or necessitate public feedback.
- E. “Efficiency kitchen” is defined for purposes of establishing a junior accessory dwelling unit as a cooking facility that includes all of the following:
1. A cooking facility with appliances; and
  2. A food preparation counter; and
  3. Storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- F. “Independent living facilities” means a residential dwelling unit having permanent provisions for living, sleeping, eating, cooking, and sanitation.
- G. “Junior accessory dwelling unit” (JADU) means a unit that is no more than five-hundred (500) square feet in size and contained entirely within a single-unit dwelling. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.
- H. “Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- I. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory building.
- J. “Ministerial review” means review of an application at a staff-level for compliance to clear and objective requirements, and does not involve public hearing. If an application subject to ministerial review meets all of the City’s requirements, then it shall be approved by staff. Ministerial reviews are exempt from the California Environmental Quality Act (CEQA) and cannot be appealed.
- K. “New construction” means the creation of new built space that did not previously exist. This includes a wholly new building, or an addition that increases the space beyond the existing building where new space was not previously a part of the building.
- L. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
- M. “Objective standards” means 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.

- N. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street or alley to one (1) entrance of the accessory dwelling unit.
- O. “Primary dwelling unit” means the single-unit dwelling or each multi-unit dwelling unit, but does not include an accessory dwelling unit or junior accessory dwelling unit. An attached garage is considered part of the primary dwelling unit.
- P. “Public transit” means a location, including but not limited to a bus stop or train station, where the public may access buses, trains, subway, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- Q. “Single-unit, two-unit, and multi-unit” mean the same, respectively, as single-family, duplex, and multi-family residential units.
- R. “Spindle work detailing” means a decorative element created by shaping wood on a spindle lathe to create symmetrical, repeating patterns like beads, coves, rings, and tapers. Spindlework detailing was often used as decorative spindles, balusters, posts, and trim on railings, porches, staircases, and other architectural features.
- S. “66323 unit” means accessory dwelling units that must be approved ministerially in accordance with Government Code Section [66323](#).
- T. “Tandem parking” means two or more automobiles parked on a driveway or in any other location on a parcel, lined up behind one another.

### Tandem Parking



### **17.105.030 Types.**

An accessory dwelling unit approved under this chapter shall be one of the following types:

- A. Attached. An accessory dwelling unit that meets the requirements of this chapter, and that is created as a result of new construction or conversion which is attached to an existing or proposed primary dwelling unit, such as through a shared structural wall, floor, ceiling, or roof. An attached accessory dwelling unit may also include, in part or in whole, a conversion of space within an existing primary dwelling unit, and/or an addition to an existing or proposed primary dwelling unit.
- B. Detached. An accessory dwelling unit that meets the requirements of this chapter, and that is created as a result of new construction or conversion which is detached and separate from an existing or proposed primary dwelling unit on the same parcel. A detached accessory dwelling unit may also include, in part or in whole, a conversion of space within an existing accessory building, and/or an addition to an existing or proposed accessory building, and/or a newly constructed standalone accessory dwelling unit.
- C. Junior Accessory Dwelling Unit. An accessory dwelling unit that is a unit that meets all the following requirements in addition to the requirements of this chapter:
  - 1. Is no more than five-hundred (500) square feet in size; and
  - 2. Is contained entirely within a proposed or existing single-unit primary dwelling; and
  - 3. Has a separate entrance from the main entrance to the proposed or existing single-unit primary dwelling; and
  - 4. Has a bathroom that is either shared with or separate from those of the single-unit primary dwelling; and
  - 5. Includes an efficiency kitchen.

### **17.105.040 Density and Consistency.**

An accessory dwelling unit that conforms to the requirements of this chapter shall:

- A. Not be considered for the purposes of evaluating the density requirements established in the General Plan.
- B. Be found consistent with the existing General Plan designation and zoning for the lot.
- C. Not be considered a new residential use for the purpose of calculating local agency connection fees of capacity charges for utilities, including water and sewer service.

- D. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.

**17.105.050 Processing Time and Submittal Requirements.**

- A. Processing time of an application for an accessory dwelling unit shall comply with Government Code Section [66317](#) and the standards below. Processing time of an application for a junior accessory dwelling unit shall comply with Government Code Section [66335](#) and the standards below. Where conflict occurs between the regulations of this section and the Government Code, the Government Code regulations shall apply.
1. Within fifteen (15) business days after the City receives an application, the City shall provide written notice whether the application is complete or incomplete.
    - a. If the City determines an application is incomplete, the City shall provide the applicant with a list of incomplete items, and a description of how the application can be made complete. The list and description shall be provided with the written notice, as required by paragraph (1).
    - b. After receiving a notice that the application is incomplete, an applicant may cure and address the items deemed incomplete by the City.
    - c. In the review of an application submitted pursuant to subparagraph (b), the City shall not require the application to include an item that was not included in the list required by subparagraph (a).
    - d. If an applicant submits supplemental information pursuant to subparagraph (b), the City shall determine whether the supplemental information has remedied all incomplete items listed in the determination issued pursuant to subparagraph (a). This additional application is subject to the timelines and requirements specified in paragraph (1).
    - e. If the City does not make a timely determination as required by this paragraph, the application or resubmitted application shall be deemed to be complete for the purposes of this paragraph.
  2. An application to create an accessory dwelling unit or junior accessory dwelling unit shall be approved or denied within sixty (60) days of submission of a complete application, unless:
    - a. The application to create an accessory dwelling unit or junior accessory dwelling unit is submitted concurrently with an application to create a new primary dwelling unit on the parcel, in which case the City shall not act on the application for the accessory

dwelling unit or junior accessory dwelling unit until the City acts on the application for the new primary dwelling unit, but the application to create an accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially; or

- b. The applicant requests a delay, in which case the sixty (60) day time period shall be tolled for the period of delay.
3. If the City has not acted upon the completed application for an accessory dwelling unit or junior accessory dwelling unit within sixty (60) days, and none of the above exceptions are met, then the application for the accessory dwelling unit or junior accessory dwelling unit shall be deemed approved.
- B. Submittal Requirements. The application for an accessory dwelling unit or junior accessory dwelling unit shall be submitted to the Community Development Director. An accessory dwelling unit or junior accessory dwelling unit shall be reviewed for compliance with the standards of this chapter through the planning process, if required, in addition to the established building permit process.
- C. Denial/Remedies. If the City denies an application for an accessory dwelling unit or junior accessory dwelling unit, the City will provide in writing a full set of comments within sixty (60) days to the applicant from the date the City received a complete application with a list of items that are defective, deficient, or not compliant, and a description of how the application can be remedied by the applicant. When the primary dwelling is proposed concurrently with the accessory dwelling unit, more than sixty (60) days can be taken by the City.
- D. Appeals. Appeals of a determination of incompleteness or a denial of an application by the Community Development Director may be made to the Planning Commission in accordance with Folsom Municipal Code Chapter 17.04, with the modification that all appeals of determinations made under this Chapter shall be decided within sixty (60) business days after receipt of the appeal. The Planning Commission's decision on appeals of determinations made under this Chapter is final and may not be further appealed.

