



Ordinance No. 1361 – Ordinance No. 1361 - An Ordinance of the City of Folsom for the Repeal and Re-Enactment of Chapter 17.105 of the Folsom Municipal Code Pertaining to Accessory Dwelling Units (First Reading)



- **July 2020**: City Council adopted Ordinance No. 1306 to update the City of Folsom's ADU Regulations in FMC Chapter 17.105.
 - Since 2020, new State legislation has changed several State ADU regulations
- **December 5, 2025**: The California Department of Housing and Community Development (HCD) requested that the City update its ADU Ordinance to comply with recent changes in State ADU Law.
 - State Law allows HCD to render noncompliant local ADU ordinances null and void, making the City's ADU design standards unenforceable
 - HCD has accepted the City's timeline to adopt a compliant ADU ordinance by April 2026

Intent and Purpose

- Maintain existing ADU requirements to the extent permitted by State law.
- Align with State ADU Regulations where required.
- Standardize, clarify, and strengthen requirements to promote quality design.
- Reformat and consolidate ADU ordinance for readability.

Key Changes: As Required per State Law



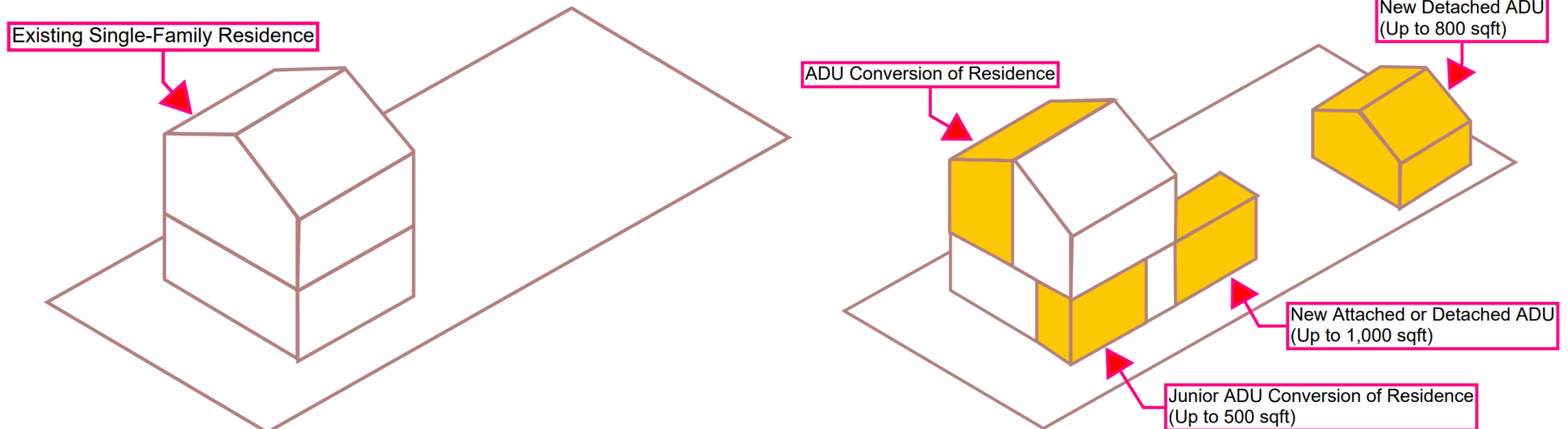
Review Process and Timelines per State Law

- Requires all ADU reviews to be ministerial without public hearing
 - Historic District Commission can no longer review ADU applications
- Requires that the City determine application completeness within 15 days of submission
- Requires that the City approve or deny an application within 60 days of receipt of an application

