

**Staff Report  
Additional Information  
Transmittal Sheet**

Date: January 14, 2020

To: Mayor and City Council Members  
City Manager  
Assistant City Manager  
City Attorney  
City Clerk

From: Desmond Parrington, Principal Planner, CDD

Subject: **Item No. 2  
Presentation Regarding New California Laws Pertaining to Accessory Dwelling Units (Effective January 1, 2020) and Upcoming Folsom Municipal Code Amendments to Ensure Consistency with State Law**

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Attached please find correspondence from Doris Albus, a Folsom resident, regarding Accessory Dwelling Units (ADUs).

Respectfully Submitted,



Desmond Parrington, AICP  
Principal Planner  
Community Development Department

January 14, 2020

City of Folsom  
50 Natoma Street  
Folsom, CA 95630

**TO:** Ms. Eileen Anderson, City Manager, City of Folsom eandersen@folsom.ca.us  
Ms. Pam Johns, Community Development Director pjohns@folsom.ca.us  
Ms. Sarah Aquino, Mayor  
Mr. Ernie Sheldon, Vice Mayor  
Ms. Kerri Howell, Council Member  
Mr. Roger Gaylord, Council Member  
Mr. Mike Kozlowski, Council Member  
Mr. Steven Wang, City Attorney, City of Folsom attydept@folsom.ca.us  
Ms. Sari Dierking, Assistant City Attorney, City of Folsom dierking@folsom.ca.us

**Subject: City Council Regular Meeting, January 14, 2020 at 6:30 p.m.**  
*Agenda Item #2 under SCHEDULED PRESENTATIONS*

- **Presentation Regarding New California Laws Pertaining to Accessory Dwelling Units (effective January 1, 2020) and Upcoming Folsom Municipal Code Amendments to Ensure Consistency with State Law.**

**1. Residents of Folsom would like the City of Folsom to provide clear direction on approved construction and reasonable restrictions on Accessory Dwelling Units (ADUs) within the confines of the law.** Since the City must comply to a great extent by the statute, it will be important that the City not just issue permits that do not contain approved construction standards and reasonable restrictions if the residential property owners in Folsom are protected from shoddy construction, a lack of clear restrictions and guidelines

2. The City should **require** that the *quality* of the construction be consistent with the area in which it is constructed, and that the **application for the permit include approved drainage plans, and the exterior aesthetic appearance be consistent with the main residence.** Otherwise, people will be placing big train and/or shipping containers on their lots. The consequence will be a degradation of the quality of life in Folsom and the loss of property values.

**3. Have Title companies provided an analysis of the impact of ADUs on title searches for buyers of residential properties in Folsom?** If yes, please provide

the residents of Folsom with copy of that analysis and the impact it will have on both buyers and sellers of residential property in Folsom.

Sincerely,



Doris Albus  
Folsom resident

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**Reference:**

**Excerpt from Community Development Director, Pam Johns, Report dated 1/14/2020:**

In the 2018-2019 legislative session, the State enacted many bills that removed much of the local discretion and instead created new mandates to encourage ADU development. Seven of these bills significantly changed the current laws affecting ADUs. These new laws, which staff and its consultant team at MIG will discuss in more detail in its presentation, streamlined reviews of ADUs and created new development standards for them. The new laws affecting ADUs include:

• **AB 68 (Assembly Member Phil Ting) / AB 881 (Assembly Member Richard Bloom) - Processing Timelines, Ordinance Prohibitions and Triplexes.** These two laws do the following:

- Prohibit minimum lot size requirement for ADUs;
- Require ministerial (staff-level only) approval or denial of an ADU project within 60 days;
- Allow ADUs on lots with multi-family dwellings;
- Limit minimum ADU size to 220 square feet (sf);
- Cannot limit maximum ADU size to less than 850 square feet (sf) for one-bedroom and to 1,000 sf for two or more bedrooms;
- Allow attached ADUs to be 50 percent of existing home even if greater than 1,200 sq.ft.;
- Prohibit side or rear yard setbacks greater than 4 feet;
- Prohibit any local standard that would not allow for at least an 800-square foot, 16-foot tall ADU with 4-foot side and rear setbacks;
- Prohibit jurisdictions from requiring replacement off-street parking when a garage, carport or covered parking structure is demolished or converted to an ADU;
- Allow an expansion of the existing structure of up to 150 square feet for ingress and egress for converted ADUs;
- Prohibit required parking when ADU is located within ½-mile of transit including bus stops;
- Allow both an ADU as well as a "junior" ADU on the same single-family parcel where certain access, setback and other criteria are met;
- Allow up to two (2) detached ADUs on multi-family sites;
- Allow up to one ADU and one JADU on multi-family sites;
- Allow multiple converted ADUs on multi-family sites;

- Cannot require correction of physical non-conforming zoning conditions as a requirement to approve an ADU or junior ADU;
- Prohibit short-term rental of ADUs (i.e., less than 30 days);
- Render local ordinances null and void if not consistent with State law; and
- Make jurisdictions accountable to State Housing and Community Development

Department (HCD) and Attorney General if violations.

• **SB 13 (Senator Bob Wieckowski) - Owner-Occupancy Prohibitions and Fee Limitations.**

This law states that jurisdictions:

- Cannot require either the primary dwelling or ADU to be owner-occupied until 2025;
- Are now more limited in whether and how utility providers can charge connection fees and capacity charges for ADU s; and
- Cannot impose impact fees on ADUs under 750 square feet.

• **AB 587 (Assembly Member Laura Friedman) - Separate Conveyances.**

- Enables jurisdictions to allow for the sale of the ADU separately from the primary residence even though both buildings are on the same parcel if certain conditions are met.

• **AB 670 (Assembly Member Laura Friedman) - HOA Limitations.**

- Prevents homeowners' associations (HOAs) from barring ADUs.

• **AB 671 (Assembly Member Laura Friedman)/ AB 139 (Assembly Member Sharon Quirk-Silva)-Local Government Promotion of ADUs and HCD Financial Incentives.**

These laws, among other housing requirements, mandate that:

- Local governments include in the Housing Element plans to incentivize and promote the creation of affordable ADUs; and
- State Housing and Community Development (HCD) Department must identify financial incentives for affordable ADUs.

**Given the number of new ADU laws in the past three years particularly in 2019, staff expects there to be additional clean-up legislation on ADUs in future legislative sessions.**