#### **17.105.060 Fee Requirements.**

- A. Application and Permit Fees. All accessory dwelling units shall be subject to all standard application and processing fees that apply to building permits. If the accessory dwelling unit is required to undergo review through the planning process, the application is subject to a required application fee established by council resolution.
- B. Connection Fees or Capacity Charges. An accessory dwelling unit or junior accessory dwelling unit shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-unit dwelling.

### C. Impact Fees.

1. For the purposes of this subsection, impact fees do not include any connection fee or capacity charge for water or sewer service.
2. No City-imposed impact fees shall be charged to an accessory dwelling unit that is seven-hundred-fifty (750) square feet or less in floor area, or a junior accessory dwelling unit that has five hundred (500) square feet or less in floor area.
3. For accessory dwelling units more than seven-hundred-fifty (750) square feet, city-imposed impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit (e.g., the floor area of the accessory dwelling unit, divided by the floor area of the primary dwelling unit, times the typical fee amount charged for a new dwelling).
  - a. If any agency or special district other than the city imposes impact fees collected by the city, the city shall collect such fees in accordance with such agency's or district's fee schedule.

### **17.105.070 Rental and Sale Limitations.**

- A. Long-Term Rentals Only. An accessory dwelling unit and junior accessory dwelling unit may be rented separately from the primary residence; however, the rental shall be for a term of thirty (30) days or longer. Occupancy of the accessory dwelling unit or junior accessory dwelling unit shall not be allowed until the City approves the occupancy of the primary dwelling unit.
- B. Sale or Conveyance. An accessory dwelling unit may be sold or conveyed separately from the primary dwelling unit to a qualified buyer, as defined in Government Code Section 66341, if all the requirements of Government Code Section [66341](#) are met.

### **17.105.080 Conditions for Nonconforming Uses and Structures.**

- A. Nonconforming Conditions. Notwithstanding Chapter 17.64 of the Folsom Municipal Code, until January 1, 2030 or until a date specified in Health and Safety Code Section [17980.12](#), whichever is later, an owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances, in relation to the accessory dwelling unit, may request a delay of up to five (5) years in enforcement of a building standard, as long as the violation is not a health and safety issue as determined by the City, subject to compliance with Government Code Section [66331](#) and Health and Safety Code Section [17980.12](#) and the following conditions:

1. The accessory dwelling unit was built before January 1, 2020; or

2. The accessory dwelling unit was built on or after January 1, 2020 during a time when the City had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

B. The City shall not deny an application for a permit to create an accessory dwelling unit or junior accessory dwelling unit due to the failure to correct nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit in compliance with Government Code Sections [66322](#) and [66336](#).

### **17.105.090 Accessory Dwelling Units Subject to Mandatory Approval.**

The city shall approve any application for an accessory dwelling unit as described in this section and specified in Government Code Section [66323](#), referred to as a “66323 Unit”. Approval or denial of an accessory dwelling unit specified in Government Code Section [66323](#) is a ministerial action not subject to discretionary review. The following types of 66323 Units are exempt from the design standards of this chapter and exempt from design review, however they are subject to applicable standards of Government Code Title 7, Division 1, Chapter 13:

- A. Any accessory dwelling unit on a lot with an existing or proposed single-unit primary dwelling that is a conversion of the space of a proposed or existing single-unit primary dwelling, and may include an expansion of not more than one-hundred fifty (150) square feet beyond the physical dimensions of the building for the sole purpose of accommodating ingress and egress;
- B. Any accessory dwelling unit on a lot with an existing or proposed single-unit primary dwelling that is a conversion of the space of an existing accessory building, and may include an expansion of not more than one-hundred fifty (150) square feet beyond the physical dimensions of the building for the sole purpose of accommodating ingress and egress;
- C. Any junior accessory dwelling unit;
- D. Any new construction detached accessory dwelling unit on a lot with an existing or proposed single-unit primary dwelling that is eight hundred (800) square feet or smaller in size, has a peak height above finished grade as allowed under the conditions specified in Government Code section [66321](#), and has a minimum four (4) foot wide side and rear yard setbacks;
- E. Any accessory dwelling unit that is a conversion of a portion of an existing multi-unit dwelling building that is not used as livable space;
- F. Any new construction detached accessory dwelling unit on a lot with an existing or proposed multi-unit primary dwelling that has a peak height above finished grade as allowed under the

conditions specified in Government Code section [66321](#), and has a minimum four (4) foot wide side and rear yard setbacks.

#### **17.105.110 Accessory Dwelling Units Subject to Design Review**

A. Ministerial Design Review Required. All accessory dwelling units which are not 66323 Units shall be subject to the objective design standards in Section 17.105.190 or 17.105.200, as applicable. Compliance with the objective design standards listed in Sections 17.105.190 and 17.105.200 shall be conducted in accordance with the ministerial design review process outlined in FMC 17.06.045, except as otherwise noted in this section. The city shall ministerially approve any application for an accessory dwelling unit subject to design review if all requirements in this chapter are met.

1. Review Authority. All accessory dwelling units shall be reviewed by the Community Development Director.
  - a. If a proposed detached accessory dwelling unit project includes proposed new garage space, the proposed new garage space shall be reviewed concurrently with the accessory dwelling unit through a ministerial design review process.
2. Design Review Findings. Notwithstanding the findings of [FMC 17.06](#), in approving or denying an application for ministerial design review under this chapter, the Community Development Director shall make the finding that the accessory dwelling unit complies with the objective design and development standards of this chapter.

B. Deviations from Design Standards. A request to deviate from the design standards contained in FMC 17.105.190 or FMC 17.105.200 may be made by application for design review, in accordance with the standard design review process outlined in [FMC 17.06](#), except as otherwise noted in this section.

1. Review Authority. Any deviations for accessory dwelling units from the objective design standards of this chapter shall be reviewed by the Community Development Director.

#### **17.105.120 Limitation on the Number of Accessory Dwelling Units.**

A. The number of accessory dwelling units allowed shall comply with Government Code Title 7, Division 1, Chapter 13, as listed below. Where conflict occurs between the regulations of this section and the Government Code, the Government Code regulations shall apply.

1. Accessory dwelling units are permitted in single-unit developments with an existing or proposed single-unit dwelling as long as the units satisfy the requirements of this chapter and the number does not exceed, per single-unit lot:
  - a. One (1) attached or detached accessory dwelling unit that complies with the requirements of this chapter; and

- b. One (1) accessory dwelling unit that is located within the proposed or existing space of a single-unit dwelling, or located within the existing space of an accessory building, consistent with Government Code section 66323(a)(1); and
  - c. One (1) junior accessory dwelling unit consistent with Government Code section 66323(a)(1); and
  - d. One (1) new construction detached accessory dwelling unit consistent with Government Code section 66323(a)(2).
2. Accessory dwelling units are permitted in multi-unit developments with an existing or proposed multi-unit dwelling as long as the units satisfy the requirements of this chapter and the number does not exceed:
- a. At least one (1) accessory dwelling unit that is a conversion of portions of existing multi-unit dwelling structures that are not used as livable space, up to a maximum of 25% of the original number of approved primary units within the development. When calculating the required number of allowed accessory dwelling units, any fractions of units shall be rounded to the next larger whole number.
  - b. Up to two (2) detached accessory dwelling units on a lot that has proposed multi-unit dwellings, or up to eight (8) detached accessory dwelling units on a lot that has existing multi-unit dwellings provided that the number of accessory dwelling units does not exceed the number of existing dwelling units on the lot.
3. Notwithstanding the above, no more than two units (including ADUs and JADUs) on a parcel created through a Senate Bill (SB) 9 (Chapter 162, Statutes of 2021) lot split shall be allowed (Government Code section 66411.7(j)(1)).

