



## Folsom City Council Staff Report

<b>MEETING DATE:</b>	7/14/2020
<b>AGENDA SECTION:</b>	Consent Calendar
<b>SUBJECT:</b>	Accessory Dwelling Unit Ordinance Hearing and Determination that the Project is Exempt from CEQA; Ordinance No. 1306 - An Ordinance Amending Certain Sections in Chapter 17.52 and Repealing and Re-Enacting 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 second reading and adopt Ordinance No. 1306 - An Ordinance Amending Certain Sections in Chapter 17.52 and Repealing and Re-Enacting Chapter 17.105 of the Folsom Municipal Code Pertaining to Accessory Dwelling Units (Second Reading and Adoption).

### **BACKGROUND / ISSUE**

On June 23, 2020, City Council made findings and determined that the proposed Ordinance amendment is exempt from CEQA and introduced and held the first reading of the Ordinance No. 1306 - An Ordinance Amending Certain Sections in Chapter 17.52 and Repealing and Re-Enacting Chapter 17.105 of the Folsom Municipal Code Pertaining to Accessory Dwelling Units. The Council approved one change, which removed the increased rear setback requirement for ADU's taller than 16 feet and corrected several minor typographical errors. Those changes were incorporated into Ordinance No. 1306 and no other changes have been made. The Ordinance is included as Attachment 1. The minor changes noted above that were approved by City Council at its June 23<sup>rd</sup> meeting are shown in a redline version of Ordinance No. 1306 in Attachment 2.

During 2019, the State enacted several new laws affecting Accessory Dwelling Units or ADUs. ADUs are more commonly referred to as second units, second dwelling units, or “granny flats.” These new laws went into effect on January 1, 2020. While this type of dwelling unit provides a lower-cost housing alternative that can benefit new and existing residents, particularly young people and seniors, the State has severely limited local jurisdictions’ ability to regulate these units.

Since the State has changed many of the ADU requirements, the City’s current ADU standards are rendered null and void unless the City updates its own ADU standards to comply with the new State law. Staff has prepared the attached draft Accessory Dwelling Unit (ADU) Ordinance to replace the City’s existing citywide regulations on ADUs contained in Chapter 17.105 (Second Dwelling Units) as well as those affecting the Historic District in Sections 17.52.490 (Accessory Dwelling Units) and 17.52.500 (Second Units) of the Folsom Municipal Code (FMC). Where it can under State law, staff has put in provisions to encourage good design, respect for neighborhood context, and privacy while at the same time providing a simplified process for review and approval of these units that can, when designed well, provide a more affordable housing option in existing areas without altering the character of the neighborhood.

### **POLICY / RULE**

The City’s draft ADU Ordinance is consistent with the City’s 2035 General Plan including the Land Use and Housing Elements. The City has sought to encourage ADUs in its single-family zones. Consistent with State requirements, the new Ordinance eliminates impact fees for small ADUs, which is consistent with the City’s Housing Element policy of ensuring impact fees do not constrain residential development. The draft ADU Ordinance is consistent with the following City policies:

#### General Plan Land Use (LU) and 2013-2021 Housing Element Policies:

- *LU 1.1.11 Vacant and Underutilized Sites* - Monitor residential and non-residential development and make adjustments as necessary to the amount of land designated for various uses and the rate of project approvals to promote a reasonable citywide balance between new employment-generating development and housing development.
- *LU 6.1.2 Historic Folsom Residential Areas* - Preserve and protect the residential character of Historic Folsom’s residential areas.
- *Policy H-1.4* - The City shall support the development of second 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 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.

## ANALYSIS

In the 2018-2019 legislative session, the State enacted many bills that limited local discretion and created new mandates to encourage ADU development. The new laws affecting ADUs include: AB 68, AB 139, AB 587, AB 670, AB 671, AB 881, and SB 13.

The major features of the new laws are as follows:

- Discretionary review not allowed if ADUs meet requirements of law.
- Cannot use minimum lot size to prohibit an ADU.
- ADUs that are 800 square feet or less and 16 feet tall or less with side and rear setbacks no greater than 4 feet must be allowed anywhere residential development is allowed.
- Cannot limit maximum size to less than 850 sq. ft. for a studio or 1-bedroom ADU or 1,000 sq. ft. for 2 or more bedrooms.
- Cannot require parking in many instances.
- Must allow multiple ADUs on sites that allow residential development:
  - Single-Family Zones: 1 ADU and 1 JADU
  - Multi-Family Zones and Mixed-Use Zones: Up to 2 detached ADUs and multiple internal ADUs depending on number of existing housing units in the existing apartment complex.
- Cannot require any design standards on ADUs 800 sq. ft., 16-foot tall, or less.
- Cannot impose impact fees on any ADU that is 750 sq. ft. or less.
- Cannot require either the primary dwelling or ADU to be owner-occupied until 2025.
- Cannot require the correction of an existing non-conforming zoning issue before approval of an ADU.

Based on these requirements, staff drafted a new ADU Ordinance to ensure consistency with the new laws and also to include standards for areas where local jurisdictions still retain some form of local control such as, for example, height, maximum size, setbacks, design standards for larger and taller ADUs, and ADUs on or near state or federally-listed historic structures. Based on community, Council, and Commission feedback, staff added the following in the new ADU Ordinance:

- Limited maximize size to 850 sq. ft. for zero to one-bedroom ADUs and 1,000 sq. ft. for two or more bedroom ADUs, which are the lowest size standards that can be

established.

- Required one parking space for ADUs that are not in the Historic District, near a transit stop or not a converted structure.
- Limited height of ADUs in Historic District to height of 16 feet otherwise an ADU taller than 16 feet is subject to review by the Historic District Commission.
- Limited height of ADUs in rest of the city to 16 feet otherwise an ADU taller than 16 feet is subject to Community Development Director-level design review.
- Established objective design standards for ADUs larger than 800 sq. ft. or taller than 16 ft.
- In the Historic District, established objective design standards for ADUs larger than 800 sq. ft. or taller than 16 ft. based on architectural styles associated with subareas and from the Historic District Design and Development Guidelines (HD DDGs).
- Established standards for ADUs larger than 800 sq. ft. or taller than 16 ft. to address privacy concerns of adjacent properties.

Once adopted by the City, the City's new ADU Ordinance is subject to review and approval by the State Housing and Community Development Department (HCD). Accordingly, staff requested HCD conduct an advance review of the City's draft ADU Ordinance in order to ensure that the proposed ordinance is consistent with the new State requirements. Overall, HCD found that the City's draft ADU Ordinance was consistent with State, but recommended a few minor modifications, which staff included. These issues and staff's resolution are identified below.

- Issue: HCD indicated that the City's requirements to address privacy by requiring four acceptable window types for two-story ADUs facing adjacent properties is too restrictive and burdensome in light of State law.
  - *City Staff Resolution: Rather than requiring four acceptable window options, staff revised the Ordinance to allow more flexibility for the applicant to address privacy concerns for those ADUs taller than 16 ft.*
- Issue: HCD pointed out that Attached ADUs must be no more than 50% of size of primary home; however, the City can still limit the size of Attached ADUs to no more than 850 sf for a zero to one-bedroom ADU and no more than 1,000 sf for a two or more bedroom ADU:
  - *City Staff Resolution: Staff revised the text to limit the size of attached ADUs to at least 800 square feet, but no more than 50% of existing home up to a maximum of 850 square feet for a zero to one bedroom ADU and up to a maximum of 1,000 square feet for a two or more bedroom ADU.*
- Issue: HCD indicated that the City could not prohibit an ADU adjacent to a state or federally listed historic structure nor could staff refer these to the Historic District Commission for discretionary review.

- *City Staff Resolution: Staff revised the text to limit height of any ADU to no more than 16 feet tall if within 50 feet of the property line of a state or federally listed historic property or structure.*
- **Issue:** HCD indicated that the City needed to make clear that the 850 square foot maximum size for ADUs applied to both studio (i.e., zero) and one-bedroom units.
  - *City Staff Resolution: Staff revised the text to state that the 850 square foot maximum size applied to ADUs with no more than one bedroom.*
- **Issue:** HCD mentioned that a new proposed bill - Assembly Bill 953 (Ting and Bloom) - will expand the type of ADUs allowed in single-family residential zones to include up to one internal ADU plus one Junior ADU (JADU) as an alternative to the current allowance for up to one detached ADU plus one JADU.
  - *City Staff Resolution: Given that this bill has already passed unanimously both in its first reading and in committee, staff has opted to revise Section 17.105.060 (Limitation on Unit Combinations in Single-Unit Zones ) of the proposed ADU ordinance to include that language. This would not increase the footprint of an existing home, but it would allow a property owner to do both an internal ADU inside the house and another smaller JADU inside the same house. Staff can remove this language if it is a concern since this bill has not become law yet, but staff anticipates it will become law in January.*

In addition to these standards that are included in the draft ADU Ordinance, staff is also developing an Accessory Dwelling Unit Design Workbook that provides illustrated examples of the design standards and styles, as well as other design ideas to assist property owners, developers, and architects and to encourage thoughtful, context-sensitive design.

### **COMMISSION RECOMMENDATION**

On June 3, 2020, staff presented the draft ADU Ordinance at public hearings of the Historic District Commission and the Planning Commission. Both Commissions voted to recommend approval of the new ADU Ordinance, but with the following recommendations listed below. The Commission making the recommendation is noted in parentheses at the end of each one.

- Revise Section 17.105.160 to limit height to 16 feet in Historic District (HDC).
- Revise Sections 17.105.070 and 17.105.080 to limit the height of detached and attached ADUs to 16 feet unless the State indicates that the City can either increase setbacks or exercise discretion for those ADUs that are taller than 16 feet (PC).
- Revise Section 17.105.150 to expand on the design standards for the screening the staircase landing (HDC and PC).
- Revise Subsection 17.105.140(L) to apply impact fees proportionately to ADUs greater than 750 sq. ft. (HDC and PC).

- Revise Section 17.105.020 and 17.105.150 to remove language defining and encouraging universal design language (PC).
- Revise Section 17.105.110(I) to require separate addresses for all ADUs not just on detached ADUs (PC).
- Ensure that City follows the recently adopted Tree Preservation Ordinance for ADU that may affect protected trees (PC).
- Revise Section 17.105.160(c) to add language that staff shall make a determination that utilities are sufficient to serve the ADU (HDC).

Based on these recommendations staff revised the ordinance that is attached to this report. Specifically, staff limited the height of ADUs citywide, including the Historic District, to 16 feet. Any ADU taller than 16 feet would be subject to City's standard design review process as set forth in Chapter 17.06 (Design Review) of the FMC and in Section 17.52.300 (Design Review) for those projects in the Historic District. So, under the requirements of those code sections, ADUs taller than 16 feet located in the Historic District would go before the Historic District Commission for review and approval. ADUs taller than 16 feet in the rest of the city would be subject to Community Development Department (CDD) Director-level review, which involves public noticing and a Director hearing. An appeal of the CDD Director decision would go to the Planning Commission. In addition, staff has included design standards not only for ADUs greater than 800 square feet, but also for those taller than 16 feet, which serve as guide for staff and the Commissions in reviewing taller ADUs with respect to privacy, massing, and neighborhood compatibility. Please note that in only very limited situations under State law can the CDD Director or either Commission ever impose standards which would reduce the size of an ADU to less than 800 square feet or less than 16 feet or impose on such an ADU setbacks of more than four feet.

In addition, staff has revised the design standard related to screen staircase landings to ensure that the height of the screening extends to the top of the ADU entry to protect privacy and that the color and materials match those of the ADU. Staff also updated the ordinance to remove the universal design language. Instead, staff will include information on universal design in the forthcoming ADU Design Workbook, which will serve as a helpful guide to homeowners, designers and contractors planning to design and build an ADU. The address requirement has revised as well to include addresses for both attached and detached ADUs. If one ADU is present then the address would be the same as the address of the primary residence but with a ½ following it (i.e., 50½ Natoma Street). If more than one ADU is present then the address would be followed by an A, B, etc. for each ADU (i.e., 50 Natoma Street Unit A, 50 Natoma Street Unit B).

