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A Local Agency's Guide to Implementing ADUs in the San Joaquin Valley







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EXECUTIVE SUMMARY

PURPOSE

The Local Agency's Guide to Implementing Accessory Dwelling Units in the San Joaquin Valley (Guide) has been prepared for cities and counties in the San Joaquin Valley (Valley) through the San Joaquin Valley Regional Early Action Planning (REAP) Program with the purpose to provide guidance, considerations, and templates and examples for use by cities and counties when implementing Accessory Dwelling Units (ADUs).

HOW TO USE THE GUIDE

The Guide is designed for use by local agency staff to assist with the implementation of ADUs. The Guide includes three main sections, in addition to an overview.

Overview: Defining Your Role in ADU Section 1. Update Your ADU Ordinance Section 2. Develop Pre-Approved Plans

Section 3. Implement an ADU Program

A suite of technical assistance tools have been created and are available for download as indicated by hyperlinks throughout the document.

SUMMARY OF TECHNICAL ASSISTANCE TOOLS

- ADU Ordinance Template (plus interactive PDF version)
- ADU Building Application and Checklist Template
- ADU Internal Policy and Procedure Template
- Staff Report Templates
 - Planning Commission
 - City Council/Board of Supervisors
- PowerPoint Templates
 - Introduction to ADUs (Workshops/Study Sessions)
 - Program and/or Ordinance Adoption (Public Hearings)
- Informational Handouts and Guides
 - ADU Overview Handout (Front Counter/Public)
 - ADU Implementation Guide Summary (Staff/Internal)
 - How-to-Guide for Homeowners (Front Counter/Public)

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Overview: Defining Your Role in ADU

Section 1. Update Your ADU Ordinance

TOOLS PROVIDED (CLICK TO ACCESS)

- ADU Introduction (Study Session/Workshop) Presentation Template (PPT)
- ADU Ordinance Template (Word)
- Interactive ADU Ordinance Template (Interactive PDF)
- Staff Report (PC/CC) Template (Word)
- Hearing Presentation Template (PPT)
- ADU Building Permit Application and Checklist (Word)
- ADU Internal Policy and Procedure Template (Word)

Section 2. Develop Pre-Approved Plans

TOOLS PROVIDED (CLICK TO ACCESS)

Pre-Reviewed Plan Set Example* (PDF)

*Full Pre-Reviewed Plan Sets Available Upon Request

Section 3. Implement an ADU Program

TOOLS PROVIDED (CLICK TO ACCESS)

- ADU Implementation Guide Handout (Agency) (PDF)
- ADU Overview Handout (Front Counter/Public) (PDF)
- ADU How-to Guide Template (PPT)

OVERVIEW: DEFINING YOUR ROLE IN ADU DEVELOPMENT

- 1. The ADU Process
- 2. Barriers to ADU Development
- 3. Overcoming Barriers to ADU Development
- 4. Defining Your Role in ADU Development

THE ADU PROCESS

Because ADUs are a homeowner-initiated process, homeowners need to be willing and able to navigate the ADU process in order to be successful. Local agencies can play an important role in guiding homeowners. In order to successfully guide homeowners through the process, it is important to first understand the complete process. Generally, the ADU process includes the following.

PLANNING

- Decipher code and regulations
- Determine eligibility
- Hire Design Expert
- Draft Building Plan Set
- Prepare & Submit Application
- Pay Fees



PERMITTING

- Application Review & Acceptance
- Review & Corrections
- Approval & Conditions
 - Impact Fees
 - Deed Restrictions

- Secure financing
- Hire Contractors
- Construction
- Inspection

BARRIERS TO ADU DEVELOPMENT

There are land use, regulatory, and financial challenges to bringing ADU development to scale. Common barriers include the following:

LAND USE

- Local Opposition
- Property Size
- Layout
- Foundation
- Utilities
- Privacy
- Use

REGULATORY

- Permitting and Review
- Occupancy
- Off-Street Parking
- Setbacks, Lot Size
- Size, Height, Number
- Design Standards
- Impact Fees
- Utility Connections

FINANCIAL *

- Hard and Soft Costs
- Construction Loans
- Renovation Loans
- Loan Eligibility
- Loan Value
- ADU Appraising

* Since ADUs are not typical, they can be more difficult to get financed.

OVERCOMING BARRIERS TO ADU DEVELOPMENT

Agencies can play an important role in reducing or removing the land use, regulatory, and financial challenges. Some ways to reduce or remove barriers include the following.

- Educational marketing
- Targeted neighborhoods
- Technical assistance
- Guidance documents
- Interim Guidelines
- Ordinance Updates
- Emphasize "by-right" opportunities
- Streamlined permitting
- Reduce or eliminate
 impact fees
- Pre-Approved Plans
- Providing information on tailored lending products
- Subsidized financing







DEFINING YOUR ROLE IN ADU DEVELOPMENT

There are at least three (3) ways to support ADU development in your jurisdiction. The following sections provide guidance and considerations for updating your ADU ordinance, developing pre-approved plans, and implementing an ADU program.

- 1. Update Your ADU Ordinance.....Section 1
- 2. Develop Pre-Approved Plans.....Section 2
- 3. Implement an ADU Program.....Section 3

SECTION 1: UPDATE YOUR ADU ORDINANCE

- 1. Complying with State ADU Law
- 2. The Path to Updating Your ADU Ordinance
- 3. Updating Your Ordinance: The Dos, Don'ts, and How-tos

COMPLYING WITH STATE ADU LAW

The state has adopted regulatory changes to provide more flexibility in ADU development. A group of bills were signed into law in 2019 and became effective on January 1, 2020. Other regulations became effective on January 2, 2021. These bills were aimed at addressed regulatory barriers to ADU development. Most of these bills are codified in Government Code Section 65852.2 (ADUs) and 65852.22 (JADUs). For more information, refer to the <u>San</u> <u>Joaquin Valley Guide to Recent California Housing Laws</u> (click to download) or the California Department of Housing and Community Development (HCD) <u>Accessory Dwelling Handbook</u> (Updated July 2022) (click to download).

Local agencies can choose whether to adopt an ADU ordinance. If an agency chooses to not adopt an ADU ordinance, then any proposed ADU development would be subject only to standards contained in state law. If an agency chooses to adopt an ADU ordinance, then it can impose zoning, development, design, and other standards in compliance with state law. State law is the statutory minimum requirement. Agencies may choose to go beyond the minimum.

Agencies that choose to adopt an ADU ordinance are required to submit a copy of the adopted ordinance to HCD within 60 days after adoption for HCD review and comments. Agencies may also submit a draft ADU ordinance to HCD for preliminary review. Submittal of a draft ADU ordinance is recommended to help ensure compliance prior to adoption.

SJV REAP TECHNICAL ASSISTANCE TOOLS (CLICK TO ACCESS)

ADU Introduction (Study Session/Workshop) Presentation Template (PPT)

ADU Ordinance Template (Word)

Interactive ADU Ordinance Template (Interactive PDF)

Staff Report Template (Word)

Hearing Presentation Template (PPT)

ADU Building Permit Application and Checklist Template (Word)

ADU Internal Policy and Procedure Template (Word)

THE PATH TO UPDATING YOUR ADU ORDINANCE

Aside from compliance with state law, a primary goal of updating your ADU ordinance should be to make it easy to understand for the reader, including homeowners and agency staff. As you determine your path, we recommend incorporating these recommendations.

1KNOW THE CODE

Begin by reviewing state ADU law (Government Code Section 65852.2 (ADUs) and Section 65852.22 (JADUs)) in conjunction with the <u>San Joaquin Valley Guide to Recent California</u> <u>Housing Laws</u> (click to download) and the California Department of Housing and Community Development (HCD) <u>Accessory Dwelling Handbook (Updated July 2022)</u> (click to download). For further assistance, see **Updating Your Ordinance: The Dos, Don'ts, and How Tos** on the following pages.

2USE A PLACEHOLDER

Drafting an ADU ordinance is not an overnight process. If your agency is receiving inquiries about ADUs and your current ordinance does not adequately address the statutory minimum requirements under state law, we recommend drafting Interim Guidelines to have available on your website and at your front counter. The Interim Guidelines can serve as a placeholder and help address frequently asked questions about ADUs (e.g., types, number of ADUs permitted, parking requirements, development standards, etc.).

3OPT FOR EARLY REVIEW

When your draft ADU ordinance is ready, take advantage of HCD's preliminary review process. Early review will help ensure that your ordinance is compliant with state law and minimize any surprises on the road to adoption.

4STRATEGIZE IMPLEMENTATION

Consider ways to support agency staff and applicants. This may include an introductory workshop or study session for elected and appointed officials, preparation of an ADU building permit application and submittal checklist, internal policy and procedure, and/or how-to guide for homeowners.

UPDATING YOUR ORDINANCE: THE DOS, DON'TS, AND HOW TOS

The following section provides guidance for amending your ordinance to allow for the creation of ADUs in compliance with California Government Code Sections 65852.2 and 65852.22. The section contains details, explanations, and options to facilitate local agency decision-making pertaining to ADUs. This guidance can be used in conjunction with the SJV REAP TOOL: ADU Ordinance Template (click to download).

Purpose and Applicability

This section should introduce readers to the purpose of the chapter/article/section pertaining to accessory dwelling units and junior accessory dwelling units. At a minimum, this section should:

- Describe the purpose of the chapter/article/section as it relates to community-specific goals (e.g., housing, General Plan objectives, etc.). For example, the purpose of the ordinance may be "to increase housing opportunities."
- □ Reference California Government Code Sections 65852.2 (Accessory Dwelling Units) and 65852.22 (Junior Accessory Dwelling Units).
- Indicate where ADUs and JADUs are permitted (i.e., areas zoned to allow single-family or multi-family dwelling residential uses, either by-right or by conditional use). It is recommended that the agency does not list allowable zones because doing so may exclude some zones, intentionally or inadvertently. Therefore, it is recommended that the ordinance states that all areas zoned for single-family and multi-family residential uses must allow the development of ADUs and JADUs.
- □ If applicable, designate areas within the jurisdiction where ADUs are permitted based on: (1) adequacy of water and sewer services and (2) the impact of ADUs on traffic flow and public safety (e.g., severe fire hazard areas, areas of lesser car ownership rates, etc.). In cases where the local agency does not provide water or sewer services, consult with the service provider regarding the adequacy of services before designating an area. However, it is important to note that the local agency is responsible for designating these areas, not the applicant. A requirement for the applicant to provide evidence is viewed by the state as excessive and burdensome, constituting an undue constraint on a homeowner's ability to develop an ADU or JADU.

2_{Application Process}

This section is optional but recommended as it may clearly demonstrate the agency's compliance with state law. In this section, the agency can identify the application, review, and approval process for obtaining a permit to construct an ADU. At a minimum, this section may include:

Permit Required. Describe the type of application and permit required. The application will be a zone clearance, administrative zoning review, or other permitting process that allows ministerial review. The permit will be a building permit.

- Ministerial Review. Indicate the type of review for ADUs. Per state law, a permit application for an ADU or JADU shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding California Government Code Sections 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits.
 - ADUs Subject to Ministerial Approval with no local limits: Of note, there are some ADU types (see subdivision (e) of California Government Code Section 65852.2, also discussed below) that are subject to "automatic approval" (i.e., no local limits). "Subdivision (e)" ADUs are often referred to as "Statewide Exemption ADU(s)."
 - ADUs Subject to Ministerial Approval with minimal local limits: ADUs that do not meet the criteria of subdivision (e) shall also be approved ministerially but local agencies may require compliance with adopted local development standards contained within the local agency's ordinance. If adopted, the local development standards are limited in that they shall comply with state law.
- Statewide Exemption ADUs. Subdivision (e) of California Government Code Section 65852 creates four (4) categories of ADUs that shall not be subject to other specified areas of ADU law including lot coverage, setbacks, heights, and unit sizes. ADUs under this subdivision, however, must meet building code and health and safety requirements. These "Statewide Exemption ADUs" (or ADUs pursuant to subdivision (e)) are subject to ministerial approval.
 - 1. One ADU and one JADU are permitted per lot within the existing or proposed space of a single-family dwelling, or a JADU within the walls of the single-family residence, or an ADU within an existing accessory structure, that meets specified requirements such as exterior access and setbacks for fire and safety.
 - 2. One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and may be required to meet a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.
 - 3. Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.
 - 4. Up to two (2) detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and four (4)-foot rear and side yard setbacks.
- Processing Time. Local agencies may indicate the processing time to approve a permit to construct an ADU. Pursuant to California Government Code Section 65852.2, on lots with an existing single-family or multi-family dwelling, an application to create an ADU or JADU shall be approved ministerially within sixty (60) days of submission of a complete application, unless either:
 - The permit application to create an ADU or JADU is submitted concurrently with a permit application to create a new single-family dwelling on the lot, in which case the agency shall not act on the permit application for the ADU or JADU until the agency acts on the permit application for the new single-family dwelling unit; or

• The applicant requests a delay, in which case the sixty (60)-day time period shall be tolled for the period of the delay.

If the agency has not acted upon the completed application for the ADU or JADU within 60 days, and neither of the above exceptions are met, then the application for the ADU or JADU shall be deemed approved.

- Submittal Requirements. Local agencies may specify the application submittal requirements and method(s) for submittal. Example submittal requirements include:
 - Building Permit application & Fees
 - o Building Plans: Architectural Plans, Structural Plans, etc.
 - o Title 24 Information and Calculations
 - o Preliminary Title Report
 - o Letter from water, natural gas, electricity, and sewer service providers
 - o Plot Plan
 - Color photos of the site and adjacent properties
- Discretionary Review Process. If applicable, describe the discretionary review process for ADUs that do not meet the requirements of the code section.

3Type of Accessory Dwelling Units

This section is optional but recommended as it may help readers understand the extent of the types of ADUs that are permitted per state law. The following definitions are pursuant to state law.

□ Types of ADUs. Local agencies may define each type of ADU permitted per state law, including Attached, Detached, Internal Conversion, and JADUs. Depending on the agency's preference, the agency may include a separate section that details regulations applicable to JADUs pursuant to California Government Code Section 65852.22.