**17.105.130 Standards Applicable to All Accessory Dwelling Units.**

The following standards shall apply to all accessory dwelling units. Where conflict occurs between the regulations of this section and the Government Code, the Government Code regulations shall apply:

- A. **Passageways.** No passageway, breezeway, or similar connection between structures on the parcel shall be required in conjunction with the construction of an accessory dwelling unit.
- B. **Utility Connections.** All accessory dwelling units shall be connected to public utilities or their equivalent, including water, electric, and sewer services.
  - 1. The city shall not require the applicant to install a new or separate utility connection directly between the attached or detached accessory dwelling unit and the utility unless the utility connection is required by the utility provider. The applicant may voluntarily install a new or separate utility connection, subject to the approval of the utility provider.

Any utility charges or fees must be consistent with California Government Code Section [66311.5](#)

- C. **Septic System.** If allowed by the city pursuant to [FMC 13.20](#), the accessory dwelling unit may connect to an onsite water-treatment system. The owner shall include with the application a percolation test completed within the last five (5) years or, if the percolation test has been recertified, within the last ten (10) years. Such test must demonstrate the ability of the site to accommodate waste discharge associated with the accessory dwelling unit.
- D. **Open Space.** Accessory dwelling units shall not encroach into required open space areas on a residentially-zoned parcel. This requirement shall not apply to a 66323 unit.
- E. **Addressing.** An accessory dwelling unit shall have its own address according to the City's standard addressing procedure.

**17.105.140 Single-Unit Developments: Attached Accessory Dwelling Unit Standards.**

- A. **66323 Units.** An attached accessory dwelling unit shall qualify as a 66323 Unit if it meets all of the following requirements, in accordance with Government Code Section [66323](#):
  - 1. **Location.** Is a conversion of the space of a proposed or existing single-unit primary dwelling that may include an expansion of not more than one-hundred fifty (150) square feet beyond the physical dimensions of the building for the sole purpose of accommodating ingress and egress.
  - 2. **Size.** Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum).
  - 3. **Setbacks.** Has side and rear setbacks that comply with applicable building and fire codes.
  - 4. **Access.** Has exterior access that is independent of that for the proposed or existing primary dwelling unit.
- B. **All Other Attached Accessory Dwelling Units.** An attached accessory dwelling unit that is not a 66323 Unit shall meet all of the following requirements:
  - 1. **Location.** Is located on a single-unit parcel with an existing or proposed primary dwelling unit, and shares at least one common structural wall, floor, ceiling, or roof with the primary dwelling unit.
  - 2. **Size.** Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum), and at a maximum does not exceed eight-hundred-fifty (850) square feet if it has no more than one (1) bedroom, or one-thousand (1,000) square feet if

it has two (2) or more bedrooms. Subject to the foregoing maximum size limitation, the total floor area of an attached accessory dwelling unit shall not exceed fifty (50) percent of the existing primary dwelling unit.

3. Setbacks. Has a front yard setback that conforms to the front setback for the zone in which the attached accessory dwelling unit is located, has side and rear setbacks of at least four (4) feet, and complies with applicable building and fire codes.
  - a. Setback Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing primary dwelling unit may maintain the same setbacks as that of the existing primary dwelling unit; however, the accessory dwelling unit must comply with applicable fire and building codes.
4. Parcel Coverage. For any attached accessory dwelling unit, the parcel coverage standard and pervious surface standard, if applicable, for the zone in which it is located shall apply.
  - a. Rear Yard Coverage. Notwithstanding the parcel coverage standard, the area covered by an accessory dwelling unit shall not exceed forty (40) percent of the rear yard.
  - b. Parcel Coverage Exceptions. No adjustment to the existing parcel coverage and pervious surface standard, if applicable, is required for any portion of an accessory dwelling unit that is a conversion of the space of an existing primary dwelling unit; however, the accessory dwelling unit must comply with applicable fire and building codes.
5. Height. Height shall not exceed the height standard for the zone in which the attached accessory dwelling unit is located.
  - a. Additional Height Restrictions. Notwithstanding the height standard, any portion of an attached accessory dwelling unit that encroaches into the required setback area for the primary dwelling unit shall not exceed twenty-five (25) feet.
  - b. Height Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing primary dwelling unit may maintain the same height as that of the existing primary dwelling unit; however, the accessory dwelling unit must comply with applicable fire and building codes.
6. Access. Has exterior access that is independent of that for the proposed or existing primary dwelling unit. The entrance to the accessory dwelling unit shall be located on a different side of the building from the entrance to the primary dwelling unit, except as may be required to comply with applicable fire and building codes.

#### C. Additional Requirements.

1. Design Standards. Any accessory dwelling unit must comply with the design standards set forth in Sections 17.105.190 and 17.105.200 for an accessory dwelling unit in the historic district, or Section 17.105.190 for an accessory dwelling unit located outside of the historic district.
  - a. Design Standard Exceptions. Design Standards shall not apply to 66323 Units specified in Government Code section [66323](#)
2. Exceptions. Notwithstanding the standards of this section, in no event shall any of the standards of this section preclude the development of at least an eight-hundred (800) square foot accessory dwelling unit with four (4) foot side and rear setbacks, in compliance with all other development standards.

**17.105.150 Single-Unit Developments: Detached Accessory Dwelling Unit Standards.**

- A. 66323 Units. A detached accessory dwelling unit shall qualify as a 66323 Unit if it meets either of the following requirements, in accordance with Government Code Section [66323](#):
  1. New Construction Detached 66323 Units:
    - a. Location. Is detached from the primary dwelling unit and is entirely new construction.
    - b. Size. Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum), and at a maximum shall not exceed eight-hundred (800) square feet.
    - c. Setbacks. Has side and rear setbacks of four (4) feet, and complies with applicable building and fire codes.
      - i. Setback Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building may maintain the same setbacks as that of the existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
    - d. Height. Has a peak height above finished grade as allowed under the conditions specified in Government Code Section [66321](#).
      - i. Height Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building may maintain the same height as that of the existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
  2. Converted Detached 66323 Units:

- a. Location. Is detached from the primary dwelling unit and is a conversion of the space of an existing accessory building that may include an expansion of not more than one-hundred fifty (150) square feet beyond the physical dimensions of the building for the sole purpose of accommodating ingress and egress.
  - b. Size. Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum).
  - c. Setbacks. Has side and rear setbacks that comply with applicable building and fire codes.
    - i. Setback Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building may maintain the same setbacks as that of the existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
- B. All Other Detached Accessory Dwelling Units. A detached accessory dwelling unit that is not a 66323 Unit shall meet all of the following requirements:
- 1. Location. Is located on a single-unit parcel with an existing or proposed primary dwelling unit, and is detached from the primary dwelling unit.
  - 2. Size. Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum), and at a maximum shall not exceed eight-hundred-fifty (850) square feet if it has no more than one (1) bedroom or one-thousand (1,000) square feet if it has two (2) or more bedrooms.
  - 3. Setbacks. Has side and rear setbacks of at least four (4) feet, and complies with applicable building and fire codes. In no case shall the accessory dwelling unit break the front plane of the primary dwelling unit. Detached accessory dwelling units shall be located at least six (6) feet from the primary dwelling unit or an accessory building on the same parcel other than a fence or a wall.
    - a. Setback Exceptions.
      - i. Any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building may maintain the same setbacks as that of the existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
      - ii. Notwithstanding Chapter 17.64 of the Folsom Municipal Code, any accessory dwelling unit constructed that is built on top of an existing accessory building with side and/or rear setback of less than four (4) feet may maintain the same side

and/or rear setback of that accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes. Notwithstanding this exception, in no case shall the accessory dwelling unit break the front plane of the primary dwelling unit.

4. Parcel Coverage. For any detached accessory dwelling unit, the parcel coverage standard and pervious surface standard, if applicable, for the zone in which it is located shall apply.
  - a. Rear Yard Coverage. Notwithstanding the parcel coverage standard, the area covered by an accessory dwelling unit shall not exceed forty (40) percent of the rear yard.
  - b. Parcel Coverage Exceptions. No adjustment to the existing parcel coverage and pervious surface standard, if applicable, is required for any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
5. Height. Height shall not exceed twenty-five (25) feet or the height of the residence, whichever is less.
  - a. Accessory Dwelling Units near a Listed Historic Structure. Any accessory dwelling unit proposed for construction on or within fifty (50) feet of the property line of a parcel containing a structure listed on a State or Federal register of historic resources shall have a peak height above finished grade of as allowed under the conditions specified in Government Code section [66321](#).
  - b. Height Exceptions. Any portion of an accessory dwelling unit that is a conversion of the space of an existing accessory building may maintain the same height as that of the existing accessory building; however, the accessory dwelling unit must comply with applicable fire and building codes.
6. Access. The entrance to the accessory dwelling unit shall be located on a different side of the building from the entrance to the primary dwelling unit, except as may be required to comply with applicable fire and building codes.

C. Additional Requirements.

1. Design Standards. Any accessory dwelling unit must comply with the design standards set forth in Sections 17.105.190 and 17.105.200 for an accessory dwelling unit in the historic district, or Section 17.105.190 for an accessory dwelling unit located outside of the historic district.
  - a. Design Standard Exceptions. Design Standards shall not apply to 66323 Units specified in Government Code Section [66323](#).

2. Exceptions. Notwithstanding the standards of this section, in no event shall any of the standards of this section preclude the development of at least an eight-hundred (800) square foot accessory dwelling unit with four (4) foot side and rear setbacks, in compliance with all other development standards.

**17.105.160 Single-Unit Developments: Junior Accessory Dwelling Unit Standards.**

A. Generally. A junior accessory dwelling unit shall be allowed on a single-unit parcel with a proposed or existing primary dwelling unit, if the junior accessory dwelling unit meets all the following requirements:

1. Location. Is entirely within the proposed space of a primary dwelling unit or within the existing space of a primary dwelling unit.
2. Size. Size shall be measured based on the interior living space of the junior accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum), and at a maximum does not exceed five-hundred (500) square feet.
3. Setbacks. No adjustment to the existing setback is required for an existing space that is converted to a junior accessory dwelling unit; however, the junior accessory dwelling unit must comply with applicable fire and building codes.
4. Parcel Coverage. No adjustment to the existing parcel coverage and pervious surface standard, if applicable, is required for an existing space that is converted to a junior accessory dwelling unit; however, the junior accessory dwelling unit must comply with applicable fire and building codes.
5. Height. No adjustment to the existing height is required for an existing space that is converted to a junior accessory dwelling unit. The height of the existing primary dwelling unit being converted to a junior accessory dwelling unit shall not be increased.
6. Access. Has exterior access that is independent of that for the proposed or existing primary dwelling unit. The entrance to the junior accessory dwelling unit shall be located on a different side of the building from the entrance to the primary dwelling unit, except as may be required to comply with applicable fire and building codes. If the junior accessory dwelling unit does not include separate sanitation facilities, the junior accessory dwelling unit shall also include interior entry to the main living area of the primary dwelling unit.

B. Additional Requirements.

1. Efficiency Kitchen. The junior accessory dwelling unit shall include an efficiency kitchen.

2. Design Standards. No design standards shall be applied.
3. Deed Restriction. Prior to issuance of a building permit for a junior accessory dwelling unit, a deed restriction shall be recorded in the chain of title of the single-unit property. The form of the deed restriction shall be approved by the city attorney and shall provide that:
  - a. The junior accessory dwelling units shall not be sold separately from the primary dwelling unit.
  - b. The junior accessory dwelling units are restricted to the approved size and other attributes allowed by this chapter.
  - c. The deed restriction shall run with the land and shall be enforced against future property owners.
4. Owner Occupancy Requirements. All junior accessory dwelling units that have shared sanitation facilities shall be subject to an owner occupancy requirement. A person with legal or equitable title to the primary dwelling unit shall reside on the property in either the primary dwelling unit or junior accessory dwelling unit as that person's legal domicile and permanent residence.
  - a. Exceptions. Owner occupancy shall not be required if the junior accessory dwelling unit has separate sanitation facilities from the primary dwelling unit, or if the owner is a governmental agency, land trust, or nonprofit housing organization.

**17.105.170 Two-Unit and Multi-Unit Dwellings: Accessory Dwelling Unit Standards.**

Accessory dwelling units, in accordance with Government Code Section [66323](#), are permitted on a lot with existing or proposed two-unit and multi-unit dwellings as follows:

- A. Generally. An accessory dwelling unit conversion shall be allowed on a parcel with an existing multi-unit dwelling, if the accessory dwelling unit conversion meets all the following requirements:
  1. Location. Is converted from portions of a multi-unit dwelling that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that any such space converted to an accessory dwelling unit complies with minimum state building standards for dwellings.
  2. Size. Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum).

3. Setbacks. No adjustment to the existing setback is required for the space that is converted to an accessory dwelling unit; however, the accessory dwelling unit conversion must comply with applicable fire and building codes.
  4. Parcel Coverage. No adjustment to the existing parcel coverage and pervious surface standard, if applicable, is required for an existing space that is converted to an accessory dwelling unit; however, the converted accessory dwelling unit must comply with applicable fire and building codes.
  5. Height. No adjustment to the existing height is required for the space that is converted to an accessory dwelling unit. The height of the existing multi-unit dwelling being converted to an accessory dwelling unit shall not be increased.
  6. Design Standards. No design standards shall be applied.
- B. Generally. A detached accessory dwelling unit shall be allowed on a parcel with an existing or proposed two-unit or multi-unit dwelling, if the detached accessory dwelling unit meets all the following requirements:
1. Location. Is detached from the two-unit or multi-unit dwelling. The detached accessory dwelling unit may be attached to an accessory building or other detached accessory dwelling unit.
  2. Size. Size shall be measured based on the interior living space of the accessory dwelling unit. At a minimum meets the requirements of an efficiency unit (one-hundred-fifty (150) square feet minimum), and at a maximum shall not exceed eight-hundred (800) square feet.
  3. Setbacks. Has side and rear setbacks of at least four (4) feet, and complies with applicable building and fire codes.
  4. Parcel Coverage. Accessory dwelling units that are eight-hundred (800) square feet or smaller shall not be required to adhere to the parcel coverage standard and pervious surface standard, if applicable.
  5. Height. Has a peak height above finished grade as allowed under the conditions specified in Government Code Section [66321](#).
  6. Design Standards. No design standards shall be applied.

