



Urgency Ordinance Amending FMC §17.048.010 Regarding Accessory Dwelling Units

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Introduction

- In January 2020, the Town substantially revised its ADU ordinance to comply with new state limits on local authority to regulate ADUs and JADUs
- Staff now recommends updates to the ADU Ordinance to comply with recent state legislation, to implement best practices, and to increase clarity for staff and the public



Recent Legislation

- AB 3182: expands the scenarios under which the Town must allow certain ADUs and JADUs with only a building permit
- AB 3182: provides that if the Town does not act on a complete ADU application within 60 days, the application is deemed approved
- AB 345: requires the Town to allow the separate sale or conveyance of certain ADUs that satisfy specified conditions



Proposed Amendments

- Amend the definitions for “multi-family dwelling” and “public transit” to match the state’s definitions
- As required by AB 3182:
 - Allow both a converted ADU and a JADU on a single-family lot; and
 - Clarify that if the Town does not act on a complete ADU application within 60 days, the application is deemed approved (unless an exception applies)
- Per AB 345: clarify that ADUs or JADUs may not be sold or otherwise conveyed separately from the lot and primary dwelling except as otherwise provided in Government Code section 65852.26



Proposed Amendments Cont.

- Require JADUs and ADUs to comply with all local building and fire code requirements
- Per state law, clarify that:
 - The front-yard setback requirement only applies to ADUs constructed with an ADU permit
 - The stream buffer restriction only applies to ADUs constructed with an ADU permit
- Extend the 50% reduced application processing fee to January 1, 2032 (expires on November 1, 2027)
- Clarify that non-permitted ADUs and JADUs will not be assessed a financial penalty when legalized



Recommendation

1. Open the public hearing and receive comments;
2. Close the public hearing;
3. Adopt Urgency Ordinance Amending FMC Section 17.048.010 Regarding ADUs and Determining the Ordinance to be Exempt from CEQA