- A. Attached ADU. An ADU attached to an existing or proposed primary dwelling and located on the same lot as the proposed or existing primary dwelling, which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. The attached ADU must have an exterior entrance separate from the main house.
- B. Detached ADU. An ADU structurally independent and detached from an existing or proposed primary dwelling and located on the same lot as the proposed or existing primary dwelling, which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.
- C. Internal Conversion ADU. An ADU may be located within areas converted to habitable space, such as:
 - 1. An area within an existing single-family dwelling (e.g., attached garage) and on the same lot as the existing dwelling with a separate exterior entrance; or
 - 2. An existing accessory structure (e.g., detached garage or pool house) located on the same lot as an existing single-family dwelling with a separate exterior entrance; or

- 3. Portions of existing multi-family structures that are not used as livable space including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
- D. Junior ADU. A JADU is a dwelling unit that is contained entirely within an existing or proposed single-family residence and is no more than 500 square feet in size. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. A JADU shall have an efficiency kitchen that includes cooking facilities with appliance in addition to a food preparation counter(s) and storage cabinets of reasonable size in relation to the size of the JADU. The JADU shall include a separate entrance from the main entrance to the proposed or existing single-family residence.

4 Number of ADUs Permitted Per Legal Parcel or Lot

This section is optional but recommended as it may help readers understand the number of ADUs that are permitted per state law. The following allowances are pursuant to state law. Generally, local agencies shall permit ADUs on single-family and multi-family lots, as follows: Lots with a Single-Family Dwelling.

1. One (1) ADU (detached, attached, or converted) and one (1) JADU shall be allowed per lot that is zoned to allow single-family residential uses and includes a proposed or existing single-family dwelling.

Lots with a Multi-Family Dwelling(s).

- 1. Attached or Converted ADU(s). At least one (1) ADU within the portions of existing multi-family structures shall be allowed per lot that is zoned to allow multi-family residential uses and includes an existing multi-family structure, so long as it does not exceed 25 percent of the total number of existing dwelling units.
- Detached ADU(s). Not more than two (2) ADUs that are located on a lot that is zoned to allow multi-family residential uses and includes an existing multi-family dwelling.

5Development Standards

This section may cover the range of development standards (i.e., site and design standards) that are applicable to ADUs and JADUs. This includes development standards of the underlying zone district(s); however, such standards shall not be more restrictive than those contained in state ADU law. In addition, according to state law, local agencies may apply development and design standards that include parking, height, setback, landscape, architectural review, maximum unit size, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. Further, Statewide Exemption ADUs shall not be subject to development standards, except for those noted in subdivision (e) (i.e., building code and health and safety requirements).

□ Site/Location Requirements.

- □ <u>Minimum Lot Size</u>: Local agencies may not impose minimum lot size requirements.
- □ Lot Coverage: Local agencies may impose lot coverage requirements; however, lot coverage requirements cannot preclude the creation of a Statewide Exemption ADU. In cases where lot coverage requirements do not allow a Statewide Exemption ADU, local agencies are required to provide an exception or waiver.
- □ Space Between Buildings: Local agencies may specify a minimum space (ft.) requirement between the ADU and primary dwelling. However, it is recommended that the phrase "where feasible" is included in these instances as to not create an undue constraint on ADU development. Agencies may recommend compliance with building code.
- Size and Floor Area. Local agencies may establish size requirements for ADUs and JADUs, with the following exceptions: (1) the maximum ADU must be at least 850 sf. and 1,000 sf. for ADUs with more than one bedroom; (2) the minimum sf. shall not prohibit an efficiency unit (i.e., 150 sf. unit); (3) internal conversion ADUs are not subject to size requirements, unless the applicant wants to expand the accessory structure to create an ADU beyond 150 sf. wherein, the ADU would then be subject to the size requirements set in the ordinance; and (4) the maximum size of JADUs is 500 sf. Beyond these exceptions, local agencies have the discretion to set maximum size limits.
 - □ <u>Utilizing Percentages</u>: Agencies may use a percentage (e.g., 50 percent of the primary dwelling's living area, 10 percent of lot, etc.) to determine maximum unit size, as long as it does not restrict the size to less than 850 sf. or 1,000 sf. for ADUs with more than one bedroom, and it does not preclude a Statewide Exemption ADU.
 - □ **Bedroom Requirements**: State Fair Housing Law does not allow for the limitation on the number of bedrooms in a residence. A limit on the number of bedrooms can be construed as a discriminatory practice toward protected classes (e.g., familial status) and would be considered a constraint on ADU development.
- □ Height and Number of Stories. Local agencies may impose height limitations provided that the limit is no less than 16 ft.
- Setbacks. Setbacks (front, corner, street, alley, etc.) may be imposed by a local agency, but setbacks must not unduly constrain the creation of ADUs and cannot be required for ADUs proposed pursuant to subdivision (e). For internal conversion ADUs constructed in the same location and to the same dimensions as the existing structure that is converted, no setback shall be required.
 - Front Yard Setbacks: Local agencies may apply front yard setbacks, but front yard setbacks cannot unduly constrain the creation of ADUs and cannot preclude ADUs proposed pursuant to subdivision (e).

- Rear and Side Yard Setbacks: Local agencies may not require a setback of more than four feet from the side and rear lot lines for a detached or attached ADU. Local agencies may allow the expansion of detached structures being converted to ADUs when the existing structures either have less than four (4)-foot rear or side yard setbacks or no setbacks. Additionally, special requirements can be called out to allow for compliance with building and fire codes
- Parking Requirements. Generally, parking requirements for ADUs shall not exceed one (1) parking space per unit or bedroom, whichever is less, and guest parking spaces shall not be required for ADUs under any circumstances. The spaces may be provided as tandem parking on a driveway.
- Replacement Parking. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency shall not require replacement parking. For JADU garage conversions, local agencies may require replacement parking.
- Parking Exemptions. There are five (5) instances whereby a local agency cannot impose ADU parking standards, pursuant to California Government Code Section 65852.2, subds. (d)(1-5) and (j)(10).
 - □ The ADU is located within one-half mile walking distance of public transit.
 - □ The ADU is located within an architecturally and historically significant historic district.
 - □ The ADU is part of the proposed or existing primary residence or an accessory structure.
 - When on-street parking permits are required but not offered to the occupant(s) of the ADU.
 - □ There is a car share vehicle located within one (1) block of the ADU.
 - □ **Flexibility**: Local agencies have discretion to: (1) eliminate or reduce parking requirements for ADUs (e.g., zero or half spaces); or (2) consider flexibility when siting off-street parking (e.g., setback areas).
- Architectural Review. Local agencies may require specific finish materials (e.g., similar to the primary residence) and roof forms (e.g., pitched vs. flat roof) if such standards are clear and sufficiently objective to allow ministerial review.
- Historic Properties and Districts. Local agencies may impose standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources.
- □ Access and Entry. Local agencies may specify additional access and entry requirements such as exterior and/or fire and safety access.
- Density Limits. An ADU that conforms to the ordinance shall be deemed to be an accessory use or accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use which is consistent with the existing general plan land use and zoning designations for the lot. The ADU shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

60ther Requirements

This section may cover "other" requirements beyond the development standards discussed in the section above.

- ❑ Availability of Utilities. Local agencies may designate areas within the jurisdiction where ADUs are permitted based on adequacy of water and sewer services. In cases where the local agency does not provide water or sewer services, local agencies should consult with the service provider regarding the adequacy of services before designating an area. However, it is important to note that the local agency is responsible for designating these areas, not the applicant. A requirement for the applicant to provide evidence is viewed by the state as excessive and burdensome, constituting an undue constraint on a homeowner's ability to develop an ADU or JADU.
 - <u>Utility Connections</u>: For ADUs proposed pursuant to subdivision (e), local agencies or service providers cannot require the installation of new or separate utility connection directly between the ADU and the utility, unless the ADU was constructed with a new single-family residence. For all other ADUs, local agencies or service providers may require a new or separate utility connection directly between the ADU and the utility connection directly between the ADU and the utility connection directly between the ADU and the utility. For JADUs, local agencies or service providers cannot require a new or separate utility connection.
 - **Private Sewage Disposal System**: A local agency may require approval by a local health officer where a private sewage disposal system is being used. As part of the permit application to create an ADU connected to an onsite wastewater treatment system, the agency can require a percolation test completed within the last five years or if the percolation test has been recertified, within the last 10 years.
- Addressing. Local agencies may specify when and how permanent addressing will be assigned to an ADU and/or JADU (i.e., prior to occupancy).
- □ Fire Sprinklers. If fire sprinklers are not required for the primary residence (i.e., singlefamily dwelling or for multi-family residential structures, the entire residential structure), then installation of fire sprinklers cannot be required in an ADU. However, if the primary residence undergoes significant remodeling and is required to install fire sprinklers, an ADU created after the remodel would also be required to install fire sprinklers.
- □ Solar Panels. Newly constructed detached ADUs are subject to the Energy Code requirement to provide solar panels, either on the ADU or on the primary dwelling unit. Attached ADUs and internal conversion ADUs are not subject to the Energy Code requirement to provide solar panels.
- □ Property Designations. Local agencies can designate areas within the jurisdiction where ADUs are permitted based on traffic flow and public safety. This may include special flood zone areas, geohazard zone areas, historic designation areas, special types of easements, etc. Within these areas, local agencies may specify additional requirements and verifications, as necessary. For example, if an agency requires a soils report for residential development in certain areas, then this requirement should be clearly defined in the ordinance. Agencies should consider whether the additional requirements and verifications could be considered an undue constraint on the applicant. If the additional requirements and verifications could be considered an undue constraint on the applicant, then the agency should revise accordingly.
- Building Code. Local agencies may indicate how local building code requirements apply to ADUs, as appropriate.

Physical Improvements. Local agencies cannot require physical improvements beyond what is required for the creation of an ADU. For example, an applicant cannot be required to improve sidewalks or carry out street or access improvements.

Occupancy, Rental, and Sale Limitations

This section may cover occupancy, rental terms, and sale limitations applicable to ADUs and JADUs. At a minimum, this section must include the following allowances:

- Owner Occupancy. Owner occupancy allowances for newly created ADUs have been removed as of January 1, 2020. This exclusion will expire on December 31, 2024. As such, local agencies may not retroactively require owner occupancy for ADUs permitted between January 1, 2020, and December 31, 2024. There is an exception within California Government Code Section 65852.22, wherein a property that has an ADU and JADU shall be subject to owner-occupancy of either the JADU or the single-family residence.
 - Owner Occupancy Requirements for ADUs permitted on or before December 21, 2019, or on or after January 1, 2025: Local agencies may include language about specific owner occupancy requirements. Starting January 1, 2025, agencies can choose to require owner occupancy.
- Rental Terms/Short-Term Lodging. Local agencies can require that the ADU(s) be used for rental terms either longer or shorter than 30 days. However, ADUs created under subdivision (e) shall be required to be rented for terms longer than 30 days.
- □ Separate Conveyance. An ADU may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence, except when sold by a qualified nonprofit corporation to a qualified buyer in accordance with California Government Code Section 65852.26 with affordability restrictions.
- Deed Restriction. Local agencies may require that prior to the issuance of a permit, the property owner shall record a deed restriction that notifies future owners of the owner occupancy requirements, prohibition of the separate conveyance, rental terms, etc. However, local agencies cannot require any conditions that are not required under ADU state law.

8 Fee Requirements

This section may cover the applicable fees, including connection fees or capacity charges in addition to impact fees. According to state law, fees charged for the construction of ADUs shall be determined in accordance with California Government Code Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012). It is recommended that local agencies review current Impact Fees to determine consistency with the California Government Code.

□ Connection Fees or Capacity Charges. An ADU or JADU shall not be considered to be a new residential use for the purposes of calculating connection fees or capacity chargers for utilities, including water and sewer service, unless the ADU was constructed with a new single-family dwelling (note: this exception does not apply to JADUs).

- Impact Fees. Impact fees shall not be imposed on an ADU that is less than 750 sf. in size. For ADUs that are greater than 750 sf. in size, impact fees charged shall be proportionate in relation to the square footage of the primary dwelling unit.
 - Fee Waivers: Local agencies may choose to waive impact and other fees for ADUs. Local agencies may also use fee deferrals for applicants.
 - School Impact Fees: Regarding school impact fees, School Districts are authorized but do not have to levy impact fees for ADUs greater than 500 sf. pursuant to Section 17620 of the Education Code (i.e., ADUs less than 500 sf. are not subject to school impact fees). Local agencies may choose to coordinate with School Districts to determine the appropriate school impact fees for ADUs greater than 500 sf.

9Compliance with Other Regulations

This section may discuss other required permits and approvals, including but not limited to building permits, grading permits, encroachment permits, home occupation permits, flood variances, sanitation permits, well permits, and other construction-related permits and approvals. If desired, the local agency may also indicate that sequencing of building permit approvals (e.g., the agency will not issue final building permits for an ADU or JADU before approval of building permits for the primary dwelling). However, the "other regulations" shall not exceed any standards included in state law.

10Conditions for Non-Conforming Uses and Structures

This section may provide the local agency's approach to enforcing corrections to violations in relation to illegally built ADUs or JADUs. Of importance, a local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an ADU or JADU, the correction of nonconforming zoning conditions (e.g., removal of an unpermitted structure that encroaches into a rear yard setback).

- Nonconforming Conditions. Notwithstanding a local agency's chapter/section of its Zoning Ordinance pertaining to nonconforming uses, to the contrary, an owner of an ADU or JADU that receives a notice to correct violations or abate nuisance, in relation to the ADU or JADU, maydelay for five years in in enforcement of a building standard, as long as the violation is not a health and safety issue as determined by the local agency, subject to compliance with the Health and Safety Code Section 17980.12 and the following conditions:
 - 1. The ADU was built before January 1, 2020.
 - 2. The ADU was built on or after January 1, 2020, in a local jurisdiction that, at the time the ADU was built, had a noncompliant ADU ordinance, but the ordinance is compliant at the time the request is made.
 - 3. This section shall remain request a in effect only until [five (5) years from the date the ordinance is enacted] and as of that date is repealed.

11_{Definitions}

ADU-related definitions pursuant to state law are provided in California Government Code Sections 65852.2 and 65852.22. This section may utilize these definitions, expand upon definitions, and/or include other definitions, as necessary. If there are concerns about readability or length of the section, consider only providing definitions in a standalone chapter/article in the Zoning Ordinance, such as "General Terms and Definitions."



ADU INTRODUCTION POWERPOINT TEMPLATE

Disclaimer: The information provided in this powerpoint template does not, and is not intended to, constitute legal advice. All information and content presented is for general information purposes only. Please confer with your agency's attorney prior to finalizing your powerpoint.