While the City does not currently charge impact fees for ADUs, staff had originally proposed limiting impact fees charges to just those instances where the addition of an ADU resulted in a requirement for larger water, sewer or drain pipes. The concept was to reduce impact fees since staff hopes to use ADUs as one way of addressing the City's Regional Housing Needs Allocation (RHNA) for the upcoming Housing Element. However, the Commissions were concerned about insufficient funding for future infrastructure improvements and recommended that staff retain the ability to assess impact fees on larger ADUs. As a result,

staff revised the impact fee language so that the City can apply impact fees proportionately to ADUs larger than 750 square feet as allowed under State law. Staff also made some additional edits to improve organization and readability of the ordinance, but no major substantive changes were made beyond what was listed above.

Staff did not revise the Ordinance to include provisions in the Tree Preservation Ordinance (Chapter 12.16 of the FMC) as those requirements already apply to development projects including ADUs. Staff also did not revise the Ordinance to add language that staff shall make a determination that utilities are sufficient to serve the proposed ADU. The reasons this change was not made are: 1) this could be interpreted as discretionary review, which is prohibited under State law for ADUs that are 800 square feet or less and 16 feet tall or less; 2) this requirement could result in violation of the required 60-day review for an ADU; and 3) Government Code Section 65852.2(a)(1)(A) already grants jurisdictions the authority to designate certain areas for ADUs and exclude other areas when water and sewer services are not present or inadequate and when ADUs might create an impact to traffic flow and public safety. Staff is not aware of conditions that exist or data available that would support a ban on development of ADUs. The City, as part of the building permit process, can require the property owner to repair or increase the pipe size to ensure utility service to the property to accommodate the ADU in accordance with the requirements of the FMC.

### **FINANCIAL IMPACT**

No financial impact is anticipated as a result of adoption of the new ordinance. The City is permitted under the new laws to charge processing fees to cover the cost for review of Accessory Dwelling Unit applications. With regard to impacts on City infrastructure, the draft ADU Ordinance allows the City to charge impact fees that are proportional to the size of the ADU compared to the size of the primary residence.

### **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 65852.2 of the Government Code (the state ADU law). The ordinance implements Government Code Section 65852.2 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. 1306 - An Ordinance Amending Certain Sections in Chapter 17.52 and Repealing and Re-Enacting Chapter 17.105 of the Folsom Municipal Code Pertaining to Accessory Dwelling Units
2. Redline of Ordinance with Changes Approved by City Council on June 23, 2020

Submitted,



Pam Johns, Community Development Director



## Attachment 1.

Ordinance No. 1306 - An Ordinance Amending Certain Sections in Chapter 17.52 and Repealing and Re-Enacting Chapter 17.105 of the Folsom Municipal Code Pertaining to Accessory Dwelling Units

**ORDINANCE NO. 1306**

**AN ORDINANCE AMENDING CERTAIN SECTIONS IN CHAPTER 17.52  
AND REPEALING AND RE-ENACTING CHAPTER 17.105 OF THE  
FOLSOM MUNICIPAL CODE PERTAINING TO  
ACCESSORY DWELLING UNITS**

The City Council of the City of Folsom hereby does 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, including but not limited to AB 68, AB 139, AB 587, AB 670, AB 671, AB 881, and SB 13 adopted during the 2018-2019 legislative session.

**SECTION 2 AMENDMENT TO CODE**

Section 17.52.490 of the Folsom Municipal Code is hereby amended to read as follows:

17.52.490 Accessory dwelling units.

Accessory Dwelling Units shall comply with the standards set forth in Chapter 17.105.

**SECTION 3 AMENDMENT TO CODE**

Section 17.52.500 of the Folsom Municipal Code is hereby amended to read as follows:

17.52.500 Second units.

For the purposes of this chapter, a second unit shall be referred to as Accessory Dwelling Units and shall comply with the standards set forth in Chapter 17.105. In addition, Accessory Dwelling Units larger than 800 square feet or taller than 16 feet must comply with the design standards set forth in Section 17.105.150 (All Zones – Design Standards) and Section 17.105.160 (Historic District Zones – Design Standards), as applicable.

**SECTION 4 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 Accessory Dwelling Units Subject to Mandatory Approval**
- 17.105.050 Accessory Dwelling Units in the Historic District**
- 17.105.060 Limitation on Unit Combinations in Single-Unit Zones**
- 17.105.070 Single-Unit Zones: Detached Accessory Dwelling Unit**
- 17.105.080 Single-Unit Zones: Attached Accessory Dwelling Unit**
- 17.105.090 Single-Unit Zones: Junior Accessory Dwelling Unit**
- 17.105.100 Two-Unit and Multi-Unit Zones**
- 17.105.110 Additional Standards Applicable to Attached and Detached Units**
- 17.105.120 Additional Standards Applicable to Converted Accessory Dwelling Units**
- 17.105.130 Standards Applicable to Junior Accessory Dwelling Units**
- 17.105.140 Additional Standards Applicable to All Accessory Dwelling Units**
- 17.105.150 All Zones - Design Standards**
- 17.105.160 Historic District Zones – Design Standards**
- 17.105.170 Permits and Action on an Application**

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

A. Purpose. This Chapter establishes regulations and procedures for reviewing and permitting Accessory Dwelling Units and Junior Accessory Dwelling Units through a ministerial process consistent with Government Code Sections 65852.2 and 65852.22.

B. Applicability. Any construction, establishment, alteration, enlargement, or modification of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit shall comply with the requirements of this Chapter and the City's Building and Fire Codes. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit that conforms to the standards of this Chapter shall not be:

1. Deemed to be inconsistent with the General Plan designation and zone for the parcel on which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.
2. Deemed to exceed the allowable density for the parcel on which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.
3. Considered in the application of any City ordinance, policy, or program to limit residential growth.

4. Required to correct a nonconforming zoning condition as defined in Chapter 17.02 (Definitions). This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

C. Where Permitted. Accessory Dwelling Units are allowed on parcels zoned for single-unit, two-unit, or multi-unit residential uses where such parcel includes a proposed or existing dwelling.

### **17.105.020 Definitions**

A. "Accessory Dwelling Unit." A residential dwelling unit that is either attached to or located within a proposed or existing primary dwelling or is detached from the proposed or existing primary dwelling and located on the same parcel as the proposed or existing primary dwelling. An Accessory Dwelling Unit provides complete independent living facilities for one or more persons and includes a separate exterior entrance in addition to permanent provisions for living, sleeping, eating, cooking (including a sink), and a bathroom. Accessory Dwelling Units include efficiency units, as defined in Section 17958.1 of the Health and Safety Code, and manufactured homes, as defined in Section 18007 of the Health and Safety Code.

B. "Accessory Structure." A structure that is accessory and incidental to a dwelling located on the same parcel.

C. "Car Share." 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. "Efficiency Kitchen." Defined for purposes of establishing a Junior Accessory Dwelling Unit as a cooking facility that includes all of the following:

1. A sink with a drain.
2. A cooking facility with appliances.
3. A food preparation counter.
4. Food storage cabinets.

E. "Independent Living Facilities." A residential dwelling unit having permanent provisions for living, sleeping, eating, cooking, and sanitation.

F. "Living Area." The interior habitable area of a dwelling unit, including habitable basements and attics, but does not include a garage or any accessory structure.

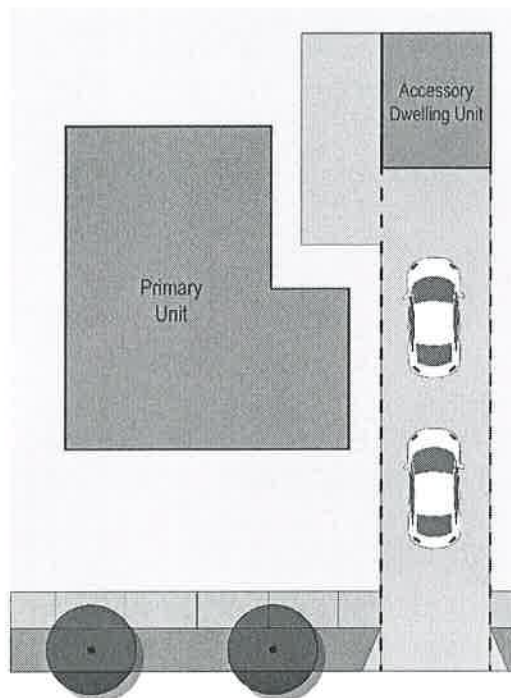
G. "Passageway." A pathway that extends from a street or alley to one entrance of the accessory dwelling unit.

H. "Public Transit." 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.

I. "Single-unit, Two-unit, and Multi-unit." Means the same, respectively, as single-family, duplex, and multi-family residential units.

J. "Tandem Parking." 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 is created as a result of new construction which is attached to an existing or proposed primary dwelling, such as through a shared wall, floor, or ceiling. An Attached Accessory Dwelling Unit can also be constructed within an existing or proposed primary dwelling.

B. Detached. An Accessory Dwelling Unit that is created in whole or in part from newly constructed space that is detached or separated from the primary dwelling. The Detached Accessory Dwelling Unit shall be located on the same parcel as the proposed or existing primary dwelling. Detached includes a second-story addition above an existing detached garage.

C. Converted. An Accessory Dwelling Unit that meets the following requirements:

1. Is located within the proposed or existing primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to studio, pool house, detached garage, or other similar structure. Such conversion may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure if the expansion is for the sole purpose of accommodating ingress and egress to the converted structure.

2. The proposed conversion of a structure into an Accessory Dwelling Unit that does not satisfy the requirements of Subsection 1 above shall either be defined by the Director as an Attached Accessory Dwelling Unit, a Detached Accessory Dwelling Unit, or a Junior Accessory Dwelling Unit, or shall be defined as an accessory structure and not an Accessory Dwelling Unit.

D. Junior Accessory Dwelling Unit. An Accessory Dwelling Unit that is a unit that meets all the following:

1. Is no more than 500 square feet in size and contained entirely within a single-unit primary dwelling. A Junior Accessory Dwelling Unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

2. Is located and contained entirely within a proposed single-unit primary dwelling or entirely within an existing single-unit primary dwelling.

3. Has a separate entrance from the main entrance to the proposed or existing single-unit dwelling.

4. Has a bathroom that is either shared with or separate from those of the primary dwelling.

5. Includes an efficiency kitchen.

#### **17.105.040 Accessory Dwelling Units Subject to Mandatory Approval**

The City shall approve any application for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit as described in this Section, provided all requirements applicable for the particular application in this Chapter are met. However, in no case shall the application of the requirements of this Chapter preclude the development of:

A. Any Accessory Dwelling Unit that is 800 square feet or smaller in size, has a peak height above grade of no more than 16 feet, and has a minimum four-foot-wide side and rear yard setbacks; and

B. Any Junior Accessory Dwelling Unit that is 500 square feet or smaller in size.

**17.105.050 Accessory Dwelling Units in the Historic District**

Within the City’s Historic District or within any historic district zone, the City shall approve any application for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit as described in this Chapter, provided all applicable requirements of this Chapter, and specifically Section 17.105.160, are met. However, in no case shall the application of the requirements of this Chapter, and Section 17.105.160 specifically, preclude the development of any Detached or Attached Accessory Dwelling Unit that is 800 square feet or smaller in size, has a peak height above grade of 16 feet or lower, and has minimum four-foot side and rear yard setbacks.

**17.105.060 Limitation on Unit Combinations in Single-Unit Zones**

Accessory Dwelling Units are permitted in single-unit zones with an existing or proposed single-unit dwelling as long as the number does not exceed either:

- A. One Attached Accessory Dwelling Unit within the existing or proposed space of a single-family dwelling or accessory structure, plus one Junior Accessory Dwelling Unit; or
- B. One Detached Accessory Dwelling Unit which does not have less than four-foot side and rear yard setbacks, does not exceed a height limit of 16 feet, and is no more than 800 square feet in total floor area, plus one Junior Accessory Dwelling Unit.

**17.105.070 Single-Unit Zones: Detached Accessory Dwelling Unit**

A. Generally. One Detached Accessory Dwelling Unit of new construction shall be allowed on a parcel with an existing or proposed single-unit dwelling if it meets all the following requirements:

- 1. Location. Is detached from the primary dwelling.
- 2. Size. At a minimum meets the requirements of an efficiency unit and at a maximum shall not exceed 850 square feet if it has no more than one bedroom or 1,000 square feet if it has two or more bedrooms.
- 3. Setbacks. Has a front yard setback that is not less than the required front yard setback of the primary structure, has side and rear setbacks of at least four feet, and complies with applicable building and fire codes.
- 4. Height. Does not exceed a height of 16 feet, excepting the creation of a Converted Accessory Dwelling Unit within the existing space of an existing detached accessory structure.