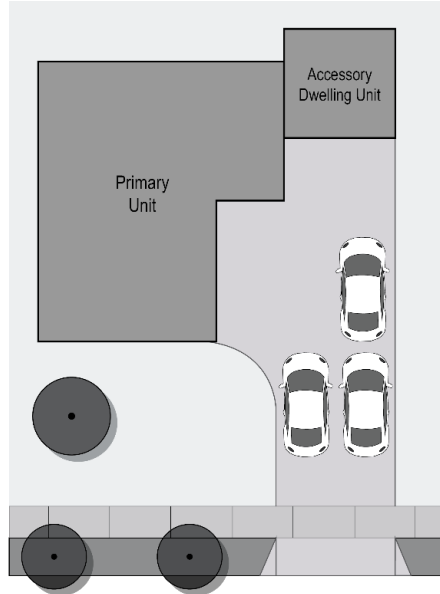
### **17.105.180 Parking Requirements**

Off-street parking space shall be provided in accordance with the following:

- A. Requirement. One (1) additional off-street parking space shall be required per accessory dwelling unit or per bedroom, whichever is less.

1. Parking may be provided in front and/or side setback areas on a driveway, or as tandem parking on a driveway. Parking spaces may also be provided through a mechanical vehicle parking lift if located in an enclosed parking garage.
- B. Exceptions. Additional parking for an accessory dwelling unit is not required in the following instances:
1. The accessory dwelling unit is located within one-half (0.5) mile walking distance of public transit, as defined in Section [17.105.020](#), including transit stations and bus stations.
  2. The accessory dwelling unit is located within the historic district.
  3. The accessory dwelling unit is a part of the proposed or existing primary dwelling unit (e.g., attached accessory dwelling unit or junior accessory dwelling unit), or an existing accessory building (e.g., detached accessory dwelling unit addition to an accessory building).
  4. When on-street parking permits are required by the city but not offered to the occupant of the accessory dwelling unit.
  5. When there is a car share vehicle located within one (1) block of the accessory dwelling unit.
  6. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-unit dwelling or multi-unit dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subdivision.
- C. Replacement Parking Not Required. When a garage, carport, uncovered parking space, or covered parking structure is removed in conjunction with the construction or conversion of an accessory dwelling unit, replacement parking is not required.

## Acceptable Location of Parking for Accessory Dwelling Units



### 17.105.190 All Zones—Design Standards.

- A. Applicability. An accessory dwelling unit shall comply with objective standards for accessory dwelling units in this section or any other objective design standards for accessory dwelling units, as adopted by resolution of the city council. The following objective design standards shall apply to all accessory dwelling units that are not 66323 Units specified in Government Code section [66323](#).
- B. Exterior Walls.
  1. Attached accessory dwelling units shall utilize the same exterior wall materials, including accent materials, as the existing or proposed primary dwelling unit.
  2. Detached accessory dwelling units shall utilize at least two (2) different exterior wall materials.
- C. Windows. The accessory dwelling unit shall incorporate at least one of the following features: windows, projections, bays, or recessed elements. Additionally, windows are subject to the following requirements:
  1. Any second story window that is within ten (10) feet or less of the side and/or rear property line shall have translucent glazing, or be one of the following window types: Transom windows, clerestory windows, or false windows.
- D. Roof Pitch. The accessory dwelling unit shall have the same roof pitch as the primary dwelling unit but may vary by up to 2/12 more or 2/12 less than the roof pitch of the primary

dwelling unit. However, if the unit is located in the historic district, it must follow the roof pitch requirements for design style allowed in that zone or subarea specified in FMC 17.105.200.

E. Accessory dwelling units above the main story. If the accessory dwelling unit is two-stories, or is constructed on the second story or higher of an existing or proposed building, the following requirements shall apply:

1. Form and Massing. The building massing of the accessory dwelling unit shall be designed according to the following requirements:

a. Attached accessory dwelling units shall utilize at least one (1) of the following:

- i. Recessed or projecting windows, doors, or parts of the wall. Recessed windows and doors shall project a minimum of six (6) inches or shall be recessed a minimum of six (6) inches. Any projection must be behind the parcel side or rear yard setback line.
- ii. Cantilevered areas so long as area does not extend beyond the side or rear yard setback.
- iii. At least two different roof forms, such as a mix of different roof types (e.g., hipped, gabled, shed, etc.).

b. Detached accessory dwelling units shall utilize at least one (1) of the following:

- i. Different building materials for each of the stories.
- ii. Recessed or projecting windows, doors, or parts of the wall. Recessed windows and doors shall project a minimum of six (6) inches or shall be recessed a minimum of six (6) inches. Any projection must be behind the parcel side or rear yard setback line.
- iii. Cantilevered areas so long as area does not extend beyond the side or rear yard setback.
- iv. At least two different roof forms, such as a mix of different roof types (e.g., hipped, gabled, shed, etc.).

2. Staircases. Staircases necessary to access a second story accessory dwelling unit shall comply with the following requirements:

- a. Location. The staircase shall be located internal to the building, or along the edge of the building.
  - b. Setback. Has side and rear setbacks that comply with applicable building and fire codes.
  - c. Design. The staircase shall be enclosed. If located along the edge of a building, the staircase exterior walls shall use the same colors and materials as used for the exterior of the building.
3. Balconies. One (1) second-story balcony is allowed, not to exceed twenty (20) square feet. Balconies shall not be located in the setback areas of the primary dwelling unit.
- F. Design Style Deviations. Applicants for accessory dwelling units may seek a waiver from a required design standard listed in this section by requesting a design review in accordance with FMC 17.105.110.

#### **17.105.200 Historic District Zones—Design Standards.**

- A. Applicability. In addition to the provisions of Section 17.105.190, if located in a historic district, an accessory dwelling unit shall comply with objective standards for accessory dwelling units in this section or any other objective design standards for accessory dwelling units, as adopted by resolution of the city council. The following objective design standards shall apply to all accessory dwelling units that are not 66323 Units specified in Government Code section [66323](#).
- B. Architectural Style. The architectural styles in the historic district reflect the types of design during the period from the 1850s to 1950s. The applicant for an accessory dwelling unit shall select an allowed architectural style for the historic district zone or subarea in which it is located and shall meet all required design elements. Acceptable styles by zone and subarea are as follows:
1. Figueroa Subarea: Queen Anne, Delta, Italianate, Spanish Eclectic, Craftsman, and Carriage House Styles.
  2. Central Subarea: Queen Anne, Delta, Italianate, Spanish Eclectic, Craftsman, and Carriage House Styles.
  3. Persifer-Dean Subarea: 1950s Ranch, Spanish Eclectic, Delta, and Craftsman Styles.
  4. The Preserve Subarea: Craftsman, Delta, Spanish Eclectic Styles.
  5. River Way Subarea: Delta, Spanish Eclectic, Craftsman Styles.