The purpose of this template is to help local agencies in the San Joaquin Valley introduce ADUs to their jurisdictions through study sessions and/or workshops. This template was prepared through the San Joaquin Valley Regional Early Action Planning (REAP) Program by Precision Civil Engineering.

For more assistance, please refer to A Local Agency's Guide to Implementing Accessory Dwelling Units in the San Joaquin Valley. For questions, please contact Bonique Emerson, AICP, Vice President of Planning at (559) 449-4500 or <u>bemerson@precisioneng.net</u>.

For more information, visit the California Department of Housing and Community Development at https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units.

How to Use this Template: This template is provided as a PowerPoint (<u>CLICK HERE TO ACCESS</u>) for easy customization by your agency. There are prompts and/or notes on each slide to guide customization.

SJV REAP | ADU Building Permit Application/Checklist Template (version 1. dated 10/18/2022)

4



What is an Accessory Dwelling Unit?

- Accessory Dwelling Unit = ADU
- A secondary housing unit on a single or multi-family residential lot that provides complete independent living facilities including kitchen and bathroom facilities for one or more persons.
- Also known as: second units, guest cottages, in-law suites, casitas, etc.



PURPOSE

[Describe the purpose of the presentation and the goals for the ADU conversation.]

Types of ADUs

- An Attached ADU is attached to a primary dwelling unit.
- A Detached ADU is separated from a primary dwelling unit.
- An Internal Conversion ADU is an ADU or JADU within an existing or proposed primary dwelling unit or within an existing accessory building.
- A Junior ADU (JADU) is an ADU of no more than 500 sf. and is contained entirely within an existing primary dwelling unit, including an attached garage.



2



ADU Characteristics

- Accessory and adjacent to a primary dwelling unit.
- Smaller than the average U.S. single-family residential dwelling unit.
- Often owned by one owner on a single-or multi-family residential lot.
- Cannot be sold as a separate legal asset.



6



ADU Legislation

- A group of bills were signed into state law in 2019 and became effective on January 1, 2020. Other regulations became effective January 1, 2021.
- These bills were aimed at addressing regulatory barriers to ADU development.
- Most of the bills listed are codified in Gov't Code Section 65852.2.

10





Agency Control

- An agency can regulate parking, height, setback, landscape, architectural review, max size of a unit, and standards that preserve the integrity of historic structures with some exceptions.
- These standards shall be sufficiently objective to allow ministerial review of an ADU.
- May not preclude the allowance of the "state exemptADU," or exceed other set caps such as height and setbacks in some instances.
- Adequacy of water and sewer services as well as impacts on traffic flow and public safety may be used to limit areas where ADU development is permitted.

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ADU ORDINANCE TEMPLATE

Disclaimer: The information provided in this ordinance template does not, and is not intended to, constitute legal advice. All information and content presented is for general information purposes only. Please confer with your agency's attorney prior to finalizing your ordinance.

The purpose of this template is to help local agencies in the San Joaquin Valley understand how to utilize and amend their zoning ordinance to allow for the creation of ADUs in compliance with <u>California Government Code</u> Sections 65852.2 and 65852.22. This template was prepared through the San Joaquin Valley Regional Early Action Planning (REAP) Program by Precision Civil Engineering.

For more assistance, please refer to *A Local Agency's Guide to Implementing Accessory Dwelling Units in the San Joaquin Valley* "Updating Your Ordinance: The Dos, Don'ts, and How Tos." For questions, please contact Bonique Emerson, AICP, Vice President of Planning at (559) 449-4500 or <u>bemerson@precisioneng.net</u>.

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SJV REAP | ADU Ordinance Template (version 1. dated 10/18/2022)

Content Overview

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 - a. Purpose
 - b. Permitted Locations
 - c. Exceptions to Permitted Locations
- 2. Application Process
 - a. Permit Required
 - b. Review and Approval
 - i. Ministerial Review
 - ii. Statewide Exemptions
 - iii. Processing Time
 - iv. Submittal Requirements
- 3. Types of ADUs
- 4. Number of ADUs Permitted Per Legal Lot/Parcel
- 5. Development Standards
 - a. Site/Location Requirements
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 - a. Owner Occupancy
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 - a. Connection Fees or Capacity Charges
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 - a. Nonconforming Conditions
- 11. Definitions

SJV REAP | ADU Ordinance Template (version 1. dated 10/18/2022)

Title [#] – Zoning Part [#] – [Name] Chapter [#] ACCESSORY DWELLING UNITS

[Section #] Purpose and Applicability

[Subsection #] Purpose

The purpose of this chapter is to establish the regulations and procedures for the review of accessory dwelling units ("ADU" or "ADUs") and junior accessory dwelling units ("JADU" or "JADUs") in conformance with California Government Code Sections 65852.2 (Accessory Dwelling Units) and 65852.22 (Junior Accessory Dwelling Units).

[Subsection #] Permitted Locations

The provisions included in this chapter are applicable to all lots that 1) are zoned to allow single-family or multi-family residential uses and 2) include a proposed or existing dwelling unit.

[Subsection #] Exceptions to Permitted Locations

[If applicable, designate areas within the jurisdiction where ADUs are permitted based on: (1) adequacy of water and sewer services and (2) the impact of ADUs on traffic flow and public safety (e.g., severe fire hazard areas, areas of lesser car ownership rates, etc.). In cases where the local agency does not provide water or sewer services, consult with the service provider regarding the adequacy of services before designating an area. However, it is important to note that the local agency is responsible for designating these areas, not the applicant. A requirement for the applicant to provide evidence is viewed by the state as excessive and burdensome, constituting an undue constraint on a homeowner's ability to develop an ADU or JADU.]

[Section #] Application Process

- Permit Required. A [Type of Application] is required for ADUs and JADUs, along with a Building Permit. [Note: SB 2221 implies that a separate zoning approval process may no longer be allowed]
- B. Review and Approval.
 - Ministerial Review. A [Type of Application] for an ADU or JADU shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding California Government Code Sections 65901 or 65906 or any local ordinance regulating the insurance of variances or special use permits.
 - 2. Statewide Exemptions: An application for a permit to establish an ADU that meets at least one of the following descriptions shall be ministerially approved without a public hearing, and is not subject to the location requirements and development standards of this section:

- i. One ADU and one JADU are permitted per lot within the existing or proposed space of a single-family dwelling, or a JADU within the walls of the single-family residence, or an ADU within an existing accessory structure, that meets specified requirements such as exterior access and setbacks for fire and safety.
- ii. One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and may be required to meet a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.
- iii. Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.
- iv. Up to two (2) detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and four (4)-foot rear and side yard setbacks.
- Processing Time. On lots with an existing single-family or multi-family dwelling, an application to create an ADU or JADU shall be approved ministerially within sixty (60) days of submission of a complete application, unless either:
 - i. The permit application to create an ADU or JADU is submitted concurrently with a permit application to create a new single-family dwelling on the lot, in which case the City shall not act on the permit application for the ADU or JADU until the City acts on the permit application for the new singlefamily dwelling unit; or
 - ii. The applicant requests a delay, in which case the sixty (60)-day time period shall be tolled for the period of the delay.

If the [City or County] has not acted upon the completed application for the ADU or JADU within 60 days, and neither of the above exceptions are met, then the application for the ADU or JADU shall be deemed approved.

- 4. Submittal Requirements.
 - i. The application for an ADU or JADU shall be submitted to the [Department/Division].
 - ii. The ADU or JADU application shall include:

1. [List and Describe Requirements]

[Section #] Type of Accessory Dwelling Units

A. Types of Accessory Dwelling Units.

- Attached ADU. An ADU attached to an existing or proposed primary dwelling and located on the same lot as the proposed or existing primary dwelling, which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. The attached ADU shall have an exterior entrance separate from the main house.
- Detached ADU. An ADU structurally independent and detached from an existing or proposed primary dwelling and located on the same lot as the proposed or existing primary dwelling, which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.
- 3. Internal Conversion ADU. An ADU may be located within areas converted to habitable space, such as:
 - i. An area within an existing single-family dwelling (e.g., attached garage) and on the same lot as the existing dwelling with a separate exterior entrance; or
 - ii. An existing accessory structure (e.g., detached garage or pool house) located on the same lot as an existing single-family dwelling with a separate exterior entrance; or
 - iii. Portions of existing multi-family structures that are not used as livable space including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
- 4. Junior ADU. A JADU is a dwelling unit that is contained entirely within an existing or proposed single-family residence and is no more than 500 square feet in size. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. A JADU shall have an efficiency kitchen that includes cooking facilities with appliance in addition to a food preparation counter(s) and storage cabinets of reasonable size in relation to the size of the JADU. The JADU shall include a separate entrance from the main entrance to the proposed or existing single-family residence.

[Section #] Number of ADUs Permitted Per Legal Parcel or Lot

- A. Lots with a Single-Family Dwelling.
 - 1. One (1) ADU (detached, attached, or converted) and one (1) JADU shall be allowed per lot that is zoned to allow single-family residential uses and includes a proposed or existing single-family dwelling.
- B. Lots with a Multi-Family Dwelling(s).

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- 1. Attached or Converted ADU(s). At least one (1) ADU within the portions of existing multi-family structures shall be allowed per lot that is zoned to allow multi-family residential uses and includes an existing multi-family structure, so long as it does not exceed 25 percent of the total number of existing dwelling units.
- Detached ADU(s). Not more than two (2) ADUs that are located on a lot that is zoned to allow multi-family residential uses and includes an existing multi-family dwelling.

[Section #] Development Standards

Statewide Exemption ADUs shall not be subject to following standards, except for those noted in subdivision (e) (i.e., building code and health and safety requirements).

- A. Site/Location Requirements.
 - 1. Minimum Lot Size. ADUs that comply with this [chapter/article/section] shall be permitted on all legally established parcels, regardless of parcel size.
 - Lot Coverage. [Note: Lot coverage requirements cannot preclude the creation of a Statewide Exemption ADU. In cases where lot coverage requirements do not allow a Statewide Exemption ADU, local agencies are required to provide an exception or waiver].
 - 3. Space Between Buildings. [If applicable. Describe requirement for space between buildings. If specifying a minimum space requirement between the ADU and primary dwelling, include the phrase "where feasible" and/or recommend compliance with building code]
- B. Size and Floor Area.
 - Detached ADU. The maximum floor area of a detached ADU is 850 square feet for a studio or one bedroom unit and 1,000 square feet for an ADU with more than one bedroom. [Note: Local agencies may allow larger ADUs if desired. Per state law, 1,200 square feet is the maximum size allowed for ministerial approval as mandated by the state.]
 - 2. Attached ADU. The maximum floor area of an attached ADU shall not exceed [percent] of the [specify if living area of the existing primary dwelling or the lot area], or 850 square feet for a studio or one-bedroom unit and 1,000 square feet for an ADU with more than one bedroom, whichever is greater. [Specify how the floor area calculations are to be calculated, e.g., "garages and carports are to be excluded"].
 - 3. Internal Conversion ADU.
 - i. Single-Family Lots. The maximum floor area for internal conversion ADUs on single-family lots may expand up to 150 square feet from the existing primary dwelling unit, with no limit on size. If the ADU expands beyond 150

square feet from the existing primary dwelling unit, then the floor area shall not exceed 50 percent of the living area of the existing primary dwelling unit. [Specify how the floor area calculations are to be calculated, e.g., "garages and carports are to be excluded"].

- ii. Multi-Family Lots. The maximum floor area of an Internal Conversion ADU on multi-family lot shall not exceed 800 square feet or 50 percent of the floor area of the primary home, whichever is greater.
- 4. JADU. The maximum size of a JADU is 500 square feet.
- C. Height and Number of Stories. [Specify height and number of stories requirements. Note: The minimum height of an ADU pursuant to state law is 16 ft. Local agencies may impose height limitations provided that the limit is no less.]
- D. Setbacks. [Specify setback requirements. Note: Setbacks may be imposed by a local agency, but setbacks must not unduly constrain the creation of ADUs and cannot be required for ADUs proposed pursuant to subdivision (e) (i.e., "Statewide Exemption ADU").]
 - Front Yard Setbacks: [Specify. Note: Local agencies may apply front yard setbacks, but front yard setbacks cannot unduly constrain the creation of ADUs can cannot preclude ADUs proposed pursuant to subdivision (e) (i.e., "Statewide Exemption ADU").]
 - 2. Rear and Side Yard Setbacks: [Specify. Note: Local agencies may not require a setback of more than four (4) feet from the side and rear lot lines for a detached or attached ADU. Local agencies may allow the expansion of detached structures being converted to ADUs when the existing structures either have less than four (4)-foot rear or side yard setbacks or no setbacks. Additionally, special requirements can be called out to allow for compliance with building and fire codes]
- E. Parking Requirements. [Specify. Note: Local agencies have discretion to: (1) eliminate or reduce parking requirements for ADUs (e.g., zero or half spaces); or (2) consider flexibility when siting off-street parking (e.g., setback areas)].
 - A maximum of one (1) parking space shall be provided per ADU or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway [specify, or in the [front and/or rear] setback areas].
 - When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, replacement parking is not required. [Note: For JADU garage conversions, local agencies may require replacement parking.]
 - 3. Exceptions. No parking shall be required for ADUs in any of the following instances:

- i. The ADU is located within one-half mile walking distance of public transit.
- ii. The ADU is located within an architecturally and historically significant historic district.
- iii. The ADU is part of the proposed or existing primary residence or an accessory structure.
- iv. When on-street parking permits are required but not offered to the occupant(s) of the ADU.
- v. There is a car share vehicle located within one (1) block of the ADU.
- F. Architectural Review: [If applicable, specify. Note: Local agencies may require specific finish materials (e.g., similar to the primary residence) and roof forms (e.g., pitched vs. flat roof) if such standards are clear and sufficiently objective to allow ministerial review.
- G. Historical Properties and Districts: [If applicable, specify standards. Note: Local agencies may impose standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources.]
- H. Access and Entry: [If applicable. Note: Local agencies may specify additional access and entry requirements such as exterior and/or fire and safety access].
- I. Density Limits: An ADU that conforms to the ordinance shall be deemed to be an accessory use or accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use which is consistent with the existing general plan land use and zoning designations for the lot. The ADU shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

[Section #] Other Requirements

- A. Availability of Utilities. [If applicable. Note: Local agencies may designate areas within the jurisdiction where ADUs are permitted based on adequacy of water and sewer services. In cases where the local agency does not provide water or sewer services, consult with the service provider regarding the adequacy of services before designating an area. However, it is important to note that the local agency is responsible for designating these areas, not the applicant. A requirement for the applicant to provide evidence is viewed by the state as excessive and burdensome, constituting an undue constraint on a homeowner's ability to develop an ADU or JADU.]
 - 1. Utility Connections: [If applicable. Note: For ADUs proposed pursuant to subdivision (e), local agencies or service providers cannot require the installation of new or separate utility connection directly between the ADU and the utility, unless the ADU was constructed with a new single-family residence. For all other ADUs, local agencies or service providers may require a new or separate utility

connection directly between the ADU and the utility. For JADUs, local agencies or service providers cannot require a new or separate utility connection.]