B. Setback and Height Limitations.

- 1. Historic District. In the Historic District, any proposed Detached Accessory Dwelling Unit that exceeds a height of 16 shall be subject to review by the Historic District Commission in compliance with the provisions of Sections 17.52.300 through 17.52.350, inclusive.

2. All Other Locations. Any proposed Detached Accessory Dwelling Unit that exceeds a height of 16 feet shall be subject to review by the Community Development Director in compliance with Section 17.06.040.

3. Limitation on Height Over 16 feet. In no event shall any Detached Accessory Dwelling Unit in the Historic District exceed 25 feet in height or the height of the existing primary dwelling, whichever is less. For any property outside of the Historic District, in no event shall any Detached Accessory Dwelling Unit exceed 30 feet in height or the height of the existing primary dwelling, whichever is less.

4. Increased Setbacks for Structures Over 16 Feet in Height. Notwithstanding the setback standards in Subsection 17.105.070(A), any Detached Accessory Dwelling Unit over 16 feet must comply with the design standards set forth in Sections 17.105.150 and 17.105.160 for an Accessory Dwelling Unit in the Historic District, or Section 17.105.150 for an Accessory Dwelling Unit located outside of the Historic District.

#### **17.105.080 Single-Unit Zones: Attached Accessory Dwelling Unit**

A. Generally. One Attached Accessory Dwelling Unit shall be allowed on single-unit parcels if it meets all the following requirements:

1. Location. Shares at least one common wall with the primary structure.

2. Size. At a minimum meets the requirements of an efficiency unit, and at a maximum does not exceed 850 square feet if it has no more than one bedroom or 1,000 square feet if it has two or more bedrooms. Subject to the foregoing maximum size limitation, if there is an existing primary dwelling, the total floor area of an Attached Accessory Dwelling Unit shall not exceed 50 percent of the existing primary dwelling or 800 square feet, whichever is greater.

3. Setbacks. Has a front yard setback of at least 20 feet, has side and rear setbacks of at least four feet, and complies with applicable building and fire codes.

4. Height. Does not exceed a height of 16 feet, excepting the creation of a Converted Accessory Dwelling Unit within the existing space of the primary dwelling.

5. Access. Has exterior access that is separate from the proposed or existing single-unit dwelling.

B. Setback and Height Limitations.

1. Historic District. In the Historic District, any proposed Attached Accessory Dwelling Unit that exceeds a height of 16 shall be subject to review by the Historic District Commission in compliance with the provisions of Sections 17.52.300 through 17.52.350, inclusive.

2. All Other Locations. Any proposed Attached Accessory Dwelling Unit that exceeds a height of 16 feet shall be subject to review by the Community Development Director in compliance with Section 17.06.040.



3. Limitation on Height Over 16 feet. In no event shall any Attached Accessory Dwelling Unit in the Historic District exceed 25 feet in height or the height of the existing primary dwelling, whichever is less. For any property outside of the Historic District, in no event shall any Attached Accessory Dwelling Unit exceed 30 feet in height or the height of the existing primary dwelling, whichever is less.

4. Attached to Primary Dwelling. Any Attached Accessory Dwelling Unit over 16 feet in height that is attached to a primary dwelling shall conform to the setback and height standards for the zone in which the Accessory Dwelling Unit is located.

5. Attached to an Existing Accessory Structure. Any Attached Accessory Dwelling Unit over 16 feet in height—inclusive of the structure to which it is attached—that is built on top of an existing accessory structure, such as a garage, may maintain the same side and rear setbacks as that of the accessory structure unless the Accessory Dwelling Unit cannot meet the design standards set forth in Sections 17.105.150 and 17.105.160 for an Accessory Dwelling Unit in the Historic District, or in Section 17.105.150 for an Accessory Dwelling Unit located outside of the Historic District.

#### **17.105.090 Single-Unit Zones: Junior Accessory Dwelling Unit**

One Junior Accessory Dwelling Unit shall be allowed on a parcel with a proposed or existing single-unit dwelling, if the Junior Accessory Dwelling Unit meets all the following requirements:

A. Location. Is within the proposed space of a single-unit dwelling or within the existing space of a single-unit dwelling.

B. Size. At a minimum meets the requirements of an efficiency unit and at a maximum does not exceed 500 square feet.

C. Setbacks. No adjustment to the existing setback is required for an existing living area that is converted to a Junior Accessory Dwelling Unit; however, the Junior Accessory Dwelling Unit must comply with applicable fire and building codes.

D. Access. Has exterior access that is independent of that for the proposed or existing single-unit dwelling.

E. Additional Requirements. The Junior Accessory Dwelling Unit shall comply with the requirements of Section 17.105.130.

#### **17.105.100 Two-Unit and Multi-Unit Zones**

Accessory Dwelling Units are permitted in two-unit and multi-unit zones as follows:

A. Converted Spaces within a Multi-Unit Development. At least one Accessory Dwelling Unit shall be allowed on a parcel with an existing two-unit or multi-unit structure or structures used for residential use if each Accessory Dwelling Unit meets all the following requirements:

1. Location. Is converted from portions of a multi-unit structure that is 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. Number. The total number of Accessory Dwelling Units within the development does not exceed 25 percent 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. Detached. Up to two Detached Accessory Dwelling Units shall be allowed on a parcel where a multi-unit structure exists if each of the Detached Accessory Dwelling Units meets all the following requirements:

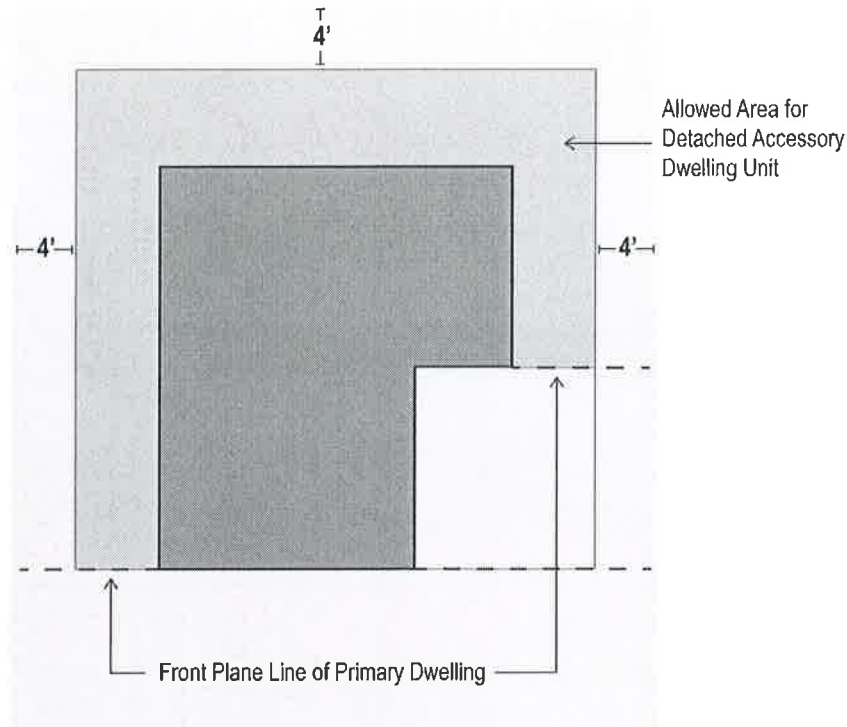
1. Location. Is detached from the multi-unit structure.
2. Height. Has a peak height above grade of 16 feet or less.
3. Setbacks. Has side and rear yard setbacks of at least four feet and complies with applicable building and fire codes.

#### **17.105.110 Additional Standards Applicable to Attached and Detached Units**

The following standards shall apply to all Attached and Detached Accessory Dwelling Units in all zones that allow single-family unit, two-unit, and multi-unit dwellings. However, in no event shall these provisions preclude an Accessory Dwelling Unit that is 800 square feet or smaller in size, has a peak height above grade of 16 feet or lower, and has minimum four-foot side and rear yard setbacks.

A. Location. Every part of a Detached Accessory Dwelling Unit shall be located behind the front plane of the primary dwelling.

## Location of Detached Accessory Dwelling Unit



B. Corner Lots. No Accessory Dwelling Unit shall extend beyond a four-foot interior and street-side side yard setback, and in no case shall the Accessory Dwelling Unit break the front plane of the primary dwelling.

C. Easements. The Accessory Dwelling Unit shall not encroach onto a recorded easement.

D. Separation. Detached Accessory Dwelling Units shall be located at least six feet from the primary dwelling or an accessory structure on the same parcel other than a fence or a wall.

E. Parcel Coverage. For any Attached or Detached Accessory Dwelling Unit that is larger than 800 square feet, the parcel coverage standard and pervious surface standard, if applicable, for the zone in which it is located shall apply.

F. Rear Yard Coverage. Notwithstanding the standards in Subsection 17.105.110(E), the area covered by an Accessory Dwelling Unit shall not exceed forty percent (40%) of the rear yard or at least 800 square feet, whichever is greater.

G. Open Space. Accessory Dwelling Units shall not encroach into required open space areas.

H. Kitchen. An applicant may choose to include an efficiency kitchen as defined in Subsection 17.105.020(D) to satisfy the cooking requirement for any Accessory Dwelling Unit as set forth in the definition in Subsection 17.105.020(A).

I. Utilities. 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. Any utility charges or fees must be consistent with California Government Code Section 65852.2.

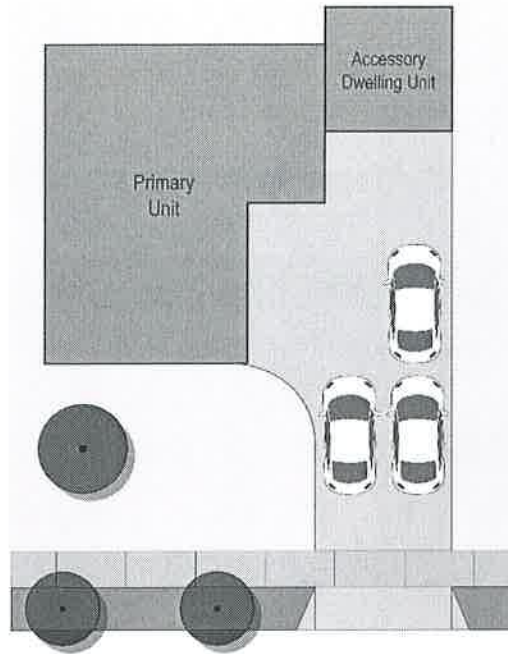
J. Addressing.

1. An Accessory Dwelling Unit located on a parcel with a single-unit residence must have its own address. The address shall be the same address as the primary residence but with ½ following the residence number. For example: 50 ½ Natoma Street, Folsom, CA 95630 would be the address for the Accessory Dwelling Unit at 50 Natoma Street. If more than one Accessory Dwelling Unit, including Junior Accessory Dwelling Units, is present, then the address shall be the same as the primary residence followed by Unit A, Unit B, or Unit C, etc. For example, 50 Natoma Street Unit A and Natoma 50 Natoma Street Unit B would be the addresses for each of the two Accessory Dwelling Units located at 50 Natoma Street. The primary residence address will remain the same.