6. All other subareas: Queen Anne, Delta, Italianate, Spanish Eclectic, Craftsman and Carriage House Styles.

C. Required Design Elements. The specified design elements for each architectural style are set forth as follows:

1. Carriage House Style

- a. Limitations. This type may only be used for detached accessory dwelling units which include existing or proposed garage space.
- b. Massing/Form. This style may include garage space on the main story not to exceed eight-hundred (800) square-feet. The garage portion shall comply with the zoning requirements of the property.
  - i. Second Story. If a second story is used, the second story shall be located within the roof attic space. The second story shall not include any cantilever space above the main story.
- c. Roofs. Roof shall have a side-gable, side-gambrel, or hip roof and incorporate the following elements:
  - i. Roof Pitch. Roof pitch shall be between 4/12 and 12/12 for gabled roofs. If a gambrel roof is used, the roof pitch for the lower roof leg (i.e., the lower portion of the roof slope) shall be between 22/12 and 26/12 and the upper roof leg (i.e., upper portion of the roof slope) shall be between 5/12 and 8/12; the upper and lower roof legs shall be equal in length.
  - ii. Roof Detailing. A window or vent shall be provided on the gable or gambrel ends.
  - iii. Optional. Shed or gabled roof dormer(s) may be used; wall dormers are not permitted. A singular square-cupola or tower may be used, but shall not exceed the overall height maximum of the structure and shall not exceed four (4) square feet in size.
- d. Windows. Windows shall be square or vertically proportioned rectangular windows with a traditional multi-pane grid.
- e. Exterior Walls. Exterior walls shall utilize the same siding materials of the primary dwelling unit, including the use of accent materials. If trim is used on the primary dwelling unit, the same type and width of trim shall be used.

- f. Garage Door. The garage door shall incorporate the following features:
  - i. Garage doors shall be a single-car door in size (i.e., two-car garage doors prohibited);
  - ii. Black metal hinges and handle door hardware;
  - iii. Wood board construction, or be of a material shaped to imitate wood board construction;
  - iv. If windows are used, windows shall include rectangular grids and shall be located on the upper third of the garage door; and
  - v. If panels are used, panels shall be narrow and rectangular and extend from bottom of door to top of door. If windows are also used, the panels shall extend from bottom of door to bottom of windows.

2. Craftsman Style.

- a. Roofs. Roofs shall be front-gabled, side-gabled, or cross-gabled and incorporate the following elements:
  - i. Roof Pitch. The roof pitch shall be between 3/12 and 8/12.
  - ii. Roof Detailing. The roof shall have unenclosed eave overhangs. Exposed roof rafter and/or braces under the gables (i.e., knee braces or corbels, etc.) shall be included.
  - iii. Optional. Shed or gabled roof dormers may be used.
- b. Windows. All windows on the front elevation shall be single- or double-hung sash windows with at least three (3) small panes above one (1) large pane (e.g., three (3) small panes over one (1) large pane, six (6) small panes over one (1) large pane window, etc.).
- c. Exterior Walls. Exterior walls shall be horizontal lap or shingle siding that is two-and-one-half (2.5) to six (6) inches wide, or board and batten siding, or shingle siding, or stone and mortar, or brick and mortar, or a mix of the siding options mentioned. Fiber cement board and shingles may be used in place of wood siding or shingles.
- d. Optional Porch. If an entry porch is provided, the porch shall be located under the roofline and supported by tapered or square columns with square bases that extend to the ground.

### 3. Queen Anne Style.

- a. Roofs. Roofs shall be hipped and/or gabled and incorporate the following elements:
  - i. Roof Pitch. The roof pitch shall be between 8/12 and 18/12.
  - ii. Roof Detailing. Front-gables, if used, shall include scalloped shingles with a window or vent.
  - iii. Optional. Multiple gables and dormers may be used.
- b. Windows. All windows on the front elevation shall be single- or double-hung sash windows with small panes above one (1) large. All windows on the building shall be vertically proportioned, with a minimum height of two (2) feet for every one (1) foot of width, and a maximum height of three-and-one-half (3.5) feet for every one (1) foot of width.
- c. Exterior Walls. Exterior walls shall be horizontal lap siding that is between two-and-one-half (2.5) to six (6) inches wide and/or shingle siding. Fiber cement siding may be used in place of wood siding.
- d. Optional Porch. If an entry porch is provided, the porch shall include turned spindle columns and railing. Porches may also include the use of spindlework detailing.
- e. Optional Features. Chamfered bay windows may be used. This feature is defined as an architectural projection that is either attached to the ground or projects from the building façade, contains windows that cover at least sixty percent (60%) of the projecting faces with glass area, and has side faces that are angled (chamfered) back toward the building rather than forming a right-angled corner.

### 4. Delta Style.

- a. Roofs. The roof shall be a single-front gabled roof and incorporate the following elements:
  - i. Roof Pitch. The roof pitch shall be between 6/12 to 12/12.
  - ii. Roof Detailing. A rectangular vent shall be utilized at ends of the front-facing gable. The roof shall have soffited eaves.
- b. Windows. All windows on the building shall be vertically proportioned, with a minimum height of two (2) feet for every one (1) foot of width. The window shall

include flat trim measuring no more than three-and-one-half (3.5) inches side surrounding all sides of the window.

- c. Exterior Walls. Exterior walls shall be horizontal clapboard siding that is between two-and-one-half (2.5) to six (6) inches wide, or board and batten siding. Fiber cement siding may be used in place of wood siding.
- d. Optional Porch. If an entry porch is provided, the porch shall have a roof pitch that is no greater than 4/12, supported by square posts not to exceed 10 inches wide that extend to the ground, and include railing. Porches may also include the use of spindlework detailing.

5. Italianate Style.

- a. Roofs. The roof shall be a hipped roof and incorporate the following elements.
  - i. Roof Pitch. The roof pitch shall be between 3/12 and 6/12.
  - ii. Roof Detailing. The roof shall have eave overhangs that are at least twelve (12) inches, supported by large, decorative roof brackets under an ornamental cornice.
  - iii. Optional. A singular square-cupola or tower may be used, but shall not exceed the overall height maximum of the structure and shall not exceed six (6) square feet in size.
- b. Windows. All windows on the building shall be vertically proportioned, with a minimum height of two (2) feet for every one (1) foot of width, and a maximum height of three-and-one-half (3.5) feet for every one (1) foot of width.
- c. Exterior Walls. Exterior walls shall be horizontal lap siding that is between four (4) to six (6) inches side, brick and mortar, or board-and-batten siding. Fiber cement siding may be used in place of wood siding.
- d. Optional Porch. If an entry porch is provided, the porch shall be a wrap-around porch (or smaller entry porch) with double columns.
- e. Optional Features. Angled bay cut-away forms and windows may be used on the front elevation. Paneled wood doors may also be used.