- 2. Private Sewage Disposal System: [If applicable. Note: A local agency may require approval by a local health officer where a private sewage disposal system is being used. As part of the permit application to create an ADU connected to an onsite wastewater treatment system, the agency can require a percolation test completed within the last five years or if the percolation test has been recertified, within the last 10 years.]
- B. Addressing. [If applicable. Note: Local agencies may specify when and how permanent addressing will be assigned to an ADU and/or JADU (i.e., prior to occupancy)].
- C. Fire Sprinklers. If fire sprinklers are not required for the primary residence, then installation of fire sprinklers are not required in an ADU. However, if the primary residence undergoes significant remodeling and is required to install fire sprinklers, an ADU created after the remodel would also be required to install fire sprinklers. [Explain Permit/Inspection process for fire sprinklers, if desired.]
- D. Solar Panels. Newly constructed detached ADUs are subject to the Energy Code requirement to provide solar panels, either on the ADU or on the primary dwelling unit. Attached ADUs and internal conversion ADUs are not subject to the Energy Code requirement to provide solar panels. [Explain Permit/Inspection process for solar panels.]
- E. Property Designations. [If applicable. Note: Local agencies can designate areas within the jurisdiction where ADUs are permitted based on traffic flow and public safety. This may include special flood zone areas, geohazard zone areas, historic designation areas, special types of easements, etc. Within these areas, local agencies may specify additional requirements (such as a soils report) and verifications, as necessary. For example, if an agency requires a soils report for residential development in certain areas, then this requirement should be clearly defined in the ordinance. Agencies should consider whether the additional requirements and verifications could be considered an undue constraint on the applicant. If the additional requirements and verifications designed an undue considered an undue constraint on the applicant, then the agency should revise accordingly.]
- F. Building Code. [If applicable. Note: Local agencies may indicate how local building code requirements apply to ADUs, as appropriate].

[Section #] Occupancy, Rental, and Sale Limitations

A. Owner Occupancy. [If applicable. Note: Owner occupancy allowances for newly created ADUs have been removed as of January 1, 2020. This exclusion will expire on December 31, 2024. As such, local agencies may not retroactively require owner occupancy for ADUs permitted between January 1, 2020, and December 31, 2024. There is an exception within

California Government Code Section 65852.22, wherein a property that has an ADU and JADU shall be subject to owner-occupancy of either the JADU or the single-family residence. Agencies may include language to the effect that specific owner occupancy requirements for ADUs shall be applicable after January 1, 2025.]

- B. Rental Terms/Short-Term Lodging. [If applicable. Note: Local agencies may require that the ADU(s) be used for rental terms longer than 30 days. ADUs created under subdivision (e) shall be required to be rented for terms longer than 30 days.]
- C. Separate Conveyance. An ADU may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence, except when sold by a qualified nonprofit corporation to a qualified buyer in accordance with California Government Code Section 65852.26 with affordability restrictions.
- D. Deed Restriction. [If applicable. Note: Local agencies may require that prior to the issuance of a permit to construct an ADU, the property owner shall record a deed restriction that notifies future owners of the owner occupancy requirements, prohibition of the separate conveyance, rental terms, etc. However, local agencies cannot require any conditions that are not required under ADU state law.]

[Section #] Fee Requirements

- A. Connection Fees or Capacity Charges. An ADU or JADU shall not be considered to be a new residential use for the purposes of calculating connection fees or capacity chargers for utilities, including water and sewer service, unless the ADU was constructed with a new single-family dwelling (note: this exception does not apply to JADUs).
- B. Impact Fees. Impact fees shall not be imposed on an ADU that is less than 750 sf. in size. For ADUs that are greater than 750 sf. in size, impact fees charged shall be proportionate in relation to the square footage of the primary dwelling unit. [If applicable. Note: Local agencies may choose to waive impact and other fees for ADUs. Local agencies may also use fee deferrals for applicants. Regarding school impact fees, School Districts are authorized but do not have to levy impact fees for ADUs greater than 500 sf. pursuant to Section 17620 of the Education Code (i.e., ADUs less than 500 sf. are not subject to school impact fees). Local agencies may choose to coordinate with School Districts to determine the appropriate school impact fees for ADUs greater than 500 sf.]

[Section #] Compliance with Other Regulations

[If applicable. Note: This section may discuss other required permits and approvals, including but not limited to building permits, grading permits, encroachment permits, home occupation permits, flood variances, if required, sanitation permits, well permits, and other constructionrelated permits and approvals. If desired, the local agency may also indicate that sequencing of building permit approvals (e.g., the agency will not issue final building permits for an ADU or JADU before approval of building permits for the primary dwelling)].

[Section #] Conditions for Non-Conforming Uses and Structures

- A. Nonconforming Conditions. Notwithstanding [the local agency's chapter/section of its Zoning Ordinance pertaining to nonconforming uses], to the contrary, an owner of an ADU or JADU that receives a notice to correct violations or abate nuisance, in relation to the ADU or JADU, may request a delay for five years in in enforcement of a building standard, as long as the violation is not a health and safety issue as determined by the local agency, subject to compliance with the Health and Safety Code Section 17980.12 and the following conditions:
 - 1. The ADU was built before January 1, 2020.
 - 2. The ADU was built on or after January 1, 2020, in a local jurisdiction that, at the time the ADU was built, had a noncompliant ADU ordinance, but the ordinance is compliant at the time the request is made.
 - 3. This section shall remain in effect only until [five years from the date the ordinance is enacted] and as of that date is repealed.

[Section #] Definitions

[If applicable. Note: ADU-related definitions pursuant to state law are provided in California Government Code Sections 65852.2 and 65852.22. This section may utilize these definitions, expand upon definitions, and/or include other definitions, as necessary. If there are concerns about readability or length of the section, consider only providing definitions in a standalone chapter/article in the Zoning Ordinance, such as "General Terms and Definitions."]

- A. "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:
 - a. An efficiency unit.
 - b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- B. "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.
- C. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

- **D.** "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
- E. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- F. "Local agency" means a city, county, or city and county, whether general law or chartered.
- G. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- H. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- I. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- J. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- K. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- L. "Impact Fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact Fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

Note – Ord. No. YEAR-XXXX, adopted [DATE], repealed the former Chapter/Article Section [Number] – [Title] and enacted a new [Chapter/Article/Section [Number]] – [Title] as set out herein. The former [Chapter/Article/Section [Number]] pertained to [types of units] and derived from Ord. No. YEAR - , adopted in [YEAR].
INTERACTIVE ADU ORDINANCE TEMPLATE

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For more assistance, please refer to A Local Agency's Guide to Implementing Accessory Dwelling Units in the San Joaquin Valley "Updating Your Ordinance: The Dos, Don'ts, and How Tos." For questions, please contact Bonique Emerson, AICP, Vice President of Planning at (559) 449-4500 or <u>bemerson@precisioneng.net</u>.

For more information, visit the California Department of Housing and Community Development at https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units.

How to Use this Template: This template is provided as a PDF Document (<u>CLICK HERE TO</u> <u>ACCESS</u>) for easy customization by your agency. Follow pop-up descriptions to fill in, drop down, and choose items in the Ordinance.

Blue boxes indicate text fill-in areas.



Click on the Notes icon to see WHY you should include the section



Click on the ADU icon to see WHAT additional regulations you can include in your Ordinance



Application Process

A. Permit Required. A

with a Building Permit. 💻

- B. Review and Approval.
 - Ministerial Review. A for an ADU or JADU shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding <u>California Government Code</u> Sections 65901 or 65906 or any local ordinance regulating the insurance of variances or special use permits.

is required for ADUs and JADUs, along

- 2. Statewide Exemptions: An application for a permit to establish an ADU that meets at least one of the following descriptions shall be ministerially approved without a public hearing, and is not subject to the location requirements and development standards of this section:
 - i. One ADU and one JADU are permitted per lot within the existing or proposed space of a single-family dwelling, or a JADU within the walls of the single-family residence, or an ADU within an existing accessory structure, that meets specified requirements such as exterior access and setbacks for fire and safety.
 - ii. One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and may be required to meet a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.
 - iii. Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.
 - iv. Up to two (2) detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and four (4)-foot rear and side yard setbacks.
- 3. Processing Time. On lots with an existing single-family or multi-family dwelling, an application to create an ADU or JADU shall be approved ministerially within sixty (60) days of submission of a complete application, unless either:
 - i. The permit application to create an ADU or JADU is submitted concurrently with a permit application to create a new single-family dwelling on the lot, in which case the City shall not act on the permit application for the ADU or JADU until the City

acts on the permit application for the new single-family dwelling unit; or

ii. The applicant requests a delay, in which case the sixty (60)-day time period shall be tolled for the period of the delay.

If the has not acted upon the completed application for the ADU or JADU within 60 days, and neither of the above exceptions are met, then the application for the ADU or JADU shall be deemed approved.

- 4. Submittal Requirements.
 - i. The application for an ADU or JADU shall be submitted to the
 - ii. The ADU or JADU application shall include:

Type and Number of Accessory Dwelling Units

- A. Type of Accessory Dwelling Units.
 - 1. Attached ADU. An ADU attached to an existing or proposed primary dwelling and located on the same lot as the proposed or existing primary dwelling, which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. The attached ADU shall have an exterior entrance separate from the main house.
 - 2. Detached ADU. An ADU structurally independent and detached from an existing or proposed primary dwelling and located on the same lot as the proposed or existing

primary dwelling, which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.

- 3. Internal Conversion ADU. An ADU may be located within areas converted to habitable space, such as:
 - i. An area within an existing single-family dwelling (e.g., attached garage) and on the same lot as the existing dwelling with a separate exterior entrance; or
 - ii. An existing accessory structure (e.g., detached garage or pool house) located on the same lot as an existing single-family dwelling with a separate exterior entrance; or
 - iii. Portions of existing multi-family structures that are not used as livable space including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
- 4. Junior ADU. A JADU is a dwelling unit that is contained entirely within an existing or proposed single-family residence and is no more than 500 square feet in size. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. A JADU shall have an efficiency kitchen that includes cooking facilities with appliance in addition to a food preparation counter(s) and storage cabinets of reasonable size in relation to the size of the JADU. The JADU shall include a separate entrance from the main entrance to the proposed or existing single-family residence.

Number of ADUs Permitted Per Legal Parcel or Lot

- A. Lots with a Single-Family Dwelling.
 - 1. One (1) ADU (detached, attached, or converted) and one (1) JADU shall be allowed per lot that is zoned to allow single-family residential uses and includes a proposed or existing single-family dwelling.
- B. Lots with a Multi-Family Dwelling(s).
 - 1. Attached or Converted ADU(s). At least one (1) ADU within the portions of existing multifamily structures shall be allowed per lot that is zoned to allow multi-family residential uses and includes an existing multi-family structure, so long as it does not exceed 25 percent of the total number of existing dwelling units.

2. Detached ADU(s). Not more than two (2) ADUs that are located on a lot that is zoned to allow multi-family residential uses and includes an existing multi-family dwelling.

Development Standards

Statewide Exemption ADUs shall not be subject to following standards, except for those noted in subdivision (e) (i.e., building code and health and safety requirements).

- A. Site/Location Requirements.
 - 1. Minimum Lot Size. ADUs that comply with this shall be permitted on all legally established parcels, regardless of parcel size.
 - 2. Lot Coverage.
 - 3. Space Between Buildings.

B. Size and Floor Area.

- 1. Detached ADU. The maximum floor area of a detached ADU is 850 square feet for a studio or one bedroom unit and 1,000 square feet for an ADU with more than one bedroom.
- 2. Attached ADU. The maximum floor area of an attached ADU shall not exceed percent of the , or 850 square feet or 1,000 square feet for ADUs with more than one bedroom, whichever is greater.
- 3. Internal Conversion ADU.
 - i. Single-Family Lots. The maximum floor area for internal conversion ADUs on single-family lots may expand up to 150 square feet from the existing primary dwelling unit, with no limit on size. If the ADU expands beyond 150 square feet from the existing primary dwelling unit, then the floor area shall not exceed 50 percent of the living area of the existing primary dwelling unit.

ii. Multi-Family Lots. The maximum floor area of an Internal Conversion ADU on multi-family lot shall not exceed 800 square feet or 50 percent of the floor area of the primary home, whichever is greater.

JADU. The maximum size of a JADU is 500 square feet.

C. Height and Number of Stories.

D. Setbacks.

1. Front Yard Setbacks:

2. Rear and Side Yard Setbacks:

E. Parking Requirements.

- 1. A maximum of one (1) parking space shall be provided per ADU or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway
- 2. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, replacement parking is not required.
- 3. Exceptions. No parking shall be required for ADUs in any of the following instances:
 - i. The ADU is located within one-half mile walking distance of public transit.
 - ii. The ADU is located within an architecturally and historically significant historic district.
 - iii. The ADU is part of the proposed or existing primary residence or an accessory structure.
 - When on-street parking permits are required but not offered to the occupant(s) of the ADU.

v. There is a car share vehicle located within one (1) block of the ADU.

F. Architectural Review:

G. Historical Properties and Districts:

H. Access and Entry.

I. Density Limits: An ADU that conforms to the ordinance shall be deemed to be an accessory use or accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use which is consistent with the existing general plan land use and zoning designations for the lot. The ADU shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

Other Requirements

A. Availability of Utilities.

1. Utility Connections:

2. Private Sewage Disposal System:

B. Addressing.

C. Fire Sprinklers. If fire sprinklers are not required for the primary residence, then installation of fire sprinklers are not required in an ADU. However, if the primary residence undergoes significant remodeling and is required to install fire sprinklers, an ADU created after the remodel would also be required to install fire sprinklers.

D. Solar Panels. Newly constructed detached ADUs are subject to the Energy Code requirement to provide solar panels, either on the ADU or on the primary dwelling unit. Attached ADUs and internal conversion ADUs are not subject to the Energy Code requirement to provide solar panels.