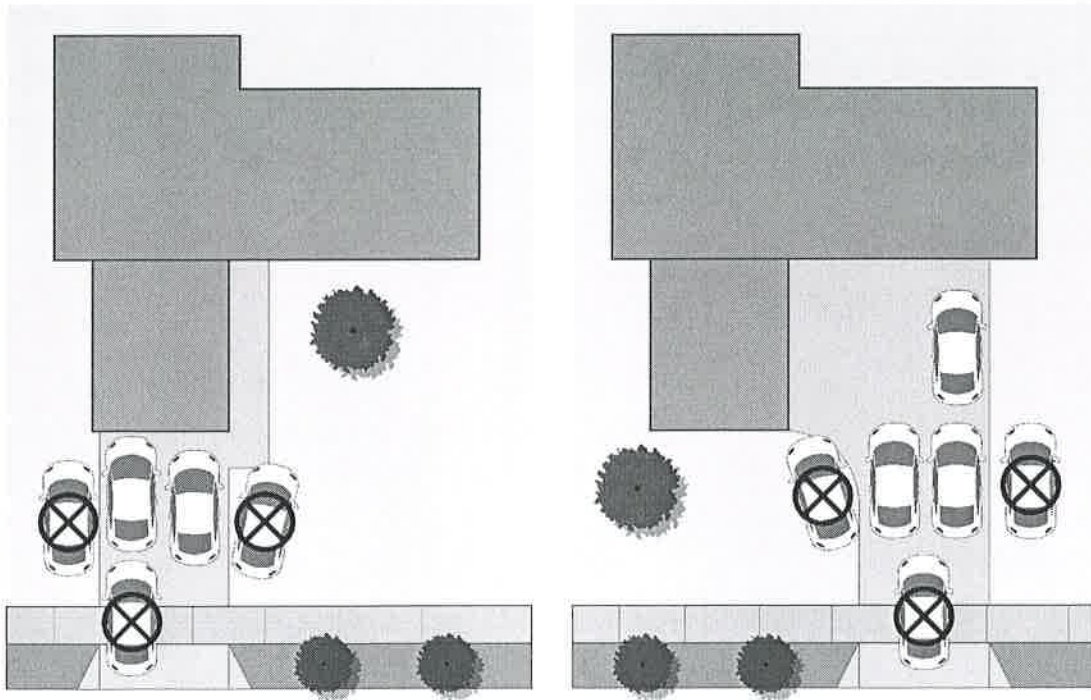
2. For multi-family developments with Accessory Dwelling Units, an individual unit number will be assigned to each unit such as Unit 58, etc.

K. Parking. One off-street parking space is required for each Attached and Detached Accessory Dwelling Unit. The parking requirement for an Attached or Detached Accessory Dwelling Unit shall be in addition to the parking requirement for the existing residence on the property. This space may be provided as tandem parking, including on a paved driveway. Notwithstanding the requirements of Section 17.57.040 (Off-Street Parking Requirements), no parking shall be permitted in the front yard other than on the paved driveway. The parking must be located on site and accessible by a paved pathway. Additional paving of the front driveway shall be subject to the requirements of Section 10.20.470 (Parking on lawns and yards) and, if located in the Historic District, may be subject to additional front yard landscaping requirements. Parking spaces may also be provided through a mechanical vehicle parking lift if located in an enclosed parking garage.

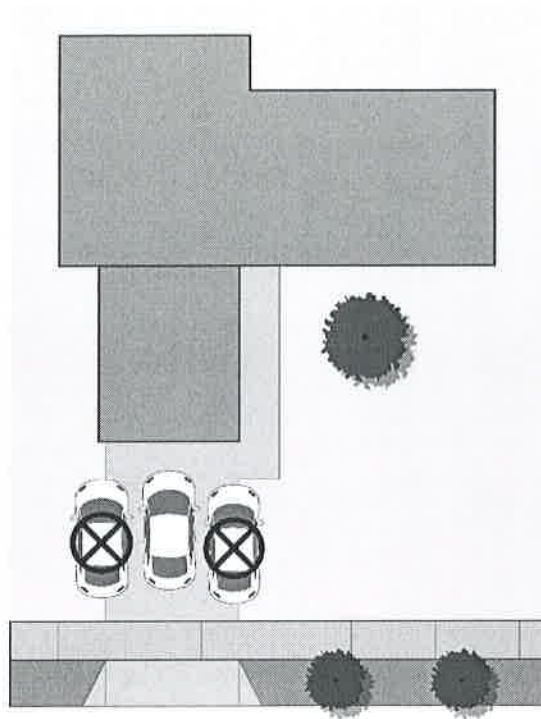
**Acceptable Location of Parking for  
Attached and Detached Accessory Dwelling Units**



**Prohibited Locations for Parking**



## Prohibited Locations for Parking (continued)



1. Replacement. When a garage, carport, parking space, or covered parking structure providing required parking for the primary residence or residences is demolished to allow for the construction of an Accessory Dwelling Unit or is converted to an Accessory Dwelling Unit, those off-street parking spaces are not required to be replaced.

2. Additional parking for an Accessory Dwelling Unit is not required in the following instances:

- a. The Accessory Dwelling Unit is located within one-half mile walking distance of public transit, as defined in Section 17.105.020, including transit stations and bus stations.
- b. The Accessory Dwelling Unit is located within the Historic District.
- c. When on-street parking permits are required by the City but not offered to the occupant of the Accessory Dwelling Unit.
- d. When there is a car share vehicle located within one block of the Accessory Dwelling Unit.

### **17.105.120 Additional Standards Applicable to Converted Accessory Dwelling Units**

The following standards apply only to Converted Accessory Dwelling Units. However, in no event shall these provisions preclude a converted Accessory Dwelling Unit that is 800 square

feet or smaller in size, has a peak height above grade of 16 feet or lower, and has minimum four-foot side and rear yard setbacks.

A. Size. At a minimum meets the requirements of an efficiency unit and at a maximum shall not exceed 850 square feet if it has no more than one bedroom or 1,000 square feet if it has two or more bedrooms.

B. Height. The height of the existing structure being converted to an Accessory Dwelling Unit shall not be increased.

C. Design Standards. No design standards shall be applied.

D. Setbacks. No new setback is required for an existing living area or accessory structure that is converted to an Accessory Dwelling Unit or a portion of an Accessory Dwelling Unit that has the same dimensions as the existing structure. The only exception is if up to an additional 150 square feet is necessary to allow for ingress and egress (entry and exiting). In that case, the side and rear setbacks may be reduced to no less than four feet from the property line. If the setback is reduced, the Accessory Dwelling Unit must still comply with applicable building and fire codes.

E. Utilities. A Converted Accessory Dwelling Unit is not required to have a new or separate utility connection directly between the Accessory Dwelling Unit and the utility, nor is a connection fee or capacity charge required. The applicant may voluntarily install a new or separate utility connection. Any utility charges or fees shall be consistent with Government Code Section 65852.2.

F. Parking. No replacement of off-street parking is required when a garage, carport, or covered parking structure is converted to an Accessory Dwelling Unit. In all other situations where off-street parking is required for a converted Accessory Dwelling Unit, the parking requirement shall not exceed 1 parking space per converted Accessory Dwelling Unit or per bedroom, whichever is less. The off-street parking spaces may be provided as tandem parking on a driveway or in rear yard setback areas on a paved surface, provided such paved area can be easily accessed via the driveway or an alley. No parking shall be permitted in the front yard other than on the paved driveway. Parking spaces may also be provided through a mechanical vehicle parking lift if located in an enclosed parking garage. Notwithstanding the foregoing, replacement or additional parking shall not be required for Converted Accessory Dwelling Units in instances described in Section 17.105.110(H).

### **17.105.130 Standards Applicable to Junior Accessory Dwelling Units**

The following shall apply to all Junior Accessory Dwelling Units:

A. Location. The Junior Accessory Dwelling Unit shall be located entirely within a proposed single-unit primary dwelling or entirely within an existing single-unit primary dwelling.

B. Size. The total area of floor space for a Junior Accessory Dwelling Unit shall not exceed 500 square feet.

C. Access: Access shall consist of a separate entrance from the main entrance to the proposed or existing single-unit primary dwelling.

D. Efficiency Kitchen. The Junior Accessory Dwelling Unit shall include an efficiency kitchen.

E. Utilities. A Junior Accessory Dwelling Unit shall not be considered a separate or new dwelling unit for the purposes of calculating connection fees or capacity charges for utilities, including water, sewer, or power service, or impact fees. No new or separate utility connection between the Junior Accessory Dwelling Unit and the utility shall be required. The applicant may voluntarily install a submeter for the Accessory Dwelling Unit. Any utility charges or fees shall be consistent with Government Code Section 65852.2.

F. Parking. No additional off-street parking is required for the Junior Accessory Dwelling Unit.

G. Owner Occupancy Requirements. All Junior Accessory Dwelling Units shall be subject to an owner-occupancy requirement. A person with legal or equitable title to the primary single-unit dwelling shall reside on the property in either the primary dwelling or Junior Accessory Dwelling Unit as that person's legal domicile and permanent residence. However, the owner-occupancy requirement does not apply if the property is entirely owned by a governmental agency, land trust, or non-profit housing organization.

H. Setbacks. No setback is required unless necessary to comply with fire and building codes.

I. Number. The total number of Junior Accessory Dwelling Units is limited to one per residential parcel zoned for single-unit residences with a single-unit residence built, or proposed to be built, on the parcel.

J. Zone. Junior Accessory Dwelling Units are permitted only in single-unit residential zones.

K. 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 primary single-unit property. The form of the deed restriction shall be approved by the City Attorney and shall provide that:

1. The Junior Accessory Dwelling Units shall not be sold separately from the primary dwelling.

2. The Junior Accessory Dwelling Units are restricted to the approved size and other attributes allowed by this Chapter.

3. The deed restriction shall run with the land and shall be enforced against future property owners.



#### **17.105.140 Additional Standards Applicable to All Accessory Dwelling Units**

The following standards shall apply to all Accessory Dwelling Units and Junior Accessory Dwelling Units.

A. Parcel Size and Width. No minimum parcel size or parcel width shall apply to the construction of an Accessory Dwelling Unit.

B. Access. Every Accessory Dwelling Unit shall have direct exterior access independent of the exterior access of the primary dwelling. The entrance to the Accessory Dwelling Unit shall, whenever possible, be located on a different side of the building from the entrance to the primary dwelling unit.

C. 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.

D. Fire Sprinklers. Fire sprinklers are required in an Accessory Dwelling Unit if they are required in the primary dwelling.

E. Septic System. If allowed by the City, 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 years or, if the percolation test has been recertified, within the last 10 years. Such test must demonstrate the ability of the site to accommodate waste discharge associated with the Accessory Dwelling Unit.

F. Permanent Foundations.

1. All Accessory Dwelling Units shall be permanently attached to a permanent foundation.
2. A recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, or boat shall not be used as an Accessory Dwelling Unit.

G. Design. The design standards set forth in Section 17.105.160 shall apply to all Accessory Dwelling Units in the Historic District, and the standards set forth in Section 17.105.150 shall apply to all Accessory Dwelling Units in other parts of the City. Design standards do not apply to Converted Accessory Dwelling Units.

H. Nonconforming Conditions. The correction of a physical improvement on a property that does not conform with the City's current zoning standards is not required in order to establish an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit on a parcel with a primary dwelling.

I. No Separate Conveyance. No Accessory Dwelling Unit may be sold or otherwise conveyed separately from the primary dwelling in the case of a single-unit parcel, or from the parcel and all of the dwellings in the case of a multi-unit parcel.

J. Rental Term. The Accessory Dwelling Unit may be rented separate from the primary residence; however, the rental must be for a term longer than 30 days.

K. Owner Occupancy Requirements.

1. Established before January 1, 2025. Accessory Dwelling Units established before January 1, 2025 shall not be subject to any owner-occupancy requirement, except as required for Junior Accessory Dwelling Units.

2. Established on or after January 1, 2025. Accessory Dwelling Units shall be subject to an owner-occupancy requirement. A person with legal or equitable title to the primary single-unit dwelling shall reside on the property in either the primary unit or the Accessory Dwelling Unit as that person's legal domicile and permanent residence.

3. Junior Accessory Dwelling Units. Junior Accessory Dwelling Units established at any time shall be subject to the owner-occupancy requirement in Section 17.105.130.

L. Impact Fees.

1. No City-imposed impact fees shall be charged to an Accessory Dwelling Unit that is less than 750 square feet in size.

2. For Accessory Dwelling Units 750 square feet or larger, 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 primary dwelling, divided by the floor area of the Accessory Dwelling Unit, times the typical fee amount charged for a new dwelling).

3. For the purposes of this Subsection, impact fees do not include any connection fee or capacity charge for water or sewer service, nor do they include charges for garbage or recycling service.

4. 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.

**17.105.150 All Zones - Design Standards**

For all Accessory Dwelling Units that are larger than 800 square feet or taller than 16 feet, except for Converted Accessory Dwelling Units, the following design standards shall apply. The City's Accessory Dwelling Unit Design Workbook provides illustrated examples of these design standards and styles, as well as other design ideas.

A. All exterior walls shall include at least two different materials, as well as either windows or projections or bays or recessed elements.

B. The Accessory Dwelling Unit shall have the same roof pitch as the primary dwelling with matching eave details but may vary by up to 2/12 more or 2/12 less than the roof pitch of the primary dwelling. 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.

