



## Legislation Text

File #: PC 18-025, Version: 1

Public Hearing to consider and make a recommendation to the Board of Supervisors on a proposed Ordinance, Zoning Text Amendment No. ZT-18-01b (Accessory Dwelling Unit Ordinance), amending Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update land use regulations for secondary dwellings in Residential and Agricultural zoning districts. (Attachment A: Secondary Dwelling Unit Ordinance)

Published Notice Required? Yes X No      
Public Hearing Required? Yes X No    

### **DEPARTMENTAL RECOMMENDATION:**

It is recommended that the Planning Commission consider and make a recommendation to the Board of Supervisors adopt the proposed Ordinance, Zoning Text Amendment No. ZT-18-01b (Accessory Dwelling Unit Ordinance), amending Chapter 28 (Zoning Regulations) of the Solano County Code to revise and update land use regulations for secondary dwellings in Residential and Agricultural zoning districts (Attachment A: Secondary Dwelling Unit Ordinance).

### **SUMMARY:**

On January 1, 2017, new state legislation went in to effect mandating certain minimum requirements for any local zoning regulations pertaining to accessory dwelling units. The main effect of the legislation was to cap, at 1,200 square feet, the size of any secondary dwelling permitted by a city or county. This new legislation went into effect January 1, 2018. The legislation also imposed several restrictions and requirements which local government must meet in any local ordinance regulating secondary dwellings. Prior to this legislation, secondary dwellings could be permitted up to 1,800 square feet in certain Solano County zoning districts.

The legislation permits local agencies to adopt secondary dwelling unit regulations with different size limitations providing the local ordinances comply with all of the state's rules. Staff has prepared two ordinances which, together, restore the maximum sizes for secondary dwellings which were in effect prior to January 1, 2018 and add the mandated restrictions and requirements imposed by the State.

Staff has prepared and is recommending adoption of two separate ordinances to address secondary dwelling units.

The first ordinance (previously considered) reformats Section 28.72 (Dwellings) in order to isolate the secondary dwelling requirements into a single subsection of the County Code. In addition, certain minor revisions to definitions and regulations for accessory buildings are included.

The second ordinance (subject of this report) addresses new requirements for secondary dwellings.

### **FINANCIAL IMPACT:**

The costs for preparation of these ordinance amendments are included in the Department of Resource Management's approved Budget for FY2017/2018.

### **DISCUSSION:**

#### **Background**

An accessory dwelling unit (ADU) also known as a “granny flat”, “in-law unit”, or in the case of Solano County, a “secondary dwelling unit”, is a permanent second unit with a full kitchen and bathroom on the same lot as the primary dwelling.

In September 2016, Governor Brown signed two legislative acts that comprised the new law governing ADUs, AB 2299 and SB 1069, both of which came into effect on January 1, 2017. In October 2017, two additional legislative acts, AB 494 and SB 229, were signed into law and came into effect on January 1, 2018. The new statutes amended various sections of Government Code section 65852.2 which regulates accessory dwelling units.

As a result of the legislation mentioned above, any local ordinance not in compliance with the new state standards was invalidated and the state regulations became the default local regulations. The County of Solano has had regulations permitting secondary dwellings for decades. However, the County’s regulations were not in full compliance with the new state requirements and, consequently, beginning on January 1, 2018, the County has operated under the state rules for secondary dwellings.

The primary impact of this change is that the maximum size of secondary dwellings has been capped at 1,200 square feet. Prior to January 1, 2018, the local rules permitted secondary dwellings of up to:

1. 850 square feet in the R-TC Districts,
2. 1,500 square feet in the R-R Districts, and
3. 1,800 square feet in most of the agricultural districts.

## **Discussion**

Under the State ADU Legislation, the County of Solano is permitted to adopt new local accessory dwelling regulations which modify certain aspects of the default regulations imposed by the State on January 1, 2018, so long as the County’s new rules address all of the requirements embodied in the State legislation.

### *County Approach*

The County has an interest in re-establishing its former maximum square footage standards which existed prior to January 1, 2018. Accordingly, staff has prepared draft ordinances to accomplish that objective. The County of Solano zoning regulations contained in Chapter 28 are organized around five major topics, as follows:

1. Article I - Definitions and other general provisions,
2. Article II - Individual zoning districts with tables for allowable uses and development standards,
3. Article III - Specific land use regulations,
4. Article IV - Miscellaneous site development and other standards, and
5. Article V - Permit rules and operations

Staff is recommending a two stage approach to updating the secondary dwelling unit regulations contained within the County Zoning Ordinance which include:

1. Introduction of an Ordinance which reformats the existing regulations for all dwellings, makes minor adjustments to the regulations pertaining to their accessory, subordinate and related land uses and adds or revises definitions contained within the code. This ordinance was previously considered prior to the subject ordinance being presented with this staff report.
2. Introduction of an Ordinance which establishes new regulations for secondary dwelling units consistent with current state legislation (subject of this staff report). This ordinance, if adopted, will be

filed for information purposes with the State as required by state legislation.