SAN JOAQUIN VALLEY REGIONAL EARLY ACTION PLANNING PROGRAM TECHNICAL ASSISTANCE TOOL	
E. Property Designations.	
F. Building Code.	
Occupancy, Rental, and Sale Limitations	
A. Owner Occupancy.	Ø
B. Rental Terms/Short-Term Lodging.	
 C. Separate Conveyance. An ADU may be rented separate from the primary residence but man not be sold or otherwise conveyed separate from the primary residence, except when sold by qualified nonprofit corporation to a qualified buyer in accordance with <u>California Governmen Code</u> Section 65852.26 with affordability restrictions. D. Deed Restriction. 	а
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Fee Requirements

A.Connection Fees or Capacity Charges. An ADU or JADU shall not be considered to be a new residential use for the purposes of calculating connection fees or capacity chargers for utilities, including water and sewer service, unless the ADU was constructed with a new single-family dwelling (note: this exception does not apply to JADUs).

B.Impact Fees. Impact fees shall not be imposed on an ADU that is less than 750 sf. in size. For ADUs that are greater than 750 sf. in size, impact fees charged shall be proportionate in relation to the square footage of the primary dwelling unit.

Compliance with Other Regulations

Conditions for Non-Conforming Uses and Structures

A. Nonconforming Conditions. Notwithstanding

the contrary, an owner of an ADU or JADU that receives a notice to correct violations or abate nuisance, in relation to the ADU or JADU, may request a delay for five years in in enforcement of a building standard, as long as the violation is not a health and safety issue as determined by the local agency, subject to compliance with the Health and Safety Code Section 17980.12 and the following conditions:

, to

- 1. The ADU was built before January 1, 2020.
- 2. The ADU was built on or after January 1, 2020, in a local jurisdiction that, at the time the ADU was built, had a noncompliant ADU ordinance, but the ordinance is compliant at the time the request is made.
- This section shall remain in effect only until and as of that date is repealed.

Definitions

A."Accessory dwelling unit" means an attached or a detached residential dwelling unit that <u>provides complete</u> independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

- a. An efficiency unit.
- b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

B. "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

C. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

D."Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

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

F. "Local agency" means a city, county, or city and county, whether general law or chartered.

G."Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

H."Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

I."Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

J."Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

K."Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

L. "Impact Fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact Fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

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	Note - Ord. No. YEA	R-	, adopted	, re	pealed the fo	rmer		
A	-	and enacted	a new		-			A
V	as set out herein. Th	ie former			pertained to	0		Apr.
	and derived from Or	rd. No. YEAR-		, adopted ir	۱ .		A	
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STAFF REPORT AND PRESENTATION TEMPLATE

Disclaimer: The information provided in this staff report template does not, and is not intended to, constitute legal advice. All information and content presented is for general information purposes only. Please confer with your agency's attorney prior to finalizing your staff report.

The purpose of this template is to help local agencies in the San Joaquin Valley in their preparation for adoption of their ADU ordinances and/or ADU programs in compliance with <u>California Government Code</u> Sections 65852.2 and 65852.22 and their municipal codes. This template was prepared through the San Joaquin Valley Regional Early Action Planning (REAP) Program by Precision Civil Engineering.

For more assistance, please refer to A Local Agency's Guide to Implementing Accessory Dwelling Units in the San Joaquin Valley. For questions, please contact Bonique Emerson, AICP, Vice President of Planning at (559) 449-4500 or <u>bemerson@precisioneng.net</u>.

For more information, visit the California Department of Housing and Community Development at https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units.

How to Use this Template: This template is provided as a Word Document (<u>CLICK HERE TO</u> <u>ACCESS</u>) and PowerPoint (<u>CLICK HERE TO ACCESS</u>) for easy customization by your agency. Text [in gray] indicates fill-in areas.

Content Overview

- 1. Planning Commission Staff Report Template
- 2. Planning Commission Presentation Template
- 3. City Council/Board of Supervisors Staff Report Template
- 4. City Council/Board of Supervisors Presentation Template

Planning Commission Staff Report Template

REPORT TO THE PLANNING COMMISSION

[MONTH, DAY, YEAR]

FROM: [Name, Title] [Department Name]

BY: [Name, Title] [Department Name]

SUBJECT

Consideration of [Example: Development Code Text Amendment Application No. # and related Environmental Finding for Environmental Assessment No. #, amending Tables/Section # of the Municipal Code relating to Accessory Dwelling Units] :

- RECOMMEND ADOPTION (to the City Council/Board of Supervisors), of [Example: a finding set forth in Environmental Assessment No. # dated MONTH, DAY, YEAR, of a No Possibility Exemption pursuant to CEQA Guidelines Section 15061(b)(3)]; and,
- **2. RECOMMEND APPROVAL** (to the City Council/Board of Supervisors) of [Example: Development Code Text Amendment Application No. *#*, amending Tables/Sections, relating to Accessory Dwelling Units and Junior Accessory Dwelling Units].

EXECUTIVE SUMMARY

[Example: The City Council/Board of Supervisors will consider Staff-initiated amendments to the Development Code resulting from a change in state law that facilitates the development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) and addresses potential obstacles to these developments. Proposed amendments include the creation/revision of Section # of the Municipal Code relating to ADUs and JADUs.]

BACKGROUND / ANALYSIS

[Example: As an effort to further address the housing shortage crisis, in 2019 and 2020 Governor Newsom signed a series of housing bills that change the way local municipalities regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). These bills, collectively known and included as ADU Laws, are aimed at addressing the California Housing Crisis and include Senate Bill 13 and Assembly Bills 68, 345, 587, 670, 671 881, and 3182. These ADU Laws are intended to streamline ADU/JADU approval, address regulatory barriers to developing ADU/JADUs, and expand the capacity of ADU/JADUs. Development Code Text Amendment # is being proposed to accommodate the new ADU/JADU laws and make the Development Code consistent with State Law.

An ADU is an accessory structure to a primary residential structure that has complete living facilities independent of the primary structure. As shown in **Figure 1**, there are different types of ADUs. ADUs can either be attached or detached from the primary residential structure. Attached ADUs are a converted existing space, such as a primary bedroom or attached garage, or an addition to the primary residential structure. Junior Accessory Dwelling Units, or JADUs, are a specific type of converted space that is completely within an existing or proposed primary residential structure.



The ADU Laws identified above are the statutory minimum requirements mandated by the State Legislature and any local ordinance that does not meet the minimum requirements are null and void. Because of the current ordinance is no longer valid, the City/County of X has elected to adopt an ADU Ordinance that follows State ADU Law and simplifies the approval and permitting process for ADUs.]

SUMMARY OF DEVELOPMENT CODE TEXT AMENDMENT

[Example: Development Code Text Amendment Application No. # proposes to modify/add section # to the City/County Development Code to allow for the development of ADUs in compliance with State Law. The text amendment as currently proposed includes the following modifications:

1. Streamlines and clarifies the requirements for ADUs for both the public and Staff

- 2. Amends/adds the existing definitions of ADU/JADUs
- 3. Amends/adds the use tables in sections X, X, X to make the development of ADU/JADUs permitted by right and through a ministerial process
- 4. Amends/adds development standards in sections X, X, X for ADU/JADU development to consistent with State Law requirements for height, setbacks, minimum lot size, and ADU/JADU size
- 5. Amends/adds the parking requirements for ADU/JADUs in Section X
- 6. Adds Section X which provides the objective design standards that allow for ministerial review

The above changes summarize the key changes proposed by Development Code Text Amendment #. The entire text amendment is included as **ATTACHMENT 1**. A redlined version of the existing Code with proposed changes is included as **ATTACHMENT 2**.]

PUBLIC/COMMUNITY OUTREACH

[Example: As a public outreach effort, Development Code Text Amendment X went to X plan implementation committees for comments and recommendations. The recommendations from the Plan Implementation Committees are noted below:

Plan Implementation Committee 1

On MONTH, DAY, YEAR, the Plan Implementation Committee 1 voted X-X to recommend approval of the proposed Text Amendment.]

CONSISTENCY WITH THE GENERAL PLAN

[Example: Pursuant to Government Code § 65852.2, subd. (a)(1)(C), ADU/JADU developed in conformance with State Law are automatically a residential use deemed consistent with the general plan and development code. Therefore, the proposed Development Code Text Amendment No. # is consistent with the City/County of X General Plan.]

ENVIRONMENTAL FINDINGS

[Example: An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines.

CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA if it is "covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

Staff has conducted a preliminary review of the project and has determined that it is exempt

SJV REAP | ADU Staff Report & Presentation Template (version 1. dated 10/18/2022)

from CEQA pursuant to CEQA Guidelines Section 15061 (b)(3) under the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

Development Code Text Amendment # modifies/creates the City's ADU ordinance to comply with current State Law. Since the proposed text amendment is administrative in nature and in compliance with State Law, the establishment of a local ADU Ordinance that complies with State Law can be seen with certainty that there is no possibility of environmental impacts beyond what State Law has already considered.]

CITY/COUNTY CODE FINDINGS

[Example: The Planning Commission shall not recommend, and the City Council shall not approve an application unless the proposed amendment meets the following criteria, as set forth in X Municipal Code Section X:

- 1. The Development Code Text Amendment is consistent with the General Plan, the _____ County Airport Land Use Compatibility Plan, and any applicable operative plans
- Response: Pursuant to Government Code § 65852.2, subd. (a)(1)(C), ADU/JADU developed in conformance with State Law are automatically a residential use deemed consistent with the general plan and development code. Additionally, an ADU/JADU is classified as an accessory use and does not contribute to our count toward the overall density of a lot. Therefore, the proposed Development Code Text Amendment No. # is consistent with the City/County of X General Plan.]
- 2. The amendment is consistent with the purpose of the Development Code to promote the growth of the city/county in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general welfare

Response: Development Code Text Amendment No. # promotes growth in the city/county in an orderly and sustainable way through consistency with the general plan, development code, housing objectives and by expanding housing opportunities. Although the proposed text amendment would allow the development of ADU/JADUs by right through a ministerial process, all development would be subject to compliance with all applicable Building, Fire, and Electrical codes. This ensures all development occurs in a manner that promotes and protects public health, safety, peace, comfort, and general welfare. Further, Development Code Text Amendment No. # was routed to the Department of Public Works, Department of Public Utilities, Air Pollution Control District, Fire Department, Police Department, Building and Safety Services Division, and other applicable agencies for comment regarding the proposed text amendment's impact on public health, safety, peace, comfort, and general welfare. No such impacts were identified, and it can be concluded that Development Code Text Amendment No. # is appropriate and consistent.]

PUBLIC NOTICE

Notice of Planning Commission Hearing

[Example: Pursuant to the requirements of X Municipal Code Section X notice of this public hearing was published in the X on MONTH, DAY, YEAR, which is at least 10 days prior to the public hearing. Section X allows the posting of a public hearing notice, in at least one newspaper of general circulation, as an alternative noticing method for large mailings.]

FISCAL IMPACT

[Example: There is no Fiscal Impact associated with the proposed text amendment.]

CONCLUSION

[Example: The appropriateness of the proposed development code has been examined with respect to consistency with stated goals and regulations of recent State Law and the X General Plan and consistency with the purpose of the Development Code. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon completion of this evaluation, it can be concluded that Development Text Amendment No. X is appropriate. Therefore, staff recommends the Planning Commission recommend adoption Environmental Assessment No. # and recommend approval of Development Code Text Amendment No. #.]

Attachments:

[Example:	
ATTACHMENT 1:	Proposed Development Code Text Amendment
ATTACHMENT 2:	Redlined Existing Development Code]

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PLANNING COMMISSION CONSIDERATION OF

[Example: DEVELOPMENT CODE TEXT AMENDMENT NO. X AND THE RELATED ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. X]

[Example: Actions related to Development Code Text Amendment No. X and related Environmental Finding for Environmental Assessment No. X, to create/modify the City's ADU Ordinance and streamline and clarify the requirements for ADU development within the City.]

> SIV REAP | ADU Ordinance Presentation Template (version 1 dated 10/18/2022

Types of ADUs

- [Example: An <u>Attached ADU</u> is attached to a primary dwelling unit.
- A Detached ADU is separated from a primary dwelling unit.
- An Internal Conversion ADU is an ADU or JADU within an existing or proposed primary dwelling unit or within an existing accessory building.
- A Junior ADU (JADU) is an ADU of no more than 500 sf. and is contained entirely within an existing primary dwelling unit, including an attached garage.]

SJV REAP | ADU Ordinance Presentation Template (version 1 dated 10/18/2022)

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What is an ADU	City Municipal Code Findings
• [Example: Accessory Dwelling Unit = ADU	• [Example: The Development Code Text Amendment is
 A secondary housing unit on a single - or multi-family residential lot that provides complete independent living facilities including kitchen and bathroom facilities for one or more persons. 	consistent with the General Plan and any applicable operative plans
 Also known as: second units, guest cottages, in-law suites, casitas, etc.] 	 The amendment is consistent with the purpose of the Development Code to promote the growth of the city/county in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general welfare]
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	6



SJV REAP | ADU Ordinance Presentation Template (version 1 dated 10/18/2022)

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Recommendation

1.RECOMMEND ADOPTION (to the City Council/Board of Supervisors), of [Example: a finding set forth in Environmental Assessment No. # dated MONTH, DAY, YEAR, of a No Possibility Exemption pursuant to CEQA Guidelines Section 15061(b)(3)];

2.RECOMMEND APPROVAL (to the City Council/Board of Supervisors) of [Example: Development Code Text Amendment Application No. #, amending Tables/Sections, relating to Accessory Dwelling Units and Junior Accessory Dwelling Units].

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City Council/Board of Supervisors Staff Report Template

REPORT TO THE CITY COUNCIL/BOARD OF SUPERVISORS

[MONTH, DAY, YEAR]

- FROM: [Name, Title] [Department Name]
- BY: [Name, Title] [Department Name]

SUBJECT

Consideration of [Example: Development Code Text Amendment Application No. # and related Environmental Finding for Environmental Assessment No. #, amending Tables/Section # of the Municipal Code relating to Accessory Dwelling Units] :

- **3. RECOMMEND ADOPTION** (to the City Council/Board of Supervisors), of [Example: a finding set forth in Environmental Assessment No. # dated MONTH, DAY, YEAR, of a No Possibility Exemption pursuant to CEQA Guidelines Section 15061(b)(3)]; and,
- **4. RECOMMEND APPROVAL** (to the City Council/Board of Supervisors) of [Example: Development Code Text Amendment Application No. *#*, amending Tables/Sections, relating to Accessory Dwelling Units and Junior Accessory Dwelling Units].