C. Where the Accessory Dwelling Unit is two stories or constructed as the second story of a garage or other accessory structure, to maintain privacy of the occupants of the unit and residents of abutting properties, the following standards shall apply:

1. Any second story wall facing an abutting property shall incorporate the following features: translucent glazed windows, transom windows, clerestory windows, false windows, or other similar design approach that achieves the same purpose.

2. The landing area of any external staircase shall be screened from the bottom of the landing to the top of the entry of the Accessory Dwelling Unit to maintain the privacy of abutting properties. Materials used to screen the landing shall be of the same color and material as those used for the Accessory Dwelling Unit.

D. If the Accessory Dwelling Unit is two stories or constructed as the second story of a garage or other accessory structure, the building massing shall be modified using one of the following methods:

1. Use of at least two different building materials (e.g., stone, shingles, siding, stucco, etc.).

2. Use of recessed or projecting windows, doors, or parts of the wall to avoid flat monotonous facades. Recessed windows and doors shall project a minimum of six inches or shall be recessed a minimum of six inches. Any projection must be behind the parcel side or rear yard setback line.

3. Use of cantilevered areas so long as area does not extend beyond the side or rear yard setback.

4. Use of varied roof form such as a mix of different roof types (e.g., hipped, gabled, slant, etc.).

E. If the Accessory Dwelling Unit is two stories or constructed as the second story of a garage or other accessory structure, no decks or balconies shall be allowed, except that one balcony no larger than 20 square feet shall be allowed on the front façade.

F. For any Accessory Dwelling Unit that is two stories or constructed as the second story of a garage or other accessory structure, if any external staircase is necessary to access the unit, that staircase shall be located at the side or rear of the unit and shall be at least five feet from the adjacent property line.

#### **17.105.160 Historic District Zones – Design Standards**

A. In addition to the provisions of Section 17.105.150, the following objective design standards shall apply to all Accessory Dwelling Units located in a Historic District zone that are larger than 800 square feet or greater than 16 feet in height, except for Converted Accessory Dwelling Units. The City's Accessory Dwelling Unit Design Workbook provides illustrated examples of the Historic District design styles and standards.

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 appropriate 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. Craftsman, Queen Anne, Delta, Italianate, Spanish Eclectic: Acceptable in all historic district zones and subareas.

2. 1950s Ranch Style and Contemporary Style: Only acceptable in the Persifer-Dean subarea and The Preserve subarea.

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

1. Craftsman Style

- a. A roof pitch between 3/12 and 8/12.
- b. Front-gabled, side-gabled or cross-gabled roof with unenclosed eave overhang.
- c. Exposed roof rafters and/or braces under gables (i.e., knee braces or corbels).
- d. Single- or double-hung sash windows with small panes above large pane (e.g., 3 small panes over 1 large pane, or 6-over-1 window) for all windows on the front elevation.
- e. Horizontal clapboard or shingle siding that is two and one-half to six inches wide or board and batten or a mix of shingles, stone, and siding for different levels or elements may be used. Fiber cement board and shingles may be used in place of wood siding or shingles.
- f. Optional: Shed or gabled roof dormer.
- g. Optional: Entry porch under roofline with roof supported by tapered or square columns with square bases that extend to the ground.

2. Queen Anne Style

- a. A steep roof pitch between 8/12 and 18/12.
- b. Hipped roof or gabled roof.
- c. Scalloped shingles with window or vent at end of forward-facing gable.
- d. Vertical rectangular single or double hung windows with small pane above large pane on the front elevation.
- e. Vertical windows must be at least two feet tall for every one foot wide and not more than three and one-half feet tall for every one foot wide, whenever possible.
- f. Horizontal siding that is two and one-half to six inches wide.
- g. Optional: Forward-facing gable.

- h. Optional: Entry porch with narrow columns.
  - i. Optional: Multiple gables and dormers.
  - j. Optional: Angled bay cut-away.
3. Delta Style
- a. Single-front gabled roof.
  - b. Rectangular vent at end of front-facing gable.
  - c. Roof pitch of 6/12 to 12/12.
  - d. Soffited eaves.
  - e. Tall, narrow windows that must be at least two feet tall for every one foot wide, whenever possible, with plain, simple trim measuring no more than three and one-half inches wide surrounding all sides of the window.
  - f. Horizontal clapboard siding two and one-half to six inches wide or board and batten siding. Fiber cement board and shingles may be used in place of wood siding or shingles.
  - g. Optional: Low-pitched porch with rails and with roof supported by narrow square posts that extend to the ground.
4. Italianate Style
- a. Low-pitched hip roof between 3/12 and 6/12.
  - b. Overhanging eaves supported with decorative brackets.
  - c. Large, decorative brackets under an ornamental cornice.
  - d. Paneled wood doors.
  - e. Tall, narrow windows that must be at least two feet tall for every one foot wide, and not more than three feet, six inches tall for every one foot wide, whenever possible.
  - f. Exterior horizontal wood paneling four to six inches wide. Board and batten as well as brick and mortar siding are also acceptable. Fiber cement board and shingles may be used in place of wood siding or shingles.
  - g. Optional: Wrap-around porch (or smaller entry porch) with narrow double columns.
  - h. Optional: Angled bay in front of house.
5. Spanish Eclectic Style (also known as Spanish Revival)
- a. A low-pitched roof between 2/12 and 5/12.
  - b. Roof shall be cross gabled, hipped, or combined hipped-and-gabled roof.
  - c. Maximum roof eave overhang of four inches.

- d. A red or reddish-tiled roof.
  - e. Red or reddish tile vents.
  - f. Recessed doors and windows.
  - g. Heavy wood doors.
  - h. A prominent rounded arch over main door.
  - i. Use of casement windows.
  - j. A prominent rounded arch over primary large window.
  - k. Stucco used on all walls.
  - l. Optional: Uncovered porch.
6. 1950s Ranch Style
- a. Low to intermediate gable roof with a roof pitch between 3/12 and 5/12.
  - b. Front facing gable(s).
  - c. Soffited eaves.
  - d. Optional: Open shutters surrounding windows.
  - e. Smooth stucco or the use of wood shingles or siding or the equivalent (e.g., fiber cement board or shingles), board and batten, stone, and brick and mortar.
  - f. Optional: Small entry porch no greater than 100 square feet.
7. Contemporary Style (from 1950s era)
- a. Flat or slanted roof with pitch of 0/12 to 2/12.
  - b. Cantilevered soffited eaves.
  - c. Stucco, shingle, brick, or horizontal wood siding or the equivalent (i.e., fiber cement shingles or board).
  - d. Horizontal windows flush with wall casement (no recessed windows).
  - e. No greater than two-inch trim around windows.

**17.105.170 Permits and Action on an Application**

A. Ministerial Action. Approval or denial of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit application that complies with the provisions of this Chapter is a ministerial action not subject to discretionary review. The City has the authority to review applications for completeness and compliance with the provisions of this Section.

B. Ministerial Site Plan and Design Review. Prior to submitting a building permit application to construct any Accessory Dwelling Unit or Junior Accessory Dwelling Unit, the property owner shall obtain a Ministerial Site Plan and Design Review Permit from the City. The City shall issue the permit within 60 days from the date that the City received a completed application, unless either:

1. The applicant requests a delay, in which case the 60-day time period is put on hold for the period of the requested delay; or

2. The application to create an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is submitted with an application to create a new single-unit dwelling on the parcel. The City may delay acting on the permit application for the Accessory Dwelling Unit or Junior Accessory Dwelling Unit until the City acts on the permit application to create the new single-unit dwelling, but the application to create the Accessory Dwelling Unit or Junior Accessory Dwelling Unit will still be considered ministerial without discretionary review or a hearing.

C. Building Permit. 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. Applications for Ministerial Site Plan and Design Review and a Building Permit may be submitted concurrently.

D. Accessory Dwelling Units Located within 50 feet of the property line of a Listed Historic Structure. Any Accessory Dwelling Unit proposed for construction on or within 50 feet of the property line of a parcel containing a structure listed on the California Register of Historic Resources shall have a peak height above finished grade of no more than 16 feet.

E. Fees. All applications for Accessory Dwelling Units must be accompanied by the required application fee. Application fees are established by Council resolution.

## **SECTION 5 SCOPE**

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

## **SECTION 6 SEVERABILITY**

If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

**SECTION 7 EFFECTIVE DATE**

This Ordinance shall become effective thirty (30) days from and after its passage and adoption. In lieu of publication of the full text of the Ordinance within twenty (20) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and twenty (20) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to Government Code section 36933(c)(1).

This Ordinance was introduced and the title thereof read at the regular meeting of the City Council on June 23, 2020, and the second reading occurred at the regular meeting of the City Council on July 14, 2020.

On a motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing Ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 14th day of July, 2020 by the following vote, to wit:

- AYES: Council Member(s)
- NOES: Council Member(s)
- ABSENT: Council Member(s)
- ABSTAIN: Council Member(s)

\_\_\_\_\_  
Sarah Aquino, MAYOR

ATTEST:

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



## Attachment 2.

Redline of Ordinance with Changes Approved by City  
Council on June 23, 2020

**REDLINE OF ORDINANCE WITH CHANGES  
APPROVED BY CITY COUNCIL ON JUNE 23, 2020**

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**ORDINANCE NO. 1306**

**AN ORDINANCE AMENDING CERTAIN SECTIONS IN CHAPTER 17.52  
AND REPEALING AND RE-ENACTING CHAPTER 17.105 OF THE  
FOLSOM MUNICIPAL CODE PERTAINING TO  
ACCESSORY DWELLING UNITS**

The City Council of the City of Folsom hereby does 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, including but not limited to AB 68, AB 139, AB 587, AB 670, AB 671, AB 881, and SB 13 adopted during the 2018-2019 legislative session.

**SECTION 2 AMENDMENT TO CODE**

Section 17.52.490 of the Folsom Municipal Code is hereby amended to read as follows:

17.52.490     Accessory dwelling units.

Accessory Dwelling Units shall comply with the standards set forth in Chapter 17.105.

**SECTION 3 AMENDMENT TO CODE**

Section 17.52.500 of the Folsom Municipal Code is hereby amended to read as follows:

17.52.500     Second units.

For the purposes of this chapter, a second unit shall be referred to as Accessory Dwelling Units and shall comply with the standards set forth in Chapter 17.105. In addition, Accessory Dwelling Units larger than 800 square feet or taller than 16 feet must comply with the design standards set forth in Section 17.105.150 (All Zones – Design Standards) and Section 17.105.160 (Historic District Zones – Design Standards), as applicable.

**SECTION 4 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 Accessory Dwelling Units Subject to Mandatory Approval**
- 17.105.050 Accessory Dwelling Units in the Historic District**
- 17.105.060 Limitation on Unit Combinations in Single-Unit Zones**
- 17.105.070 Single-Unit Zones: Detached Accessory Dwelling Unit**
- 17.105.080 Single-Unit Zones: Attached Accessory Dwelling Unit**
- 17.105.090 Single-Unit Zones: Junior Accessory Dwelling Unit**
- 17.105.100 Two-Unit and Multi-Unit Zones**
- 17.105.110 Additional Standards Applicable to Attached and Detached Units**
- 17.105.120 Additional Standards Applicable to Converted Accessory Dwelling Units**
- 17.105.130 Standards Applicable to Junior Accessory Dwelling Units**
- 17.105.140 Additional Standards Applicable to All Accessory Dwelling Units**
- 17.105.150 All Zones - Design Standards**
- 17.105.160 Historic District Zones – Design Standards**
- 17.105.170 Permits and Action on an Application**

**17.105.010 Purpose, Applicability and Where Permitted**

A. Purpose. This Chapter establishes regulations and procedures for reviewing and permitting Accessory Dwelling Units and Junior Accessory Dwelling Units through a ministerial process consistent with Government Code Sections 65852.2 and 65852.22.

B. Applicability. Any construction, establishment, alteration, enlargement, or modification of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit shall comply with the requirements of this Chapter and the City's Building and Fire Codes. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit that conforms to the standards of this Chapter shall not be:

1. Deemed to be inconsistent with the General Plan designation and zone for the parcel on which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.