### **Zone Text Amendments Summary (See Attachments A and B)**

The amendments to Chapter 28 fall into three broad categories;

- 1) Revisions and additions to definitions in Article I, Section 28.01(Definitions)
- 2) Revisions and additions to the secondary dwelling unit regulations in Article III (Development Standards)

Each of these categories is summarized below:

#### **1. Revisions and Additions to Definitions in Article I, Section 28.01**

The proposed revisions to definitions in Section 28.01 include the following:

- a. Duplex.
- b. Dwelling, primary.
- c. Dwelling, secondary

#### **2. Revisions and additions to the secondary dwelling unit regulations in Article III, Section 28.72.10(A)**

The proposed revisions include revisions, deletions and additions to each of the following Subsections in Article III, Section 28.72.10 Dwellings:

- a. Deletion and relocation of two development standards from 28.72.10(A)(1) to 28.72.10(B)(2)(b)
- b. Addition of a development standard regarding duplexes and single family dwellings on the same lot
- c. Relocation of an exception to the Secondary Dwelling Subsection, 28.72.10(B)(2)(b)

#### **3. Revisions and additions to the secondary dwelling unit regulations in Article III, Section 28.72.10(B)(1)**

The proposed revisions include revisions, deletions and additions to each of the following Subsections in Article III, Section 28.72.10(B)(1):

- a. Addition of two development standards from 28.72.10(A)(1) to 28.72.10(B)(2)(b)
- b. Establish minimum, and maximum sizes for secondary dwellings under 28.72.10(B)(2)(a)

#### **4. Revisions and additions to the secondary dwelling unit regulations in Article III, Section 28.72.10(B)(2)**

The proposed revisions include revisions, deletions and additions affecting each of the following topical areas in Section 28.72.10(B)(2):

- a. Minimum and Maximum Sizes,
- b. Minimum Lot Size Required,

- c. Secondary Dwellings and Temporary Dwellings,
- d. Secondary Dwellings and Other Housing Units,
- e. Attached/detached Secondary Units,
- f. Height and Setback Requirements,
- g. Parking,
- h. Landscaping,
- i. Architectural Review,
- j. Historic Resources,
- k. Sale or Rental of a Secondary Dwelling,
- l. Transient Occupancy and other Commercial Activity,
- m. Utilities and Utility Connections, and
- n. Manufactured Home

**5. Revisions and additions to the secondary dwelling unit regulations in Article III, Section 28.72.10(B)(6) relating to non-conforming dwellings.**

The proposed revisions include revisions, deletions and additions affecting each of the following topical areas pertaining to secondary dwellings.

- a. Non-conforming Secondary Dwelling
- b. Non-conforming Guest House
- c. Non-conforming Companion Living Unit
- d. Secondary Dwelling and Companion Living Unit, and
- e. Time Extensions

**General Plan and Zoning Consistency**

The 2008 Solano County General Plan (Plan) designates several areas of the County for various types of agricultural and residential land uses. The Plan further defines which zoning districts are consistent with those land use designations. The zoning districts provide for both primary and secondary dwelling units and contain various development standards for each. This ordinance makes very minor changes to those existing regulations and is considered exempt from CEQA under the “general rule”.

**Environmental Analysis:**

Proposed zoning text amendment ZT-18-01b is exempt from the California Environmental Quality Act in accordance with CEQA Guideline section 15305, minor alterations in land use limitations. The amendment clarifies and restates existing local land use regulations for secondary dwellings, in conformance with new state legislation, without making any significant substantive amendments. A Notice of Exemption will be filed upon completion of the public hearing process.

**PUBLIC HEARING NOTICE:**

In accordance with Solano County Zoning Regulations, notice of a public hearing was published at least 15 days before the scheduled hearing in the Fairfield Daily Republic.

**ALTERNATIVES:**

Alternatives for the:

1. Not to adopt any amendments to Chapter 28 at this time. This alternative is not recommended because the proposed amendments implement state mandated regulations.
2. To consider further or different revisions to what has been prepared as may be directed by the Board.

**OTHER AGENCY INVOLVEMENT:**

The proposed zoning amendments will also be submitted to the Airport Land Use Commission as required under state law prior to the Board of Supervisors consideration of the ordinance.

**Attachments**

Attachment A: Draft Ordinance