EXECUTIVE SUMMARY

[Example: The City Council/Board of Supervisors will consider Staff-initiated amendments to the Development Code resulting from a change in state law that facilitates the development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) and addresses potential obstacles to these developments. Proposed amendments include the creation/revision of Section # of the Municipal Code relating to ADUs and JADUs.]

PLANNING COMMISSION ACTION

[Example: Pursuant to the requirements of X Municipal Code Section X, notice of the Planning Commission public hearing was published in the X on MONTH, DAY, YEAR. Section X allows the posting of a public hearing notice in at least one newspaper of general circulation, as an alternative noticing method for large mailings.

The proposed Development Code Text Amendment No. X was considered by the Planning Commission at its regularly scheduled meeting on MONTH, DAY, YEAR. Staff did not receive any correspondence in support or in opposition to the project.

After hearing testimony from city/county staff, the Planning Commission voted to recommend

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approval of the proposed applications by a vote of 7-0 (7 in favor, 0 in opposition).]

BACKGROUND / ANALYSIS

[Example: As an effort to further address the housing shortage crisis, in 2019 and 2020 Governor Newsom signed a series of housing bills that change the way local municipalities regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). These bills, collectively known and included as ADU Laws, are aimed at addressing the California Housing Crisis and include Senate Bill 13 and Assembly Bills 68, 345, 587, 670, 671 881, and 3182. These ADU Laws are intended to streamline ADU/JADU approval, address regulatory barriers to developing ADU/JADUs, and expand the capacity of ADU/JADUs. Development Code Text Amendment # is being proposed to accommodate the new ADU/JADU laws and make the Development Code consistent with State Law.

An ADU is an accessory structure to a primary residential structure that has complete living facilities independent of the primary structure. As shown in **Figure 1**, there are different types of ADUs. ADUs can either be attached or detached from the primary residential structure. Attached ADUs are a converted existing space, such as a primary bedroom or attached garage, or an addition to the primary residential structure. Junior Accessory Dwelling Units, or JADUs, are a specific type of converted space that is completely within an existing or proposed primary residential structure.





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State Legislature and any local ordinance that does not meet the minimum requirements are null and void. Because of the current ordinance is no longer valid, the City/County of X has elected to adopt an ADU Ordinance that follows State ADU Law and simplifies the approval and permitting process for ADUs.]

Summary of Development Code Text Amendment

[Example: Development Code Text Amendment Application No. # proposes to modify/add section # to the City/County Development Code to allow for the development of ADUs in compliance with State Law. The text amendment as currently proposed includes the following modifications:

- 1. Streamlines and clarifies the requirements for ADUs for both the public and Staff
- 2. Amends/adds the existing definitions of ADU/JADUs
- 3. Amends/adds the use tables in sections X, X, X to make the development of ADU/JADUs permitted by right and through a ministerial process
- 4. Amends/adds development standards in sections X, X, X for ADU/JADU development to consistent with State Law requirements for height, setbacks, minimum lot size, and ADU/JADU size
- 5. Amends/adds the parking requirements for ADU/JADUs in Section X
- 6. Adds Section X which provides the objective design standards that allow for ministerial review

The above changes summarize the key changes proposed by Development Code Text Amendment #. The entire text amendment is included as **ATTACHMENT 1**. A redlined version of the existing Code with proposed changes is included as **ATTACHMENT 2**.]

PUBLIC/COMMUNITY OUTREACH

[Example: As a public outreach effort, Development Code Text Amendment X went to X plan implementation committees for comments and recommendations. The recommendations from the Plan Implementation Committees are noted below:

Plan Implementation Committee 1

On MONTH, DAY, YEAR, the Plan Implementation Committee 1 voted X-X to recommend approval of the proposed Text Amendment.]

CONSISTENCY WITH THE GENERAL PLAN

[Example: Pursuant to Government Code § 65852.2, subd. (a)(1)(C), ADU/JADU developed in conformance with State Law are automatically a residential use deemed consistent with the general plan and development code. Additionally, an ADU/JADU is classified as an accessory use

and does not contribute to our count toward the overall density of a lot. Therefore, the proposed Development Code Text Amendment No. # is consistent with the City/County of X General Plan.]

ENVIRONMENTAL FINDINGS

[Example: An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines.

CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA if it is "covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

Staff has conducted a preliminary review of the project and has determined that it is exempt from CEQA pursuant to CEQA Guidelines Section 15061 (b)(3) under the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

Development Code Text Amendment # modifies/creates the City's/County's ADU ordinance to comply with current State Law. Since the proposed text amendment is administrative in nature and in compliance with State Law, the establishment of a local ADU Ordinance that complies with State Law can be seen with certainty that there is no possibility of environmental impacts beyond what State Law has already considered.]

CITY MUNICIPAL/COUNTY CODE FINDINGS

[Example: The Planning Commission shall not recommend, and the City Council/Board of Supervisors shall not approve an application unless the proposed amendment meets the following criteria, as set forth in X Municipal Code Section X:

- 2. The Development Code Text Amendment is consistent with the General Plan, the _____ County Airport Land Use Compatibility Plan, and any applicable operative plans
- 3. Response: Pursuant to Government Code § 65852.2, subd. (a)(1)(C), ADU/JADU developed in conformance with State Law are automatically a residential use deemed consistent with the general plan and development code. Additionally, an ADU/JADU is classified as an accessory use and does not contribute to our count toward the overall density of a lot. Therefore, the proposed Development Code Text Amendment No. # is consistent with the City/County of X General Plan.]
- 4. The amendment is consistent with the purpose of the Development Code to promote the growth of the city/county in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general welfare

Response: Development Code Text Amendment No. # promotes growth in the city/county in an orderly and sustainable way through consistency with the general plan, development code, housing objectives and by expanding housing opportunities. Although the proposed text amendment would allow the development of ADU/JADUs by right through a ministerial process, all development would be subject to compliance with all applicable Building, Fire, and Electrical codes. This ensures all development occurs in a manner that promotes and protects public health, safety, peace, comfort, and general welfare. Further, Development of Public Utilities, Air Pollution Control District, Fire Department, Police Department, Building Division, and other applicable agencies for comment regarding the proposed text amendment's impact on public health, safety, peace, comfort, and general welfare, comfort, and general welfare. No such impacts were identified, and it can be concluded that Development Code Text Amendment No. # is appropriate and consistent.]

PUBLIC NOTICE

Notice of City Council/Board of Supervisors Hearing

[Example: Pursuant to the requirements of X Municipal Code Section X notice of this public hearing was published in the X on MONTH, DAY, YEAR, which is at least 10 days prior to the public hearing. Section X allows the posting of a public hearing notice, in at least one newspaper of general circulation, as an alternative noticing method for large mailings.]

FISCAL IMPACT

[Example: There is no Fiscal Impact associated with the proposed text amendment.]

CONCLUSION

[Example: The appropriateness of the proposed development code has been examined with respect to consistency with stated goals and regulations of recent State Law and the X General Plan and consistency with the purpose of the Development Code. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon completion of this evaluation, it can be concluded that Development Text Amendment No. X is appropriate. Therefore, staff and the Planning Commission recommend the City Council/Board of Supervisors adopt Environmental Assessment No. # and approve Development Code Text Amendment No. #.]

Attachments:

[Example:	
ATTACHMENT 1:	Proposed Development Code Text Amendment
ATTACHMENT 2:	Redlined Existing Development Code]

COUNCIL/BOARD OF SUPERVISORS CONSIDERATION OF

[Example: DEVELOPMENT CODE TEXT AMENDMENT NO. X AND THE RELATED ENVIRONMENTAL FINDING FOR ENVIRONMETAL ASSESSMENT NO. X]

[Example: Actions related to Development Code Text amendment No. X and related Environmental Finding for Environmental Assessment No. X, to create/modify the City's ADU Ordinance and streamline and clarify the requirements for ADU development within the City.]

> SIV REAP | ADU Ordinance Presentation Templ (version 1 dated 10/18/2022)

Types of ADUs

- [Example: An <u>Attached ADU</u> is attached to a primary dwelling unit.
- A Detached ADU is separated from a primary dwelling unit.
- An Internal Conversion ADU is an ADU or JADU within an existing or proposed primary dwelling unit or within an existing accessory building.
- A Junior ADU (JADU) is an ADU of no more than 500 sf. and is contained entirely within an existing primary dwelling unit, including an attached garage.]

SJV REAP | ADU Ordinance Presentation Template (version 1 dated 10/18/2022)

1



4





Recommendation

1.ADOPT [Example: a finding set forth in Environmental Assessment No. # dated MONTH, DAY, YEAR, of a No Possibility Exemption pursuant to CEQA Guidelines Section 15061(b)(3)];

2.APPROVE [Example: Development Code Text Amendment Application No. #, amending Tables/Sections, relating to Accessory Dwelling Units and Junior Accessory Dwelling Units].

> SJV REAP | ADU Ordinance Presentation Template (version 1 dated 10/18/2022)

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ADU BUILDING APPLICATION & CHECKLIST TEMPLATE

Disclaimer: The information provided in this application and checklist template does not, and is not intended to, constitute legal advice. All information and content presented is for general information purposes only. Please confer with your agency's attorney prior to finalizing your application and checklist.

The purpose of this template is to help local agencies in the San Joaquin Valley prepare or amend their building permit application and/or checklist to allow for the creation of ADUs. This template was prepared through the San Joaquin Valley Regional Early Action Planning (REAP) Program by Precision Civil Engineering.

For more assistance, please refer to A Local Agency's Guide to Implementing Accessory Dwelling Units in the San Joaquin Valley. For questions, please contact Bonique Emerson, AICP, Vice President of Planning at (559) 449-4500 or <u>bemerson@precisioneng.net</u>.

For more information, visit the California Department of Housing and Community Development at https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units.

How to Use this Template: This template is provided as a Word Document (<u>CLICK HERE TO</u> <u>ACCESS</u>) for easy customization by your agency. Text [in gray] indicates fill-in areas.

SJV REAP | ADU Building Permit Application/Checklist Template (version 1. dated 10/18/2022)

[CITY/COUNTY] OF [JURISDICTION] BUILDING PERMIT APPLICATION FOR ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

A. INSTRUCTIONS

[Example language:

- Refer to the [City/County Municipal Code/ADU Ordinance]
- If participating in the Pre-Approved ADU Program, determine which floor plan and elevation you will use by selecting from the box to the right.
- Complete form below (all lines, sign, and initial)
- Attach documents found in the Submittal Requirements Checklist
- Submit application and supplemental materials to [City/County Department/Division by email, online permitting system, mail, email]

B. OWNER AND CONTRACTOR INFORMATION

APPLICANT:

Name: Phone: Address: City, State, Zip:

PROPERTY OWNER:

Name: Phone: Address: City, State, Zip:

CONTRACTOR

Name: Phone: Address: City, State, Zip:

	COMPLETE ONLY FOR PRE-APPROVED ADU PROGRAM
[Exampl	e language:
Floor Pla	an (check one)
	500 sq. ft. 850 sq. ft. 1,000 sq. ft.
Elevatio	n (check one)
	Spanish/Mediterranean
	California Ranch
	Bungalow/Craftsman]

SJV REAP | ADU Building Permit Application/Checklist Template (version 1. dated 10/18/2022)

C. PROJECT INFORMATION

1. General Information

Job Address: APN: Zone District:1 Project Valuation:2

2. Structure Information (Existing and Proposed Buildings)

	STORIES	ES	Ŧ		Number of		House/Str	uctures propo	osed and to	remain (SQ	. FT.)
		HEIGHT	BED -ROOMS	BATH -ROOMS	PARKING STALLS	LIVING SPACE	GARAGE	ΡΑΤΙΟ	PORCH	TOTAL	
Existing											
Proposed											
	11								TOTAL		

Lot Size (sf):_____ Lot Coverage (%)³: _____

3. Proposed Setbacks

	FRONT	LEFT SIDE	RIGHT SIDE	REAR	STREET SIDE	ALLEY
SETBACKS						
Proposed						
Existing Easements						
Eave Projections						

4. Accessory Dwelling Unit Information

Answer Yes or No. Is the ADU detached from the primary unit? Answer Yes or No. Is the ADU new construction? Answer Yes or No. Is the ADU a conversion of existing space?

¹ Determine the zoning of your property by viewing the City's Zoning Map located here, [link].

² Project Valuation can be determined by estimating the total cost of building construction, including all electric, mechanical, plumbing and permanently fixed equipment.

³ Lot Coverage is calculated by dividing total square footage of existing and proposed structures by lot size and multiplying by 100. If lot coverage is greater than 50%, then [explain limitations].

5. Utility Information:

Please provide the location and description of utility, water, and sanitary services for both the primary dwelling unit and the proposed ADU:

6. Indication of Fire Sprinklers:

If applicable, please indicate whether the proposed ADU will be equipped with a fire sprinkler system.⁴

7. Indication of Solar Panels:

If applicable, please indicate whether solar panels will be installed on the proposed ADU or primary dwelling unit.⁵

D. REQUIREMENTS, DECLARATIONS, AND SIGNATURES

[This section may include:

- Permitted work hours
- Declarations from licensed contractors and/or owner-builders
- Workman's compensation affirmation or exemption]

SJV REAP | ADU Building Permit Application/Checklist Template (version 1. dated 10/18/2022)

⁴ In cases where the primary dwelling unit has a fire sprinkler system, then the ADU will be required to have fire sprinklers. [Explain permit required]

⁵ [Example language: Newly constructed ADUs may be subject to the California Energy Code requirement to provide solar panels if the unit(s) is a newly constructed, non-manufactured, detached ADU. Confirm applicability with your Title 24 Consultant and refer to the California Energy Commission's Newsletter, "Blueprint," Issue 129 (click to access) for more information. If panels are required, they can be installed on the ADU or on the primary dwelling unit. A solar installation permit is required to be approved by the Building Department. ADUs that are conversions from existing square footage are not subject to the Energy Code requirement to provide solar panels.]

TECHNICAL ASSISTANCE TOOL

Submittal Requirements

for Accessory Dwelling Units and Junior Accessory Dwelling Units

Please use this checklist for submittal requirements for <u>Accessory Dwelling Units and Junior</u> <u>Accessory Dwelling Units Building Permit Applications</u>. The following items must be submitted in order to process your application. If the plans are not legible and/or do not contain the required information, your application will be rejected.