6. Spanish Eclectic Style (also known as Spanish Revival).

- a. Roofs. The roof shall be cross-gabled, hipped, or a combined hipped-and-gabled roof and incorporate the following elements:

- i. Roof Pitch. The roof pitch shall be between 2/12 and 5/12.
  - ii. Roof Detailing. The roof shall be red tile, include red tile vents on open gables, and shall not have a roof eave overhang that exceeds four (4) inches.
  - b. Windows. All windows shall be recessed casement windows. On the front elevation, one (1) window with a rounded arch shall be provided that is larger than any other window on the building.
  - c. Exterior Walls. Exterior walls shall be stucco.
  - d. Doors. Exterior doors shall be recessed, and be either wood plank or wood paneled doors. A rounded arch shall be provided over the main door.
  - e. Optional Porch. If a porch is provided, the porch shall be uncovered.
7. 1950s Ranch Style.

- a. Roofs. The roof shall be cross-gabled, side-gabled, hipped, or cross-hipped and incorporate the following elements:
  - i. Roof Pitch. The roof pitch shall be between 3/12 and 5/12.
  - ii. Roof Detailing. The roof shall have soffited eaves.
- b. Exterior Walls. Exterior walls shall be smooth stucco, horizontal lap siding, shingles, board-and-batten, stone, brick and mortar, or a combination of these materials. Fiber cement siding may be used in place of wood siding.
- c. Optional Window Detailing. Windows may include open shutters.
- d. Optional Porch. If an entry porch is provided, the porch shall not be greater than one-hundred (100) square-feet in size.

D. Design Style Deviations. Applicants for accessory dwelling units may seek a waiver from a required design standard listed in this section by requesting a design review in accordance with FMC 17.105.110.

### **SECTION 3 SCOPE**

Except as set forth in this ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

**SECTION 4 SEVERABILITY**

If any section, subsection, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, invalid, or ineffective.

**SECTION 5 EFFECTIVE DATE**

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on March 24, 2026 and the second reading occurred at the regular meeting of the City Council on April 14, 2026.

On a motion by Councilmember \_\_\_\_\_ seconded by Councilmember \_\_\_\_\_, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 14th day of April, 2026, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

\_\_\_\_\_  
Justin Raithel, MAYOR

ATTEST:

\_\_\_\_\_  
Christa Freemantle, CITY CLERK

**Attachment 2**  
**HCD Letter of Technical Assistance**  
**Dated 12-5-25**

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

651 Bannon Street, Suite 400  
Sacramento, CA 95811  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



December 5, 2025

Pam Johns  
Contract City Planner  
City of Folsom  
50 Natoma Street  
Folsom, CA 95630

Dear Pam Johns:

**RE: City of Folsom – Accessory Dwelling Unit (ADU) Ordinance Updates – Letter of Technical Assistance**

The most recent ADU ordinance on file for the City with the California Department of Housing and Community Development (HCD) is from 2020. Given the numerous changes to State ADU Law since the adoption of the ordinance, the ordinance may be outdated and out of compliance with State ADU Law. If HCD's records are incorrect, and a new ordinance has been adopted, please submit it to the [ADU Portal](#) for HCD's review.

Below are the changes to State ADU Law that have occurred in recent years and may warrant an update to the City's ADU ordinance:

**Updates to the [ADU Handbook \(2025\)](#)**

- Clarifies that ADU Law prohibits deed restrictions on ADUs. A deed restriction would be an "additional standard" and thus cannot be imposed on ADUs (Gov. Code, § 66315).
- Clarifies that homeowners' associations (HOAs), as a third party, cannot influence the approval of an application to create an ADU. Third party reviews by an HOA or their representatives or agents would violate State ADU Law. (Gov. Code, § 66315.) No other local ordinances, policies, or regulations may be applied in the approval or denial of an ADU or junior ADU (JADU) permit application (Gov. Code, § 66317, subd. (c)).
- Clarifies that a local agency may not require parking as a condition to permitting a JADU, even when the JADU is converted from an attached garage (Gov. Code, § 66334, subd. (a)).

### Changes to ADU Law in 2025:

- Specifies that if a JADU has shared sanitation facilities with the primary structure, owner-occupancy will be required. If the JADU does *not* have shared sanitation facilities, owner-occupancy will *not* be required (Gov. Code, § 66333, subd. (b)).
- Require rental terms for JADUs for terms longer than 30 days (Gov. Code, § 66333, subd. (g)).
- Specifies that if a local agency fails to submit an adopted ADU ordinance to HCD within the 60-day timeline or fails to respond to HCD's findings regarding their ordinance within the 30-day timeline, that ordinance is null and void and the local agency must only apply State ADU Law when permitting ADUs (Gov. Code, § 66326, subd. (d)).
- Revises the definition of a "junior accessory dwelling unit" to require the size of a JADU to be no more than 500 square feet of interior livable space (Gov. Code, § 66313, subd. (d)).
- Revises the limitations on impact fees to, instead, prohibit impact fees upon the development of an ADU that has 750 square feet of interior livable space or less or a JADU that has 500 square feet of interior livable space or less, and to require that any impact fee on an ADU that has more than 750 square feet of interior livable space be charged proportionately in relation to the square footage of the primary dwelling unit (Gov. Code, § 66311.5, subds. (a) – (d)).
- Requires a permitting agency to determine whether an application for an ADU or JADU is complete and provide written notice of the determination not later than 15 business days after the permitting agency received the application (Gov. Code, § 66317, subd. (a)(2)(A)).
- Requires the permitting agency to provide the applicant with a list of incomplete items and a description of how the application can be made complete in the written notice and authorizes the applicant to cure and address the application, as specified, if it is determined that an application is incomplete (Gov. Code, § 66317, subd. (a)(2)(B)).
- Requires the permitting agency to provide a process for the applicant to appeal a denied application, as provided, and requires the permitting agency to provide a final written determination by not later than 60 business days after receipt of the written appeal if a permit application is determined to be incomplete or is denied (Gov. Code, § 66317, subd. (d)(1)).
- Specifies that an ADU or JADU that contains less than 500 square feet of interior livable space does not increase assessable space.
- Revises size limitations to be based on the square footage of interior living space of the ADU (Gov. Code, § 66321, subds. (b)(2)(A), (b)(2)(B), and (b)(3)).
- Specifies the number of allowable ADUs per lot with a proposed or existing single-family dwelling (Gov. Code, § 66323, subd. (a)).