2. Deemed to exceed the allowable density for the parcel on which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.

3. Considered in the application of any City ordinance, policy, or program to limit residential growth.

4. Required to correct a nonconforming zoning condition as defined in Chapter 17.02 (Definitions). This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

C. Where Permitted. Accessory Dwelling Units are allowed on parcels zoned for single-unit, two-unit, or multi-unit residential uses where such parcel includes a proposed or existing dwelling.

#### **17.105.020 Definitions**

A. "Accessory Dwelling Unit." A residential dwelling unit that is either attached to or located within a proposed or existing primary dwelling or is detached from the proposed or existing primary dwelling and located on the same parcel as the proposed or existing primary dwelling. An Accessory Dwelling Unit provides complete independent living facilities for one or more persons and includes a separate exterior entrance in addition to permanent provisions for living, sleeping, eating, cooking (including a sink), and a bathroom. Accessory Dwelling Units include efficiency units, as defined in Section 17958.1 of the Health and Safety Code, and manufactured homes, as defined in Section 18007 of the Health and Safety Code.

B. "Accessory Structure." A structure that is accessory and incidental to a dwelling located on the same parcel.

C. "Car Share." 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. "Efficiency Kitchen." Defined for purposes of establishing a Junior Accessory Dwelling Unit as a cooking facility that includes all of the following:

1. A sink with a drain.
2. A cooking facility with appliances.
3. A food preparation counter.
4. Food storage cabinets.

E. "Independent Living Facilities." A residential dwelling unit having permanent provisions for living, sleeping, eating, cooking, and sanitation.

F. "Living Area." The interior habitable area of a dwelling unit, including habitable basements and attics, but does not include a garage or any accessory structure.

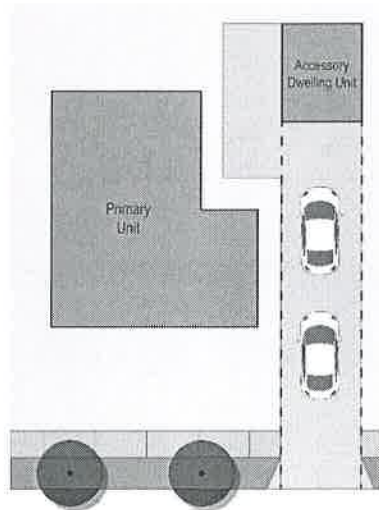
G. "Passageway." A pathway that extends from a street or alley to one entrance of the accessory dwelling unit.

H. "Public Transit." 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.

I. "Single-unit, Two-unit, and Multi-unit." Means the same, respectively, as single-family, duplex, and multi-family residential units.

J. "Tandem Parking." 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 is created as a result of new construction which is attached to an existing or proposed primary dwelling, such as through a shared wall, floor, or ceiling. An Attached Accessory Dwelling Unit can also be constructed within an existing or proposed primary dwelling,~~

B. Detached. An Accessory Dwelling Unit that is created in whole or in part from newly constructed space that is detached or separated from the primary dwelling. The Detached

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Accessory Dwelling Unit shall be located on the same parcel as the proposed or existing primary dwelling. Detached includes a second-story addition above an existing detached garage.

C. **Converted.** An Accessory Dwelling Unit that meets the following requirements:

1. Is located within the proposed or existing primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to studio, pool house, detached garage, or other similar structure. Such conversion may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure if the expansion is for the sole purpose of accommodating ingress and egress to the converted structure.

2. The proposed conversion of a structure into an Accessory Dwelling Unit that does not satisfy the requirements of Subsection 1 above shall either be defined by the Director as an Attached Accessory Dwelling Unit, a Detached Accessory Dwelling Unit, or a Junior Accessory Dwelling Unit, or shall be defined as an accessory structure and not an Accessory Dwelling Unit.

D. **Junior Accessory Dwelling Unit.** An Accessory Dwelling Unit that is a unit that meets all the following:

1. Is no more than 500 square feet in size and contained entirely within a single-unit primary dwelling. A Junior Accessory Dwelling Unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

2. Is located and contained entirely within a proposed single-unit primary dwelling or entirely within an existing single-unit primary dwelling.

3. Has a separate entrance from the main entrance to the proposed or existing single-unit dwelling.

4. Has a bathroom that is either shared with or separate from those of the primary dwelling.

5. Includes an efficiency kitchen.

#### **17.105.040 Accessory Dwelling Units Subject to Mandatory Approval**

The City shall approve any application for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit as described in this Section, provided all requirements applicable for the particular application in this Chapter are met. However, in no case shall the application of the requirements of this Chapter preclude the development of:

A. Any Accessory Dwelling Unit that is 800 square feet or smaller in size, has a peak height above grade of no more than 16 feet, and has a minimum four-foot-wide side and rear yard setbacks; and

B. Any Junior Accessory Dwelling Unit that is 500 square feet or smaller in size.

**17.105.050 Accessory Dwelling Units in the Historic District**

Within the City's Historic District or within any historic district zone, the City shall approve any application for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit as described in this Chapter, provided all applicable requirements of this Chapter, and specifically Section 17.105.160, are met. However, in no case shall the application of the requirements of this Chapter, and Section 17.105.160 specifically, preclude the development of any Detached or Attached Accessory Dwelling Unit that is 800 square feet or smaller in size, has a peak height above grade of 16 feet or lower, and has minimum four-foot side and rear yard setbacks.

**17.105.060 Limitation on Unit Combinations in Single-Unit Zones**

Accessory Dwelling Units are permitted in single-unit zones with an existing or proposed single-unit dwelling as long as the number does not exceed either:

- A. One Attached Accessory Dwelling Unit within the existing or proposed space of a single-family dwelling or accessory structure, plus one Junior Accessory Dwelling Unit; or
- B. One Detached Accessory Dwelling Unit which does not have less than four-foot side and rear yard setbacks, does not exceed a height limit of 16 feet, and is no more than 800 square feet in total floor area, plus one Junior Accessory Dwelling Unit.

**17.105.070 Single-Unit Zones: Detached Accessory Dwelling Unit**

A. Generally. One Detached Accessory Dwelling Unit of new construction shall be allowed on a parcel with an existing or proposed single-unit dwelling if it meets all the following requirements:

- 1. Location. Is detached from the primary dwelling.
- 2. Size. At a minimum meets the requirements of an efficiency unit and at a maximum shall not exceed 850 square feet if it has no more than one bedroom or 1,000 square feet if it has two or more bedrooms.
- 3. Setbacks. Has a front yard setback that is not less than the required front yard setback of the primary structure, has side and rear setbacks of at least four feet, and complies with applicable building and fire codes.
- 4. Height. Does not exceed a height of 16 feet, excepting the creation of a Converted Accessory Dwelling Unit within the existing space of an existing detached accessory structure.

B. Setback and Height Limitations.

- 1. Historic District. In the Historic District, any proposed Detached Accessory Dwelling Unit that exceeds a height of 16 shall be subject to review by the Historic District Commission in compliance with the provisions of Sections 17.52.300 through 17.52.350, inclusive.

2. All Other Locations. Any proposed Detached Accessory Dwelling Unit that exceeds a height of 16 feet shall be subject to review by the Community Development Director in compliance with Section 17.06.040.

3. Limitation on Height Over 16 feet. In no event shall any Detached Accessory Dwelling Unit in the Historic District exceed 25 feet in height or the height of the existing primary dwelling, whichever is less. For any property outside of the Historic District, in no event shall any Detached Accessory Dwelling Unit exceed 30 feet in height or the height of the existing primary dwelling, whichever is less.

4. Increased Setbacks for Structures Over 16 Feet in Height. Notwithstanding the setback standards in Subsection 17.105.070(A), any Detached Accessory Dwelling Unit over 16 feet must comply with the design standards set forth in Sections 17.105.150 and 17.105.160 for an Accessory Dwelling Unit in the Historic District, or Section 17.105.150 for an Accessory Dwelling Unit located outside of the Historic District.

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#### 17.105.080 Single-Unit Zones: Attached Accessory Dwelling Unit

A. Generally. One Attached Accessory Dwelling Unit shall be allowed on single-unit parcels if it meets all the following requirements:

1. Location. Shares at least one common wall with the primary structure.

2. Size. At a minimum meets the requirements of an efficiency unit, and at a maximum does not exceed 850 square feet if it has no more than one bedroom or 1,000 square feet if it has two or more bedrooms. Subject to the foregoing maximum size limitation, if there is an existing primary dwelling, the total floor area of an Attached Accessory Dwelling Unit shall not exceed 50 percent of the existing primary dwelling or 800 square feet, whichever is greater.

3. Setbacks. Has a front yard setback of at least 20 feet, has side and rear setbacks of at least four feet, and complies with applicable building and fire codes.

4. Height. Does not exceed a height of 16 feet, excepting the creation of a Converted Accessory Dwelling Unit within the existing space of the primary dwelling.

5. Access. Has exterior access that is separate from the proposed or existing single-unit dwelling.

B. Setback and Height Limitations.

1. Historic District. In the Historic District, any proposed Attached Accessory Dwelling Unit that exceeds a height of 16 shall be subject to review by the Historic District Commission in compliance with the provisions of Sections 17.52.300 through 17.52.350, inclusive.

2. All Other Locations. Any proposed Attached Accessory Dwelling Unit that exceeds a height of 16 feet shall be subject to review by the Community Development Director in compliance with Section 17.06.040.



3. Limitation on Height Over 16 feet. In no event shall any Attached Accessory Dwelling Unit in the Historic District exceed 25 feet in height or the height of the existing primary dwelling, whichever is less. For any property outside of the Historic District, in no event shall any Attached Accessory Dwelling Unit exceed 30 feet in height or the height of the existing primary dwelling, whichever is less.

4. Attached to Primary Dwelling. Any Attached Accessory Dwelling Unit over 16 feet in height that is attached to a primary dwelling shall conform to the setback and height standards for the zone in which the Accessory Dwelling Unit is located.

5. Attached to an Existing Accessory Structure. Any Attached Accessory Dwelling Unit over 16 feet in height—inclusive of the structure to which it is attached—that is built on top of an existing accessory structure, such as a garage, may maintain the same side and rear setbacks as that of the accessory structure unless the Accessory Dwelling Unit cannot meet the design standards set forth in Sections 17.105.150 and 17.105.160 for an Accessory Dwelling Unit in the Historic District, or in Section 17.105.150 for an Accessory Dwelling Unit located outside of the Historic District.

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#### 17.105.090 Single-Unit Zones: Junior Accessory Dwelling Unit

One Junior Accessory Dwelling Unit shall be allowed on a parcel with a proposed or existing single-unit dwelling, if the Junior Accessory Dwelling Unit meets all the following requirements:

- A. Location. Is within the proposed space of a single-unit dwelling or within the existing space of a single-unit dwelling.
- B. Size. At a minimum meets the requirements of an efficiency unit and at a maximum does not exceed 500 square feet.
- C. Setbacks. No adjustment to the existing setback is required for an existing living area that is converted to a Junior Accessory Dwelling Unit; however, the Junior Accessory Dwelling Unit must comply with applicable fire and building codes.
- D. Access. Has exterior access that is independent of that for the proposed or existing single-unit dwelling.
- E. Additional Requirements. The Junior Accessory Dwelling Unit shall comply with the requirements of Section 17.105.130.

#### 17.105.100 Two-Unit and Multi-Unit Zones

Accessory Dwelling Units are permitted in two-unit and multi-unit zones as follows:

A. Converted Spaces within a Multi-Unit Development. At least one Accessory Dwelling Unit shall be allowed on a parcel with an existing two-unit or multi-unit structure or structures used for residential use if each Accessory Dwelling Unit meets all the following requirements:

1. Location. Is converted from portions of a multi-unit structure that is 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. Number. The total number of Accessory Dwelling Units within the development does not exceed 25 percent 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. Detached. Up to two Detached Accessory Dwelling Units shall be allowed on a parcel where a multi-unit structure exists if each of the Detached Accessory Dwelling Units meets all the following requirements:

1. Location. Is detached from the multi-unit structure.

2. Height. Has a peak height above grade of 16 feet or less.

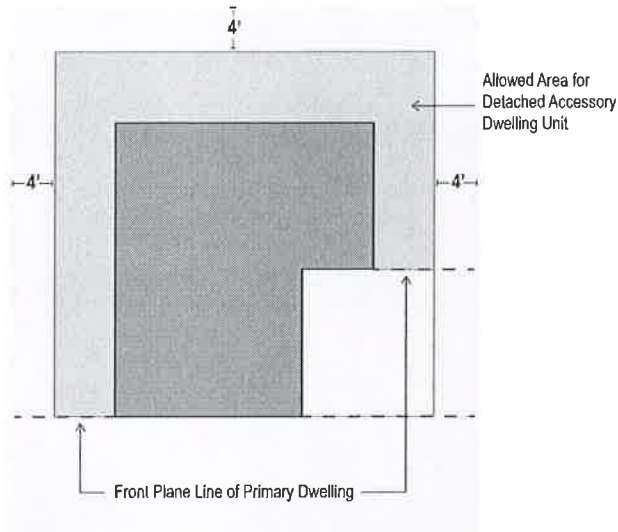
3. Setbacks. Has side and rear yard setbacks of at least four feet and complies with applicable building and fire codes.