Instructions:

1. All plans and documents shall be [uploaded/emailed/mailed, etc.]

×	SUBMITTAL REQUIREMENTS
	Building Permit Application & Fees –
	• <u>Plan Check Fees</u> will be invoiced after the application is submitted. All fees must be
	paid before the application is deemed complete.
	Impact Fees will be invoiced prior to building permit approval – refer to the
	[City/County Impact Fee List/Schedule] for ADU fees.
	Pre-Approved ADU Program –
	If participating in the pre-approved ADU program, [describe requirements:
	Pre-Approved Plan Set (Download)
	 Truss Information and Calculations (See Below)
	 Title 24 Energy Information and Calculations (See Below)
	Preliminary Title Report (See Below)
	• Etc.]
	Building Plan Sets –
	• [Describe size, number of copies required, format]
	 <u>Floor plan</u> that includes the location of interior walls (if any) and the uses of
	rooms (if more than one). Include the size and location of windows and
	doors and the location of electrical, plumbing and mechanical features. Note
	that the electrical receptacles in most accessory buildings must be GFCI
	protected.
	• Roof framing plan that details the size and spacing of rafters, ceiling joists,
	roof sheathing, and the roof covering materials.
	• <u>Elevation drawings</u> of each building face (front, rear, left, right) and indicate
	the type of building materials for walls, windows, and doors. Show all
	architectural features, openings, exterior finishes, stepped footing outline,
	roof pitch, materials, color board, etc.
	• Foundation Plan and Cross Section that shows size and depth of foundation
	perimeter walls, slabs, or pier holes. Include details of concrete
	reinforcement, hold down hardware, connections, roofing, ceiling, wall
	insulation, etc.

	TECHNICAL ASSISTANCE TOOL
	 Framing Plan that details the general assembly of the framing and includes lumber sizes, spacing of the members, location of posts and beams and how the members are to be connected including the type, size and spacing of hardware and fasteners. Truss Information and Calculations from the truss manufacturer prior to a request for roof and shear inspection.
	• <u>Structural Calculations (if required)</u>
	 Title 24 Energy Information and Calculations (as applicable) Title 24 Calculation and Compliance Reports are required to verify that your proposed building design complies with California Title 24 Building Energy Efficiency Standards (Title 24, Part 6 of the California Code of Regulations, i.e., "CALGreen"). The Calculation and Compliance Reports are to be completed by a certified third-party consultant and will include specifications (as applicable) for solar, water heater, HVAC equipment and ducting, fenestration, insulation, and cool/radiant barrier sheathing for Climate Zone 12. Confirm applicability with your Title 24 Consultant. Search for "title 24 Calculations and Compliance Reports" in your web browser to locate a certified consultant.
	• CALGreen Checklists verifying compliance with Title 24 are available for download
	(<u>Click Here to Access CALGreen Checklists</u>). The Checklists are to be completed by a
-	certified third-party consultant and be included in the building plan set for submittal.
	Preliminary Title Report showing the legal description of the property and any recorded
	easements.
	Letter from water, natural gas, electricity, and sewer service providers stating that they have adequate capacity to serve the ADU. If the applicant intends to use a private water or sewage disposal service, a letter from the water or sewer service provider shall not be required.
	Plot Plan drawn to scale and showing:
	A north arrow to indicate parcel orientation.
	Lot dimensions and labels for all property lines.
	• The location of the primary residence and the ADU on the lot.
	 The setbacks of all existing and proposed structures on the project site and all structures and improvements located on adjacent lots. For new structures, provide setbacks to the portion of the structure that projects furthest toward the property line. All structures shall be identified.
	• All easements, building envelopes, and special requirements of the subdivision as shown on the final map and improvement plans.
	• All other existing improvements, including driveways and parking areas.
	• A grading plan, indicating how the property is to be graded and drained, if applicable.
	Color photos of the site and adjacent properties taken from each property line of the
	site to show the site and adjacent sites. Each photograph shall be labeled and reference
	the site.

ADU INTERNAL POLICY AND PROCEDURE TEMPLATE

Disclaimer: The information provided in this internal policy and procedure example does not, and is not intended to, constitute legal advice. All information and content presented is for general information purposes only. Please confer with your agency's attorney prior to finalizing your internal policy and procedure.

The purpose of this template is to help local agencies in the San Joaquin Valley prepare or amend their internal policy and procedure to support staff in allowing for the creation of ADUs. This template was prepared through the San Joaquin Valley Regional Early Action Planning (REAP) Program by Precision Civil Engineering.

For more assistance, please refer to A Local Agency's Guide to Implementing Accessory Dwelling Units in the San Joaquin Valley. For questions, please contact Bonique Emerson, AICP, Vice President of Planning at (559) 449-4500 or <u>bemerson@precisioneng.net</u>.

For more information, visit the California Department of Housing and Community Development at https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units.

How to Use this Template: This template is provided as a Word Document (CLICK HERE TO DOWNLOAD) for easy customization by your agency. Text [in gray] indicates fill-in areas.

SJV REAP | Internal Policy and Procedure Template (version 1. dated 10/18/2022)

Policy and Procedure [#]

Processing Permits for Accessory Dwelling Units in [City/County]

Target Audience:

[Building and Planning Staff]

Purpose:

The [Department/Division] has established this procedural outline to assist staff in determining the review process and procedure as well as materials required ADU and JADU building permit applications, described as follows.

[If Applicable: Pre-Approved ADU Program

The primary goal of the Pre-Approved ADU Program is to provide an incentive for property owners to use a pre-approved plan to avoid additional design costs, ensure they are choosing a plan that has been plan checked and complies with Building Code and the City's Residential Design Guidelines, and reduce the overall time from submittal to building permit. Additionally, this program seeks to reduce or eliminate obstacles to the construction of ADUs, which is important because ADUs provide diversity in housing types, which is encouraged at both state and local levels, and may potentially be counted as affordable units in regard to [City/County's] Housing Element and Regional Housing Needs Allocation.]

Procedures:

A. Pre-Application/Counter Inquiries

Direct potential applicants interested in developing an ADU or JADU to [website, guide document, checklist, staff member].

B. Submittal

A [type of application and if applicable, checklist] has been created to assist with the processing of ADU permits. The goal of the checklist is to ensure that all documents required for both Planning and Building review are provided. The permit application and checklist can be found here [hyperlink].

[If applicable: An applicant proposing to utilize one of the Pre-Approved ADU Plans will be required to download and submit the full plan set including cover sheets, floor plan, sections, elevations, foundation plan, roof framing plan, structural details, structural calculations and electrical plan. The entire set has been previously reviewed and approved and does not need to be re-reviewed by agency staff.]
C. Processing

Once an application is submitted, staff shall verify all items on "Submittal Requirements for Accessory Dwelling Units and Junior Accessory Dwelling Units" have been submitted. All normal permit fees are required. Planning shall verify site plan meets zoning requirements. Once it is verified that all documents on the checklist have been submitted and the proposed ADU meets all zoning requirements, permits may be processed, and permits issued according to typical standards.

Permit shall be issues within 60-days from original submittal. **References:**

[City/County Municipal Code Section #] [Signature Lines of Director/Manager/Supervisor]

SJV REAP | Internal Policy and Procedure Template (version 1. dated 10/18/2022)

SECTION 2: DEVELOP PRE-APPROVED PLANS

- 1. San Joaquin Valley Pre-Reviewed ADU Plans
- 2. Designing Your Pre-Approved Plan Program



SAN JOAQUIN VALLEY PRE-REVIEWED ADU PLANS

As part of the San Joaquin Valley REAP Program, four (4) pre-reviewed, detached ADU plan sets ranging in size from 375 square feet to 910 square feet have been prepared for use by local agencies in the San Joaquin Valley. A sample of *the SJV REAP TOOL: Pre-Reviewed Plan Set* is available (click to download). Please note, the sample plan set is for example only and does not constitute a full set. See **How it Works** for how to obtain the full plan sets.

The plan sets include architectural sheets (floor plans, elevations), structural sheets (foundation, roof framing, details), electrical sheets (electrical plan), and CalGreen Forms for the following layouts:

- 375 square foot studio with open concept kitchen and living room, bathroom, stacked washer and dryer
- 550 square foot, one-bedroom with kitchen, living room, bathroom, and stacked washer and dryer
- 775 square foot, two-bedroom with open concept kitchen, dining room, and living room, bathroom, and side-by-side washer and dryer
- 910 square foot, two-bedroom with kitchen, open concept dining and living room, shared bathroom, and side-by-side washer and dryer

Each plan set has three (3) elevations: Modern Farmhouse with board and batten, Craftsman/Bungalow with horizontal siding and stone veneer, and California Ranch Style.

HOW IT WORKS: REQUESTING FULL PLAN SET(S)

The plan sets have been pre-reviewed by a third party for compliance with the California Residential Code and are available for use by local agencies in the San Joaquin Valley. The plans will require further review through each individual agency's plan review process and revisions before they are made available to the public. Interested local agencies should fill in the "Technical Assistance Request" form on the <u>San Joaquin Valley REAP Webpage</u> (click to access) for ADUs. The full plan sets can be provided as CAD files. There is also funding available on a first come, first served basis for assistance with revising the plan set(s) for approval by your agency. Examples from the sets are provided on the following pages.

SJV REAP TECHNICAL ASSISTANCE TOOLS (CLICK TO DOWNLOAD)

Pre-Reviewed Plan Set Example (PDF)

EXAMPLE. PRE-REVIEWED PLAN SET – 550 SQUARE FOOT



SAMPLE. PRE-REVIEWED PLAN SET – 3D RENDERINGS

California Ranch Style







Rear Elevation

Craftsman/Bungalow







Rear Elevation

Modern Farmhouse





Front Elevation



Rear Elevation

DESIGNING YOUR OWN PRE-APPROVED PROGRAM

Pre-approved plans have the potential to save homeowners thousands of dollars and save local agencies hours of staff time. In determining your agency's approach to designing a preapproved plan program, we recommend the following considerations.

HIRING CONSULTANTS

- Decide the extent of plan sets to be designed. Some agencies may only provide floor plans and elevations, leaving the customer to hire design experts to complete the rest of the plan sets. Other agencies seek to create master plan sets of all required sheets, drawings, and calculations typical of their building permit process.
- Determine the range or type of design experts (e.g., architects, engineers, designers, planners) needed to design the plan sets. Depending on the extent of required content, consider whether additional technical experts are needed (e.g., structural, mechanical, or electrical engineers; truss manufacturers; etc.).
- Clarify and indemnify the "owner" of the plan sets. Generally, there are two types of preapproved programs: agency-owned or designer-owned plan programs. In the agencyowned plan programs, the agency contracts with a design expert to create the plan sets that the agency will pre-approve and ultimately own. In designer-owned plan programs, the design expert retains ownership of the pre-approved plans. Which ever the case, it is recommended that an indemnification form/waiver be included in the building permit application submittal.

DESIGNING LAYOUTS

- Decide between a city/county-wide or location-specific pre-approved plan program. Does any property in your jurisdiction qualify to participate in the pre-approved plan program, or does your program target a specific neighborhood? For example, the City of Clovis Cottage Home Program offers residents an opportunity to construct the streamlined plans on their property with a rear yard facing an alley. The program was created to specifically encourage infill residential development where many properties have access to alleys. The streamlined plans were developed to fit this type of property configuration.
- Conduct a preliminary review of common parcel sizes in targeted zone districts (e.g., infill properties zoned to allow residential development). Understanding the average parcel size in targeted zone districts can help further refine the size range. For example, if the targeted parcels are smaller, narrower lots, then you might consider offering a range of

smaller, thin, rectangular layouts that would fit most properties. In addition, think about sizing layouts based on impact fee thresholds (e.g., less than 750 square feet for city/county impact fees or less than 500 square feet for school impact fees) to offer more cost savings to customers.

Consider the design costs to the consumer before selecting designs. When selecting design types, think about the common architectural styles of your community and how those styles can be reflected through cost-effective, readily available materials (e.g., stone vs. stone veneer) that do not drive-up construction costs or require additional engineering (e.g., structural calculations for roof loads). To help consumers visualize the designs, consider developing a design workbook with illustrations in color.



SECTION 3: IMPLEMENT YOUR ADU PROGRAM

1. Putting it all together



PUTTING IT ALL TOGETHER

A primary goal of implementing an ADU Program should be to take the guesswork out of the process and reduce the resources needed to develop ADUs, for both homeowners and agencies. There are three (3) main ways to set up a program.

IPROCESSING/HOW-TO GUIDE FOR HOMEOWNERS

- Determine audience
- Interpret regulations for public consumption
- Technical yet visual adequately interpret the code and present it in a visual way
- Provide tools and examples example plot plan
- Hyperlink add hyperlinks for easier access to more information

LTECHNICAL ASSISTANCE

- Designate staff member or email address
- Utilize web-based services webpage, cost calculator, interactive GIS map, etc.
- Provide Front Counter educational marketing materials information sheet, templates, application checklist, etc.
- Inquire about On-call consulting availability

FINANCIAL ASSISTANCE/LOANS

- Fee waivers for city-controlled fees
- Develop Amnesty Program to legalize illegal ADUs
- Grants or Loans

SJV REAP TECHNICAL ASSISTANCE TOOLS

(CLICK TO DOWNLOAD)

ADU Implementation Handout (Agency) (PDF)

ADU Overview Handout (Public) (PDF)

ADU How-to Guide Template (PPT)

ADU IMPLEMENTATION HANDOUT (AGENCY)

The purpose of this handout is to help local agencies in the San Joaquin Valley understand options for implementing ADUs in their jurisdictions. The handout is available for agency staff as a summary document of *A Local Agency's Guide to Implementing Accessory Dwelling Units in the San Joaquin Valley*. This template was prepared through the San Joaquin Valley Regional Early Action Planning (REAP) Program by Precision Civil Engineering.

For more assistance, please refer to A Local Agency's Guide to Implementing Accessory Dwelling Units in the San Joaquin Valley. For questions, please contact Bonique Emerson, AICP, Vice President of Planning at (559) 449-4500 or <u>bemerson@precisioneng.net</u>.

For more information, visit the California Department of Housing and Community Development at https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units.

How to Use this Handout: This handout is provided as a PDF (<u>CLICK HERE TO ACCESS</u>) to be provided to your agency staff who are implementing ADUs in your jurisdiction.