- Clarifies that fire sprinklers are not required for a JADU if the primary residence does not have fire sprinklers and that the addition of a JADU cannot trigger the requirement for fire sprinklers (Gov. Code, § 66323, subd. (d)).
- Adds section 66333.5, which specifies that if a local agency fails to submit an adopted JADU ordinance to HCD within the 60-day timeline or fails to respond to HCD's findings regarding their ordinance within the 30-day timeline, that ordinance is null and void and the local agency must only apply State ADU Law when processing applications for ADUs.
- Requires a local agency to issue a certificate of occupancy for an ADU constructed in a county that is subject to a proclamation of a state of emergency made by the Governor on or after February 1, 2025, even if the primary dwelling has not yet been issued a certificate of occupancy, if certain requirements are met, including that the primary dwelling was substantially damaged or destroyed by an event referenced in the state of emergency proclamation (Gov. Code, § 66328).
- Creates an exception to areas that fall under the California Coastal Act by requiring a local government or the Coastal Commission, as specified, to either approve or deny a coastal development permit application for an ADU within 60 days of receiving a completed application (Gov. Code, § 66329, subd. (a).)
- Specifies that no reimbursement is required for school service charges, fees, or assessments sufficient to pay for the program or level of service within the meaning of Government Code section 17556 (Gov. Code, § 66329).
- Specifies that reasonable restrictions in covenants, restrictions, and conditions, as described in the Civil Code, shall not include any fees or other financial requirements (Civil Code, § 714.3, subd. (b)).

#### **Changes to ADU Law in 2024:**

- SB 477 (Chapter 7, Statutes of 2024) made changes to the numbering of the sections of the Government Code for State ADU and JADU Laws.
- Prohibits a local agency from denying a permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, for building code violations, unless the local agency makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building substandard (Gov. Code, § 66332, subs. (a)-(c)).
- Defines "livable space" as a space in a dwelling intended for human habitation, as the term appears in Government Code sections 66313, subdivision (e), and 66323, subdivision (a)(3)(A).
- Provides that uncovered, off-street parking spaces demolished in conjunction with the construction of an ADU do not need to be replaced (Gov. Code, § 66314, subd. (d)(11)).

- Changes the allowable number of detached ADUs on a lot with an existing multifamily dwelling to eight detached ADUs, provided that the number of ADUs does not exceed the number of existing units on the lot (Gov. Code, § 66323, subd. (a)(4)(A)(ii)).
- Prohibits a local agency from imposing any objective development standards on 66323 Units that are not authorized by the provisions of Government Code section 66323, subdivision (a) (Gov. Code, § 66323, subd. (b)).

#### **Changes to ADU Law in 2023:**

- Sunsets a former prohibition on a local agency imposing an owner occupancy requirement on any ADU and instead prohibits a local agency from requiring owner occupancy for an ADU (Gov. Code, § 66315).
- Allows a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and ADU(s) as condominiums, subject to certain conditions (Gov. Code, §§ 66340-66342).

#### **Changes to ADU Law in 2021:**

- Allows a local agency to permit the separate conveyance of ADUs from the primary dwelling under Government Code section 66341 in certain circumstances.

#### **Changes to ADU Law in 2020:**

- Requires that an application for the creation of an ADU or JADU is deemed approved (not just subject to ministerial approval) if the local agency has not approved or denied the completed application within 60 days (Gov. Code, § 66317, subd. (a)).
- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU and one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met (Gov. Code, § 66323, subd. (a)(1)(A)).
- Allows for rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents (Civ. Code, §§ 4740, subd. (a); 4741, subd. (a)).
- Allows a homeowner to create “any of the following”: one converted or attached ADU; one detached, new construction ADU; and one JADU (Gov. Code, § 66323, subs. (a)(1)-(2)). More information can be found in HCD’s 2025 ADU Handbook.

### **Changes to ADU Law in 2019:**

- Prohibits a local agency from including requirements on minimum lot size in development standards for ADUs (Gov. Code, § 66314, subd. (b)(1)).
- Allows a local agency to designate areas where ADUs may be located based on the adequacy of water and sewer services, as well as on impacts on traffic flow and public safety (Gov. Code, § 66314, subd. (a)).
- Eliminates all owner occupancy requirements by a local agency for ADUs approved between January 1, 2020, and January 1, 2025 (Gov. Code, § 66315).
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet (Gov. Code, § 66321, subds. (b)(2), (b)(3)).
- Prohibits a local agency from requiring replacement of off-street parking spaces for ADUs created through the conversion of a garage, carport, or covered parking structure (Gov. Code, § 66314, subd. (d)(11)).
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, §§ 66317, subd. (a); 66335, subd. (2)).
- Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes, and are available to the public (Gov. Code, § 66313, subd. (m)).
- Adds impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees, but those fees must be proportional in size (by square foot) to fees charged for the primary dwelling unit (Gov. Code, § 66324, subd. (c)(1)).
- Defines of an “accessory structure” to mean a structure that is accessory and incidental to a dwelling on the same lot (Gov. Code, § 66313, subd. (b)).
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 66320).
- Allows for a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom and an interior entry into the single-family residence (Gov. Code, § 66333, subd. (d)).
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 66331; HSC, § 17980.12).

- Makes covenants, conditions, and restrictions that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use void and unenforceable (Civ. Code, § 4751)).

If an existing ADU ordinance fails to meet the requirements of State ADU Law, the ordinance is “null and void” and the local jurisdiction must apply the standards set forth in State ADU Law until it adopts an ordinance that complies with state law (Gov. Code, § 66316). HCD recommends that a local jurisdiction with a noncompliant ADU ordinance repeal the ordinance to provide clarity for ADU applicants who may otherwise rely on the outdated ordinance.

HCD requests a response by January 4, 2026 with either (1) a description of how the ADU ordinance continues to comply with State ADU Law despite the changes to the law, or (2) a plan and timeline to either repeal the current ordinance or adopt an amended, compliant ordinance and submit it to HCD for review.

If you have any questions or need additional information, please contact Shasta Garcia at [Shasta.garcia@hcd.ca.gov](mailto:Shasta.garcia@hcd.ca.gov).

Sincerely,



Jamie Candelaria  
Section Chief, ADU Policy  
Housing Accountability Unit

**Attachment 7**  
**Changes/Modifications to**  
**Planning Commission**  
**Agenda, dated 3/18/26**

**March 18, 2026**  
**CHANGES/MODIFICATIONS TO**  
**PLANNING COMMISSION AGENDA**

**Agenda Item No. 4**

**Zoning Code Update – Accessory Dwelling Unit Ordinance and Determination that the Project is Exempt from CEQA**

**Revisions to Ordinance No. 1361 (Attachment 1)**

**Revision to FMC 17.105.190(E)(1)(b) (All Zones – Design Standards)**

The following revision applies to the additional design requirements for two story detached ADUs. Currently, the City requires that two story detached ADUs incorporate one of four different design options to break up the massing of the ADU; however, staff proposed to change this to require the incorporation of at least two of the four options. This change is intended to encourage applicants to further break up the massing of two story ADUs through an additional design element.

- b. Detached accessory dwelling units shall utilize at least ~~one (1)~~ two (2) of the following:
  - i. Different primary siding materials for each of the stories.
  - ii. Recessed or projecting windows, doors, or parts of the wall. Recessed windows and doors shall project a minimum of six (6) inches or shall be recessed a minimum of six (6) inches. Any projection must be behind the parcel side or rear yard setback line.
  - iii. Cantilevered areas so long as area does not extend beyond the side or rear yard setback.
  - iv. At least two different roof forms, such as a mix of different roof types (e.g., hipped, gabled, shed, etc.) on the building.