#### **17.105.110 Additional Standards Applicable to Attached and Detached Units**

The following standards shall apply to all Attached and Detached Accessory Dwelling Units in all zones that allow single-family unit, two-unit, and multi-unit dwellings. However, in no event shall these provisions preclude an Accessory Dwelling Unit that is 800 square feet or smaller in size, has a peak height above grade of 16 feet or lower, and has minimum four-foot side and rear yard setbacks.

A. Location. Every part of a Detached Accessory Dwelling Unit shall be located behind the front plane of the primary dwelling.

### Location of Detached Accessory Dwelling Unit



B. Corner Lots. No Accessory Dwelling Unit shall extend beyond a four-foot interior and street-side side yard setback, and in no case shall the Accessory Dwelling Unit break the front plane of the primary dwelling.

C. Easements. The Accessory Dwelling Unit shall not encroach onto a recorded easement.

D. Separation. Detached Accessory Dwelling Units shall be located at least six feet from the primary dwelling or an accessory structure on the same parcel other than a fence or a wall.

E. Parcel Coverage. For any Attached or Detached Accessory Dwelling Unit that is larger than 800 square feet, the parcel coverage standard and pervious surface standard, if applicable, for the zone in which it is located shall apply.

F. Rear Yard Coverage. Notwithstanding the standards in Subsection 17.105.110(E), the area covered by an Accessory Dwelling Unit shall not exceed forty percent (40%) of the rear yard or at least 800 square feet, whichever is greater.

G. Open Space. Accessory Dwelling Units shall not encroach into required open space areas.

H. Kitchen. An applicant may choose to include an efficiency kitchen as defined in Subsection 17.105.020(D) to satisfy the cooking requirement for any Accessory Dwelling Unit as set forth in the definition in Subsection 17.105.020(A).

I. Utilities. 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. Any utility charges or fees must be consistent with California Government Code Section 65852.2.

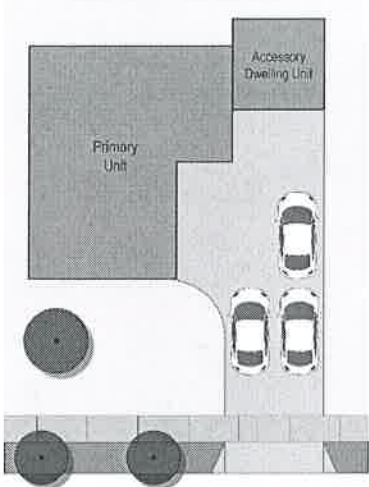
J. Addressing.

1. An Accessory Dwelling Unit located on a parcel with a single-unit residence must have its own address. The address shall be the same address as the primary residence but with  $\frac{1}{2}$  following the residence number. For example: 50  $\frac{1}{2}$  Natoma Street, Folsom, CA 95630 would be the address for the Accessory Dwelling Unit at 50 Natoma Street. If more than one Accessory Dwelling Unit, including Junior Accessory Dwelling Units, is present, then the address shall be the same as the primary residence followed by Unit A, Unit B, or Unit C, etc. For example, 50 Natoma Street Unit A and Natoma 50 Natoma Street Unit B would be the addresses for each of the two Accessory Dwelling Units located at 50 Natoma Street. The primary residence address will remain the same.

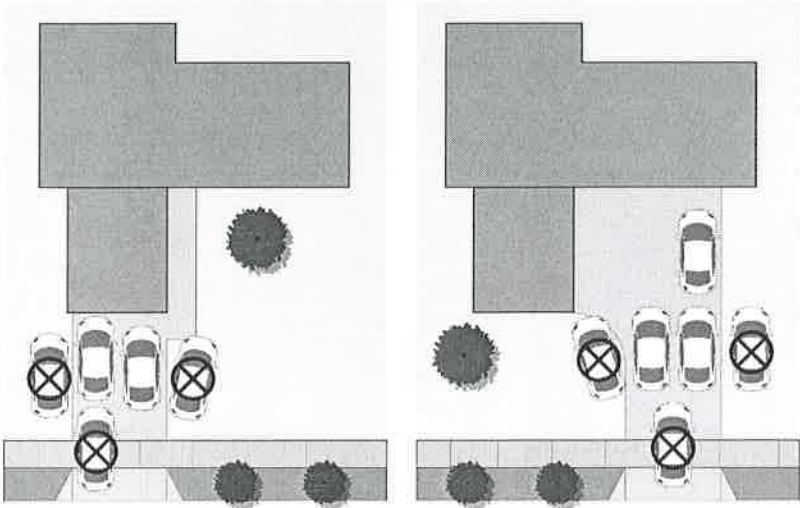
2. For multi-family developments with Accessory Dwelling Units, an individual unit number will be assigned to each unit such as Unit 58, etc.

K. Parking. One off-street parking space is required for each Attached and Detached Accessory Dwelling Unit. The parking requirement for an Attached or Detached Accessory Dwelling Unit shall be in addition to the parking requirement for the existing residence on the property. This space may be provided as tandem parking, including on a paved driveway. Notwithstanding the requirements of Section 17.57.040 (Off-Street Parking Requirements), no parking shall be permitted in the front yard other than on the paved driveway. The parking must be located on site and accessible by a paved pathway. Additional paving of the front driveway shall be subject to the requirements of Section 10.20.470 (Parking on lawns and yards) and, if located in the Historic District, may be subject to additional front yard landscaping requirements. Parking spaces may also be provided through a mechanical vehicle parking lift if located in an enclosed parking garage.

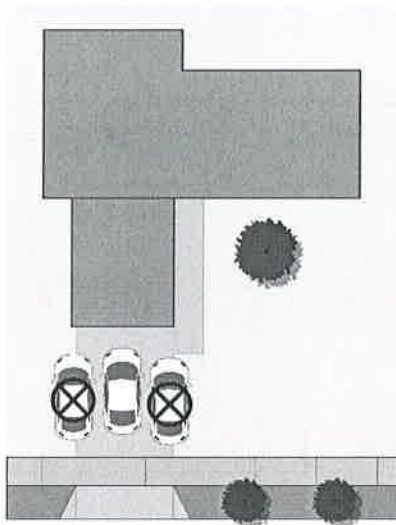
**Acceptable Location of Parking for  
Attached and Detached Accessory Dwelling Units**



**Prohibited Locations for Parking**



**Prohibited Locations for Parking (continued)**



1. Replacement. When a garage, carport, parking space, or covered parking structure providing required parking for the primary residence or residences is demolished to allow for the construction of an Accessory Dwelling Unit or is converted to an Accessory Dwelling Unit, those off-street parking spaces are not required to be replaced.

2. Additional parking for an Accessory Dwelling Unit is not required in the following instances:

- a. The Accessory Dwelling Unit is located within one-half mile walking distance of public transit, as defined in Section 17.105.020, including transit stations and bus stations.
- b. The Accessory Dwelling Unit is located within the Historic District.
- c. When on-street parking permits are required by the City but not offered to the occupant of the Accessory Dwelling Unit.
- d. When there is a car share vehicle located within one block of the Accessory Dwelling Unit.

**17.105.120 Additional Standards Applicable to Converted Accessory Dwelling Units**

The following standards apply only to Converted Accessory Dwelling Units. However, in no event shall these provisions preclude a converted Accessory Dwelling Unit that is 800 square

feet or smaller in size, has a peak height above grade of 16 feet or lower, and has minimum four-foot side and rear yard setbacks.

A. Size. At a minimum meets the requirements of an efficiency unit and at a maximum shall not exceed 850 square feet if it has no more than one bedroom or 1,000 square feet if it has two or more bedrooms.

B. Height. The height of the existing structure being converted to an Accessory Dwelling Unit shall not be increased.

C. Design Standards. No design standards shall be applied.

D. Setbacks. No new setback is required for an existing living area or accessory structure that is converted to an Accessory Dwelling Unit or a portion of an Accessory Dwelling Unit that has the same dimensions as the existing structure. The only exception is if up to an additional 150 square feet is necessary to allow for ingress and egress (entry and exiting). In that case, the side and rear setbacks may be reduced to no less than four feet from the property line. If the setback is reduced, the Accessory Dwelling Unit must still comply with applicable building and fire codes.

E. Utilities. A Converted Accessory Dwelling Unit is not required to have a new or separate utility connection directly between the Accessory Dwelling Unit and the utility, nor is a connection fee or capacity charge required. The applicant may voluntarily install a new or separate utility connection. Any utility charges or fees shall be consistent with Government Code Section 65852.2.

F. Parking. No replacement of off-street parking is required when a garage, carport, or covered parking structure is converted to an Accessory Dwelling Unit. In all other situations where off-street parking is required for a converted Accessory Dwelling Unit, the parking requirement shall not exceed 1 parking space per converted Accessory Dwelling Unit or per bedroom, whichever is less. The off-street parking spaces may be provided as tandem parking on a driveway or in rear yard setback areas on a paved surface, provided such paved area can be easily accessed via the driveway or an alley. No parking shall be permitted in the front yard other than on the paved driveway. Parking spaces may also be provided through a mechanical vehicle parking lift if located in an enclosed parking garage. Notwithstanding the foregoing, replacement or additional parking shall not be required for Converted Accessory Dwelling Units in instances described in Section 17.105.110(H).

#### **17.105.130 Standards Applicable to Junior Accessory Dwelling Units**

The following shall apply to all Junior Accessory Dwelling Units:

A. Location. The Junior Accessory Dwelling Unit shall be located entirely within a proposed single-unit primary dwelling or entirely within an existing single-unit primary dwelling.

B. Size. The total area of floor space for a Junior Accessory Dwelling Unit shall not exceed 500 square feet.

C. Access: Access shall consist of a separate entrance from the main entrance to the proposed or existing single-unit primary dwelling.

D. Efficiency Kitchen. The Junior Accessory Dwelling Unit shall include an efficiency kitchen.

E. Utilities. A Junior Accessory Dwelling Unit shall not be considered a separate or new dwelling unit for the purposes of calculating connection fees or capacity charges for utilities, including water, sewer, or power service, or impact fees. No new or separate utility connection between the Junior Accessory Dwelling Unit and the utility shall be required. The applicant may voluntarily install a submeter for the Accessory Dwelling Unit. Any utility charges or fees shall be consistent with Government Code Section 65852.2.

F. Parking. No additional off-street parking is required for the Junior Accessory Dwelling Unit.

G. Owner Occupancy Requirements. All Junior Accessory Dwelling Units shall be subject to an owner-occupancy requirement. A person with legal or equitable title to the primary single-unit dwelling shall reside on the property in either the primary dwelling or Junior Accessory Dwelling Unit as that person's legal domicile and permanent residence. However, the owner-occupancy requirement does not apply if the property is entirely owned by a governmental agency, land trust, or non-profit housing organization.

H. Setbacks. No setback is required unless necessary to comply with fire and building codes.

I. Number. The total number of Junior Accessory Dwelling Units is limited to one per residential parcel zoned for single-unit residences with a single-unit residence built, or proposed to be built, on the parcel.

J. Zone. Junior Accessory Dwelling Units are permitted only in single-unit residential zones.

K. 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 primary single-unit property. The form of the deed restriction shall be approved by the City Attorney and shall provide that:

1. The Junior Accessory Dwelling Units shall not be sold separately from the primary dwelling.

2. The Junior Accessory Dwelling Units are restricted to the approved size and other attributes allowed by this Chapter.

3. The deed restriction shall run with the land and shall be enforced against future property owners.



#### **17.105.140 Additional Standards Applicable to All Accessory Dwelling Units**

The following standards shall apply to all Accessory Dwelling Units and Junior Accessory Dwelling Units.