SJV REAP | ADU Implementation Handout (version 1. dated 10/18/2022)

A LOCAL AGENCY'S GUIDE TO IMPLEMENTING ACCESSORY DWELLING UNITS

3 ways to support ADU Development in your jurisdiction!

UPDATE YOUR ADU ORDINANCE

Aside from compliance with State ADU law, a **primary goal** of updating your ADU ordinance should be to make it easy-to-understand for the reader, including homeowners and agency staff. We recommend the following "add-ons" to ensure an efficient and effective ADU ordinance:

- Draft Interim Guidelines that are available to the public on the agency's website.
- Develop an Internal Policy and Procedure to guide current and future staff.
- Supplement ordinance with a How-to-Guide for homeowners and contractors.
- Create a separate ADU Application and Application Checklist.

DEVELOP PRE-APPROVED PLANS

A **primary goal** of developing pre-approved plans should be cost-savings to the customer – both time (e.g., permitting process) and money (e.g., design experts, construction, etc.). Pre-approved plans can range from floor plans and elevations to a complete set of construction plans, drawings, and specifications that are reviewed and approved through the plan review process. In determining your agency's approach to pre-approved plans, we recommend the following considerations.

1. HIRING CONSULTANTS

- Architect, Draftsperson, Designer
- Extent of Plan Sets
- Indemnification Forms/Waivers

3. SELECTING STYLES

- Common architectural styles
- Structural loads of design features
- Cost-effective construction materials
- Design Workbook showcasing styles

IMPLEMENT ADU PROGRAM

2. DESIGNING LAYOUTS

- Applicable city-wide or within a specific area
- Attached, Detached, or Internal Conversion ADUs
- Common lot sizes (hint: look at building permits)
- Allowances under the CBC and CRC
- Fee thresholds (i.e., impact fees, school fees)
- Affordable, flexible, and accessible spaces

4. <u>PLAN REVIEW</u>

In-house or third-party review

Put it all together and implement an ADU Program. A **primary goal** of implementing an ADU Program should be to take the guesswork out of the process and reduce the resources needed to develop ADUs, for both homeowners and agencies. There are three (3) main ways to set up a program. We recommend the following considerations when choosing components of your ADU Program.

<u>1. PROCESSING GUIDE</u>

- Determine audience
- Interpret regulations for public consumption
- Technical yet visual adequately interpret the code and present it in a visual way
- Provide tools and examples plot plan, easements, lot coverage, special design standards (e.g., flood, geologic)
- Hyperlink

2. TECHNICAL ASSISTANCE

- Designate staff member or email address
- Utilize web-based services webpage, cost-calculator, interactive GIS map, etc.
- Front Counter educational marketing materials – information sheet, templates, application checklist, etc.
- On-call consulting availability

<u>3. FINANCIAL</u> ASSISTANCE/ LOANS

- Fee Waivers citycontrolled fees
- Amnesty Program to legalize illegal ADUs
- Grants or Loans



SJV REAP | ADU Implementation Overview (version 1. dated 10/18/2022)

For more information, please visit: <u>https://sivcogs.org/reap/</u>

San Joaquin Valley



ADU OVERVIEW HANDOUT (PUBLIC)

The purpose of this handout is to help local agencies in the San Joaquin Valley communicate and promote ADUs in their jurisdictions. The handout is available to be posted on your website and/or printed and provided at your planning or building counter for public use and information. This template was prepared through the San Joaquin Valley Regional Early Action Planning (REAP) Program by Precision Civil Engineering.

For more assistance, please refer to A Local Agency's Guide to Implementing Accessory Dwelling Units in the San Joaquin Valley. For questions, please contact Bonique Emerson, AICP, Vice President of Planning at (559) 449-4500 or <u>bemerson@precisioneng.net</u>.

For more information, visit the California Department of Housing and Community Development at https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units.

How to Use this Handout: This handout is provided as a PDF (<u>CLICK HERE TO ACCESS</u>) to be posted on your website and/or printed and provided at your planning or building counter for public use and information.





For more information, please visit: <u>https://sjvcogs.org/reap/</u>

DEFINING ADUs

An **ADU** is a secondary housing unit on a single – or multi-family residential lot that provides complete independent living facilities including kitchen and bathroom facilities for one or more persons. Also known as: second units, guest cottages, in-law suites, casitas, etc.

A **JUNIOR ADU** is an ADU of no more than 500 sf. and is contained entirely within an existing primary dwelling unit, including an attached garage.

TYPES OF ADUs



ATTACHED ADU Attached to a primary dwelling unit

DETACHED ADU Separated from a

primary dwelling unit





SJV REAP | ADU Overview (version 1. dated 10/18/2022)

ADU CHARACTERISTICS

- Accessory and adjacent to a primary dwelling unit, existing or proposed.
- Smaller than the average U.S. singlefamily residential dwelling unit.
- Often owned by one owner on a single- or multi-family residential lot.
- Cannot be sold as a separate legal asset.

ADU BENEFITS

- More cost-effective to build.
- Income-generating and wealth-building.
- Increase housing supply and choice.
- Support aging-in-place.
- Provide housing that is closer to jobs and amenities.

EXAMPLE LOT



ADU HOW-TO GUIDE TEMPLATE

Disclaimer: The information provided in this template does not, and is not intended to, constitute legal advice. All information and content presented is for general information purposes only. Please confer with your agency's attorney prior to finalizing your guide.

The purpose of this template is to provide guidance to local agencies of the San Joaquin Valley in developing a How-to Guide for public consumption (i.e., homeowners, contractors, and residents). This template offers suggestions for content to include in a How-to Guide that will be tailored to your jurisdiction. This template was prepared through the San Joaquin Valley Regional Early Action Planning (REAP) Program by Precision Civil Engineering.

For more assistance, please refer to A Local Agency's Guide to Implementing Accessory Dwelling Units in the San Joaquin Valley. For questions, please contact Bonique Emerson, AICP, Vice President of Planning at (559) 449-4500 or <u>bemerson@precisioneng.net</u>.

For more information, visit the California Department of Housing and Community Development at https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units.

How to Use this Template: This template is provided as a PowerPoint (<u>CLICK HERE TO ACCESS</u>) for easy customization by your agency. There are prompts and/or notes on each slide to guide customization.

Content Overview

- 1. Step-by-step guide to build content for your how-to guide
- 2. How-to guide template

STEP-BY-STEP GUIDE

STEP 1. Building Content for your How-to Guide

The How-to Guide produced for your jurisdiction can be a valuable resource that clearly outlines requirements and considerations for ADUs in one centralized location. Here are some steps to help your agency build content for your How-to-Guide.

Decipher Your Code (or State Law). If you've adopted an ADU Ordinance, spend some time interpreting the regulations for public consumption. How can you distill the technical language to be more readable and understandable to your audience? Is there a way to re-organize and re-word the ordinance without losing its meaning and intention? This is arguably the most challenging aspect of creating your guide.

EXAMPLE TABLE

1. ADUs Allowed By-Right

The following ADUs are allowed "by-right," meaning that if you meet the minimum standards below, and the ADU meets all applicable building code standards, sewer, and water requirements, then the ADU(s) will be approved and cannot be denied.

If the proposed ADO(s) the	et the requirements in this section, skip to Part 2.		
Single-Family Residential Lots	Requirements		
Detached ADU	 The side and rear yard setbacks shall be a minimum of 4 feet as measured to the closest portion of the building; and The ADU shall not exceed 800 sf. in floor area.; and 		
	• The ADU shall not exceed 16 ft. in height.		
Attached ADU	 The internal conversion has independent exterior access that is not visible from a public or private street; and 		
	 The side and rear yard setbacks are sufficient for fire safety; and The internal conversion does not expand beyond 150 sf. of an existing building. 		

If the proposed ADU(s) meget the requirements in this section, skip to Part 2

Anticipate Questions. As you work through your ordinance, think about what questions your audience might have about the ADU process. Some examples may include: (1) What are my options for designing an ADU (i.e., hire an expert, utilize pre-approved plans, purchase a modular unit, etc.) or (2) How much is this going to cost me? (i.e., impact fees, school fees, construction costs, etc.). By anticipating the range of questions, you can ensure that your guide is as close to a "one-stop-shop" as possible, thereby reducing the time and resources for both staff and applicants.

Property Characteristics	Assessor's Parcel Number
	Zoning Designation
	Lot Size
	Determining Lot Coverage
Approval Process	Application Requirements
	Processing Timeline
	• Permitting Costs and Impact Fees

 Create Tools, Examples, and Resources. By now you'll have a strong idea of the remaining "what ifs" that need to be addressed. For example, does your audience know how to prepare a plot plan? Locate easements? Determine whether they're subject to special design standards such as flood and geologic hazards? Find agency contacts to answer their zoning questions? Calculate lot coverage? Whatever the case may be, spend some time brainstorming what other tools, examples, and resources may be required to ensure an efficient application process. For example: (1) design a point of contact (i.e., designated staff member or email address), (2) utilization of web-based services (e.g., webpage, costcalculator, interactive GIS map), (3) front counter materials (e.g., ADU basics, plot plan template, application checklist), (4) on-call consulting availability.

NEED HELP?

For assistance and official determination of whether your concept meets these requirements, please contact the City of [Name] [Division] at [Tel]. For additional information referenced below, please visit the following links (hyperlink):

- Parcel Map Search
- Find Your Zoning
- Municipal Code Section
- Sewer or Water District Webpage

Example Plot Plan



STEP 2. Visualizing Your How-to Guide

Once you've built your content, it's time to get creative and begin to visualize your guide. What shape or form will your guide take? Think length, branding, graphics, and other elements to present your guide in a visual way. Where will your guide ultimately live (i.e., webpage, over the counter) and how will you ensure that content remains current and up to date (i.e., use formatting that is easy for staff to update, if necessary).



STEP 3. Putting it All Together

Example Outline of How-to Guide

	Cover Page
	Table of Contents
Introduction	 Overview of State Law Purpose of How-to-Guide (and if applicable, ADU Program) Ways to use How-to-Guide
ADU Basics	 ADU definitions, characteristics, types, and benefits Example photos of ADUs in your community (if applicable)
Building an A	DU in your Jurisdiction: a Step-by-Step Guide
Step 1. Review Requirements	Checklist of Code Requirements and Allowances
Step 2. Design Your ADU	Overview of Design Options
Step 3. Prepare and Submit Your ADU Application	 Application Requirements and Fees Application Review Process and Timeline Other Considerations: Design, Construction, etc.
ADU	Pre-Approved Program (If Applicable)
Introduction	 Purpose of the Program, how the Program works The process of the Program
Floor Plan and Elevations	Overview of floor plans and elevations
	Frequently Asked Questions
	References / Credits
	Back Cover

HOW-TO GUIDE TEMPLATE



INTRODUCTION

ADU = ACCESSORY DWELLING UNIT

Sometimes called "in-law units," "secondary dwelling units," or "backyard cottages," an Accessory Dwellinin g Unit (ADU) is a complete, independent living facility for one or more persons. These structures can be detached from or attached to a primary residence, converted from existing square footage of a primary residence, or converted from an existing accessory structure such as a garage or workshop.

The California Legislature found and declared that allowing ADUs in zones that allow singlefamily and multi-family residential uses is essential in addressing the State's housing needs.



INTRODUCTION I ADU BASICS I BUILDING AN ADU IN [URISDICTION] I STEP 1. REVIEW BASIC ADU REQUIREMENTS I STEP 2. DESIGN YOUR ADU I STEP 3. PREPARE AND SUBMIT YOUR APPLICATION I JURISDICTION] ADU PROGRAM I PROGRAM PROCESS I FLOOR PLANS AND ELEVATION I FREQUENTLY ASKED QUESTIONS I REFERENCES I	TABLE OF CONTENTS	
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ADU BASICS

WHAT IS AN ADU?

An ADU is a secondary housing unit on a single – or multi-family residential lot that provides complete independent living facilities including kitchen and bathroom facilities for one or more persons. Also known as: second units, guest cottages, in-law suites, casitas, etc.

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FREQUENTLY ASKED QUESTIONS

1 . Can II receive a builldiing permiit for an ADU and priimary resildence at the same

tiime? [answer]

2 . Can II selli my ADU?

You cannot sell your primary dwelling and ADU separately. ADUs must be rented or occupied by the homeowner or family member.

3 . What iis the llargest siize II can make

my ADU? [answer]

s . How do II know iif my ADU needs a sollar panellor fiire spriinkliers?

If fire sprinklers or solar panels are required or existing in the primary residence, they will be required to be constructed in the proposed ADU.

6 . What iis a priimary resiidence/priinciipallresiidence?

A primary residence is the primary building that you are living in.

z . How do II caliculiate my liot coverage?

Calculate lot coverage by dividing total square footage of existing and proposed structures by lot size and multiplying by 100. If this is greater than 50%, only the 500 sf. ADU can be utilized.

8 . What iis a Setback?

The distance that a building or structure is required to be located from the property line. The setback requirements differs in each zone district and can be found in the Zoning Ordinance.

[JURISDICTION] | ADU GUIDE

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CREDITS

Thank you to the following individuals, whose consistent feedback and expertise made this how-to-guide possible. Their support and contribution provides homeowners the resources to develop and build ADUs. This guide was funded by x.

Special acknowledgement to the San Joaquin Valley Regional Early Action Planning Committee for Housing for providing grant funding through the Regional Early Action Planning (REAP) Program for the creation of a template of this guidebook for customization by [jurisdiction].

AUTHORS [name, affiliation] [name, affiliation] [name, affiliation] GRAPHIICDESIIGN AND LAYOUT [name, affiliation]

[name, affiliation]

[name, affiliation]

RESOURCES

ADU ORDINANCE The [jurisdiction] adopted an ADU Ordinance on [date]. See Municipal Code Section x [Link]

CIITY PLANNIING AND DEVELOPMENT [contact person name] [services provided by this contact] Phone: [tel] Email: [email]

BUILDIING PERMIIT [contact person name] [services provided by this contact] Phone: [tel] Email: [email]

FURTHER READIING HCD ADU Handbook

https://www.hcd.ca.gov/policy-research/docs/adu_december_2020_handbook.pdf

San Joaquin Valley Guide to Recent California Housing Law https://sjvcogs.org/wp-content/uploads/2022/09/2022-08-26_SJV-Guide_Final.pdf

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SJN REAP PROGRAM – SAN JOAQUIN VALLEY WIDE ADU PROGRAM For more information about the San Joaquin Valley REAP Program, visit the website: sjvcogs.org/reap/