



Date: December 13, 2022

Honorable Mayor and Council Members:

Author and title: Jaime LaChance, Senior Planner

Title: **Urgency Ordinance Adopting Amendments to Development Code Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units (ADUs/JADUs)**

Approved By: _____ Jen Callaway, Town Manager

Recommended Action:

1. Conduct a public hearing to introduce, waive oral reading and adopt Urgency Ordinance 2022-11, approving amendments to Development Code Section 18.58.025 (Accessory Dwelling Units) to implement recent State of California legislation regarding accessory dwelling units and junior accessory dwelling units, which take effect on January 1, 2023; and
2. Determine the project exempt pursuant to Section 15061.b.3 of the CEQA Guidelines (projects creating no significant environmental impacts) and Public Resources Code Section 21080.17 (adoption of an ordinance to implement Government Code Section 65852.2 for ADUs).

Discussion:

ADU Urgency Ordinance

Development Code Section 18.58.025 (Accessory Dwelling Units) establishes land use and zoning standards for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). This Code section has been updated several times in recent years to ensure consistency with State law and local standards, most recently on June 23, 2022.

This fall, the State legislature has passed two new laws related to ADUs and JADUs (Assembly Bill 2221 and Senate Bill 897), which were signed into law by the governor on September 28, 2022 and become effective on January 1, 2023. This legislation creates new regulations for accessory dwelling units, primarily to provide additional flexibility for homeowners and developers. The changes include modifications to height limits, setbacks, parking exemptions, permit processing regulations, timing for ADUs on multifamily lots, fire sprinkler exemption, etc.

Under the new State legislation, a local ADU ordinance is null and void if it does not fully comply with the recent State law. California Government Code Sections 36934 and 36937(b) authorize the Council to adopt by four-fifths (4/5) vote—without following the procedures and timeframes normally required for the adoption of a zoning ordinance—an urgency ordinance that would go into effect immediately following its passage, if it is found to be necessary for the immediate preservation of the public peace, health or safety. In this case, staff is recommending adoption of an urgency ordinance to ensure Development Code Section 18.58.025 (Accessory Dwelling Units) remains in compliance prior to the January 1, 2023 effective date of the recent State ADU legislation.

In addition to the amendments proposed to comply with 2022 legislative changes, staff is proposing amendments to better comply with legal interpretations of the existing legislation, including removing the size limit and proximity for conversion ADUs. Lastly, staff recommends minor edits and reorganization for accuracy and clarity.

ADU Program Update

During the Town Council priority-setting session in February 2021, the Council identified five top priorities that reflected the concerns and desires of the community and were intended to guide staff's work for the following two years. The adopted work plan included a series of goals and corresponding tasks to help bring the Council priorities into reality. This included the following:

- Priority # 1: Actively support the development of workforce housing.
 - Goal #3: Implement programs to increase the production and creation of housing for the local workforce.
 - Task #3.1: Implement an accessory dwelling units (ADU) program to increase the production of new ADUs and permitting of existing units.

The Truckee ADU program kicked off in 2020 as a branch of the Housing Division, and there has been a marked increase in the number of ADUs permitted since that time. Attachment #2 of this staff report includes an "ADU Program Update" with relevant information regarding the current progress on achieving Town housing goals specific to ADUs. Below are some highlights from the attachment:

2022 ADU PROGRAM HIGHLIGHTS	
# ADU building permits applied for in 2022	37
# Total Active Code Cases for After-the-Fact ADUs	48
# Code Cases for After-the-Fact ADUs opened in 2022	20
# ADU Inquiries (people who want to understand the viability and permitting process)	90
-Inquiries for a new ADU	60
-Inquiries for an After-the-Fact ADU	30
# ADU grant/loans applications received	16
# ADU grant/loans applications approved	11

In 2020, the Town partnered with several other jurisdictions to hire a design team to develop three detached ADU plan sets, including a 1-, 2-, and 3-bedroom design. The plans will meet 2023 Building Codes and will be fully engineered to comply with Truckee snow loads. All participating jurisdictions received the preliminary plans for review/correction this fall, and the design team is currently completing revisions for a second round of internal review. The goal is to have the plan sets completed in early 2023. Once approved, the plans will become publicly available for property owners to use/submit free of charge.

Priority:

<input type="checkbox"/> Enhanced Communication	<input type="checkbox"/> Climate and Greenhouse Gas Reduction	<input checked="" type="checkbox"/> Housing
<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Emergency and Wildfire Preparedness	<input type="checkbox"/> Core Service

Fiscal Impact: All costs associated with staff's preparation of Accessory Dwelling Unit regulations have been included in the General Fund FY22-23 budget.

Public Communication: Notice of this meeting has been provided in accordance with standard noticing for Council agendas. Additionally, a display ad was published in the *Sierra Sun* on December 2, 2022.

Attachments:

1. Draft ADU Ordinance 2022-11
2. ADU Program Update