A. Parcel Size and Width. No minimum parcel size or parcel width shall apply to the construction of an Accessory Dwelling Unit.

B. Access. Every Accessory Dwelling Unit shall have direct exterior access independent of the exterior access of the primary dwelling. The entrance to the Accessory Dwelling Unit shall, whenever possible, be located on a different side of the building from the entrance to the primary dwelling unit.

C. 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.

D. Fire Sprinklers. Fire sprinklers are required in an Accessory Dwelling Unit if they are required in the primary dwelling.

E. Septic System. If allowed by the City, 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 years or, if the percolation test has been recertified, within the last 10 years. Such test must demonstrate the ability of the site to accommodate waste discharge associated with the Accessory Dwelling Unit.

F. Permanent Foundations.

1. All Accessory Dwelling Units shall be permanently attached to a permanent foundation.
2. A recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, or boat shall not be used as an Accessory Dwelling Unit.

G. Design. The design standards set forth in Section 17.105.160 shall apply to all Accessory Dwelling Units in the Historic District, and the standards set forth in Section 17.105.150 shall apply to all Accessory Dwelling Units in other parts of the City. Design standards do not apply to Converted Accessory Dwelling Units.

H. Nonconforming Conditions. The correction of a physical improvement on a property that does not conform with the City's current zoning standards is not required in order to establish an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit on a parcel with a primary dwelling.

I. No Separate Conveyance. No Accessory Dwelling Unit may be sold or otherwise conveyed separately from the primary dwelling in the case of a single-unit parcel, or from the parcel and all of the dwellings in the case of a multi-unit parcel.

J. Rental Term. The Accessory Dwelling Unit may be rented separate from the primary residence; however, the rental must be for a term longer than 30 days.

K. Owner Occupancy Requirements.

1. Established before January 1, 2025. Accessory Dwelling Units established before January 1, 2025 shall not be subject to any owner-occupancy requirement, except as required for Junior Accessory Dwelling Units.

2. Established on or after January 1, 2025. Accessory Dwelling Units shall be subject to an owner-occupancy requirement. A person with legal or equitable title to the primary single-unit dwelling shall reside on the property in either the primary unit or the Accessory Dwelling Unit as that person's legal domicile and permanent residence.

3. Junior Accessory Dwelling Units. Junior Accessory Dwelling Units established at any time shall be subject to the owner-occupancy requirement in Section 17.105.130.

L. Impact Fees.

1. No City-imposed impact fees shall be charged to an Accessory Dwelling Unit that is less than 750 square feet in size.

2. For Accessory Dwelling Units 750 square feet or larger, 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 primary dwelling, divided by the floor area of the Accessory Dwelling Unit, times the typical fee amount charged for a new dwelling).

3. For the purposes of this Subsection, impact fees do not include any connection fee or capacity charge for water or sewer service, nor do they include charges for garbage or recycling service.

4. 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.

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**17.105.150 All Zones - Design Standards**

For all Accessory Dwelling Units that are larger than 800 square feet or taller than 16 feet, except for Converted Accessory Dwelling Units, the following design standards shall apply. The City's Accessory Dwelling Unit Design Workbook provides illustrated examples of these design standards and styles, as well as other design ideas.

A. All exterior walls shall include at least two different materials, as well as either windows or projections or bays or recessed elements.

B. The Accessory Dwelling Unit shall have the same roof pitch as the primary dwelling with matching eave details but may vary by up to 2/12 more or 2/12 less than the roof pitch of the primary dwelling. 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.

C. Where the Accessory Dwelling Unit is two stories or constructed as the second story of a garage or other accessory structure, to maintain privacy of the occupants of the unit and residents of abutting properties, the following standards shall apply:

1. Any second story wall facing an abutting property shall incorporate the following features: translucent glazed windows, transom windows, clerestory windows, false windows, or other similar design approach that achieves the same purpose.

2. The landing area of any external staircase shall be screened from the bottom of the landing to the top of the entry of the Accessory Dwelling Unit to maintain the privacy of abutting properties. Materials used to screen the landing shall be of the same color and material as those used for the Accessory Dwelling Unit.

D. If the Accessory Dwelling Unit is two stories or constructed as the second story of a garage or other accessory structure, the building massing shall be modified using one of the following methods:

1. Use of at least two different building materials (e.g., stone, shingles, siding, stucco, etc.).

2. Use of recessed or projecting windows, doors, or parts of the wall to avoid flat monotonous facades. Recessed windows and doors shall project a minimum of six inches or shall be recessed a minimum of six inches. Any projection must be behind the parcel side or rear yard setback line.

3. Use of cantilevered areas so long as area does not extend beyond the side or rear yard setback.

Deleted: cantilevers

4. Use of varied roof form such as a mix of different roof types (e.g., hipped, gabled, slant, etc.).

E. If the Accessory Dwelling Unit is two stories or constructed as the second story of a garage or other accessory structure, no decks or balconies shall be allowed, except that one balcony no larger than 20 square feet shall be allowed on the front façade.

F. For any Accessory Dwelling Unit that is two stories or constructed as the second story of a garage or other accessory structure, if any external staircase is necessary to access the unit, that staircase shall be located at the side or rear of the unit and shall be at least five feet from the adjacent property line.

#### **17.105.160 Historic District Zones – Design Standards**

A. In addition to the provisions of Section 17.105.150, the following objective design standards shall apply to all Accessory Dwelling Units located in a Historic District zone that are larger than 800 square feet or greater than 16 feet in height, except for Converted Accessory Dwelling Units. The City's Accessory Dwelling Unit Design Workbook provides illustrated examples of the Historic District design styles and standards.

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 appropriate 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. Craftsman, Queen Anne, Delta, Italianate, Spanish Eclectic: Acceptable in all historic district zones and subareas.

2. 1950s Ranch Style and Contemporary Style: Only acceptable in the Persifer-Dean subarea and The Preserve subarea.

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

1. Craftsman Style

- a. A roof pitch between 3/12 and 8/12.
- b. Front-gabled, side-gabled or cross-gabled roof with unenclosed eave overhang.
- c. Exposed roof rafters and/or braces under gables (i.e., knee braces or corbels).
- d. Single- or double-hung sash windows with small panes above large pane (e.g., 3 small panes over 1 large pane, or 6-over-1 window) for all windows on the front elevation.
- e. Horizontal clapboard or shingle siding that is two and one-half to six inches wide or board and batten or a mix of shingles, stone, and siding for different levels or elements may be used. Fiber cement board and shingles may be used in place of wood siding or shingles.
- f. Optional: Shed or gabled roof dormer.
- g. Optional: Entry porch under roofline with roof supported by tapered or square columns with square bases that extend to the ground.

2. Queen Anne Style

- a. A steep roof pitch between 8/12 and 18/12.
- b. Hipped roof or gabled roof.
- c. Scalloped shingles with window or vent at end of forward-facing gable.
- d. Vertical rectangular single or double hung windows with small pane above large pane on the front elevation.
- e. Vertical windows must be at least two feet tall for every one foot wide and not more than three and one-half feet tall for every one foot wide, whenever possible.
- f. Horizontal siding that is two and one-half to six inches wide.
- g. Optional: Forward-facing gable.

h. Optional: Entry porch with narrow columns.

i. Optional: Multiple gables and dormers.

j. Optional: Angled bay cut-away.

3. Delta Style

a. Single-front gabled roof.

b. Rectangular vent at end of front-facing gable.

c. Roof pitch of 6/12 to 12/12.

d. Soffited eaves.

e. Tall, narrow windows that must be at least two feet tall for every one foot wide, whenever possible, with plain, simple trim measuring no more than three and one-half inches wide surrounding all sides of the window.

f. Horizontal clapboard siding two and one-half to six inches wide or board and batten siding. Fiber cement board and shingles may be used in place of wood siding or shingles.

g. Optional: Low-pitched porch with rails and with roof supported by narrow square posts that extend to the ground.

4. Italianate Style

a. Low-pitched hip roof between 3/12 and 6/12.

b. Overhanging eaves supported with decorative brackets.

c. Large, decorative brackets under an ornamental cornice.

d. Paneled wood doors.

e. Tall, narrow windows that must be at least two feet tall for every one foot wide, and not more than three feet, six inches tall for every one foot wide, whenever possible.

f. Exterior horizontal wood paneling four to six inches wide. Board and batten as well as brick and mortar siding are also acceptable. Fiber cement board and shingles may be used in place of wood siding or shingles.

g. Optional: Wrap-around porch (or smaller entry porch) with narrow double columns.

h. Optional: Angled bay in front of house.

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

a. A low-pitched roof between 2/12 and 5/12.

b. Roof shall be cross gabled, hipped, or combined hipped-and-gabled roof.

c. Maximum roof eave overhang of four inches.

- d. A red or reddish-tiled roof.
  - e. Red or reddish tile vents.
  - f. Recessed doors and windows.
  - g. Heavy wood doors.
  - h. A prominent rounded arch over main door.
  - i. Use of casement windows.
  - j. A prominent rounded arch over primary large window.
  - k. Stucco used on all walls.
  - l. Optional: Uncovered porch.
6. 1950s Ranch Style
- a. Low to intermediate gable roof with a roof pitch between 3/12 and 5/12.
  - b. Front facing gable(s).
  - c. Soffited eaves.
  - d. Optional: Open shutters surrounding windows.
  - e. Smooth stucco or the use of wood shingles or siding or the equivalent (e.g., fiber cement board or shingles), board and batten, stone, and brick and mortar.
  - f. Optional: Small entry porch no greater than 100 square feet.
7. Contemporary Style (from 1950s era)
- a. Flat or slanted roof with pitch of 0/12 to 2/12.
  - b. Cantilevered soffited eaves.
  - c. Stucco, shingle, brick, or horizontal wood siding or the equivalent (i.e., fiber cement shingles or board).
  - d. Horizontal windows flush with wall casement (no recessed windows).
  - e. No greater than two-inch trim around windows.

**17.105.170 Permits and Action on an Application**

A. Ministerial Action. Approval or denial of an Accessory Dwelling Unit or Junior Accessory Dwelling Unit application that complies with the provisions of this Chapter is a ministerial action not subject to discretionary review. The City has the authority to review applications for completeness and compliance with the provisions of this Section.

B. Ministerial Site Plan and Design Review. Prior to submitting a building permit application to construct any Accessory Dwelling Unit or Junior Accessory Dwelling Unit, the property owner shall obtain a Ministerial Site Plan and Design Review Permit from the City. The City shall issue the permit within 60 days from the date that the City received a completed application, unless either:

1. The applicant requests a delay, in which case the 60-day time period is put on hold for the period of the requested delay; or

2. The application to create an Accessory Dwelling Unit or Junior Accessory Dwelling Unit is submitted with an application to create a new single-unit dwelling on the parcel. The City may delay acting on the permit application for the Accessory Dwelling Unit or Junior Accessory Dwelling Unit until the City acts on the permit application to create the new single-unit dwelling, but the application to create the Accessory Dwelling Unit or Junior Accessory Dwelling Unit will still be considered ministerial without discretionary review or a hearing.

C. Building Permit. 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. Applications for Ministerial Site Plan and Design Review and a Building Permit may be submitted concurrently.

D. Accessory Dwelling Units Located within 50 feet of the property line of a Listed Historic Structure. Any Accessory Dwelling Unit proposed for construction on or within 50 feet of the property line of a parcel containing a structure listed on the California Register of Historic Resources shall have a peak height above finished grade of no more than 16 feet.

E. Fees. All applications for Accessory Dwelling Units must be accompanied by the required application fee. Application fees are established by Council resolution.

## **SECTION 5 SCOPE**

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

## **SECTION 6 SEVERABILITY**

If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

**SECTION 7 EFFECTIVE DATE**

This Ordinance shall become effective thirty (30) days from and after its passage and adoption. In lieu of publication of the full text of the Ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to Government Code section 36933(c)(1).

This Ordinance was introduced and the title thereof read at the regular meeting of the City Council on June 23, 2020, and the second reading occurred at the regular meeting of the City Council on \_\_\_\_\_, 2020.

On a motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing Ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2020 by the following vote, to wit:

- AYES: Council Member(s)
- NOES: Council Member(s)
- ABSENT: Council Member(s)
- ABSTAIN: Council Member(s)

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Sarah Aquino, MAYOR

ATTEST:

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Christa Freemantle, CITY CLERK