Key Changes: As Required per State Law

Increased Number of ADUs Allowed per State Law

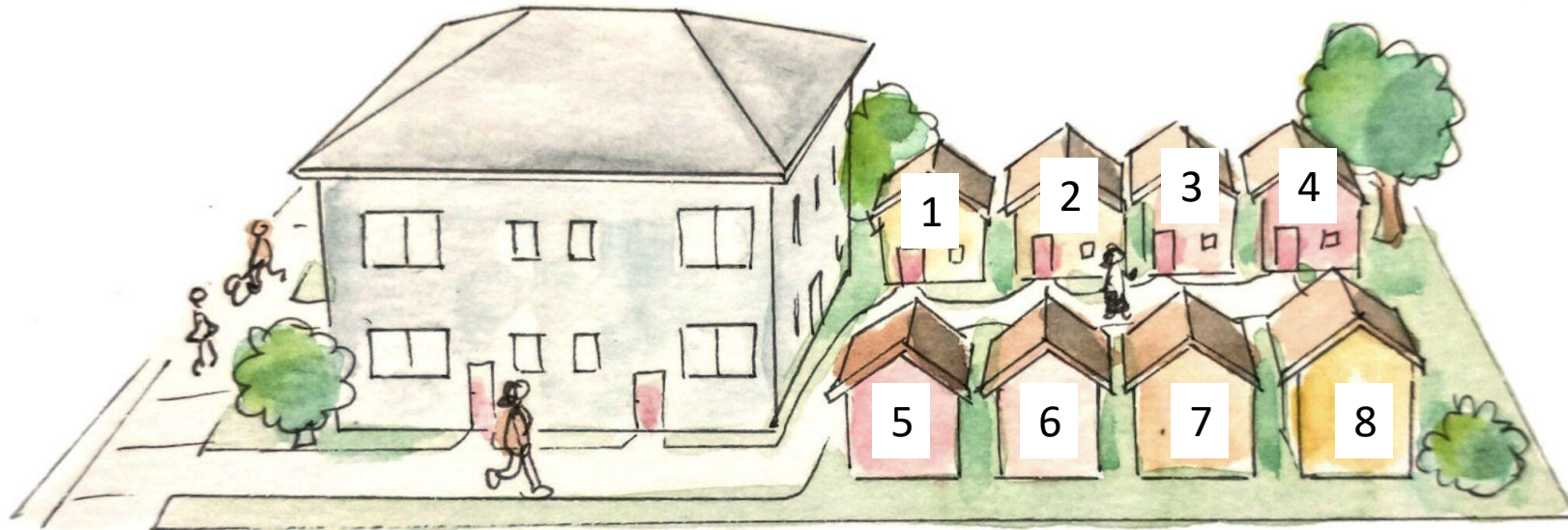
- Single-Family Properties
 - Up to 3 ADUs (attached, detached, and converted) and 1 JADU



Key Changes: As Required per State Law

Increased Number of ADUs Allowed per State Law

- Existing Multi-Family Development
 - Up to 8 detached ADUs; and converted ADUs up to 25% of existing number of units



Key Changes: Additional Updates



Alternative Process for Deviations from Design Standards

- Provides option to deviate from design requirements through a standard staff-level design review process:
 - Allows flexibility for applicant to propose alternative designs
 - Would need to adhere to standard Design Review findings
 - Would need to adhere to applicable site design guidelines
 - Public Noticing and Feedback
 - Staff-level to meet the 60-day timeline required for ADU approvals

Changes to ADU Ordinance: Additional Modifications and Updates



Changes to Design Requirements

- Minor modifications to attached ADU requirements
 - Generally, encourages consistency with design of main residence
- Staircases to Second Story ADUs required to be enclosed
 - Required to be enclosed (no external staircase)
 - Siding materials and colors shall match existing building
- Added Carriage House style and removed Contemporary style options in Historic District
- Additional Historic District styles may be adopted by Resolution

Schedule and Next Steps

- ✓ 3/4/26 – Historic District Commission Hearing
 - Recommended approval of Ordinance No. 1361
 - **(5-0-0-2: 5 votes in support, 0 opposed, 0 recusal, and 2 members absent).**
- ✓ 3/18/26 – Planning Commission Hearing
 - Recommended approval of Ordinance No. 1361
 - **(6-0-0-1: 6 votes in support, 0 opposed, 0 recusal, and 1 members absent).**
- **3/24/26 – City Council Hearing (First Reading and Introduction)**
- **4/14/26 – City Council Hearing (Second Reading and Adoption)**
 - **If approved, ordinance will go into effect 30 days after adoption****
- After adoption, the California Department of Housing and Community Development (HCD) will review the adopted ordinance for consistency with the California Government Code.

Staff Recommendation

Staff recommends that the City Council:

- (1) Make a finding that the proposed Ordinance amendment is exempt from CEQA, and
- (2) Introduce and conduct the first reading of Ordinance No. 1361 - An Ordinance of the City of Folsom for the Repeal and Re-Enactment of Chapter 17.105 of the Folsom Municipal Code Pertaining to Accessory Dwelling Units

Extra Reference Slides

Recent State Law Summary

Recent Laws	Major Features
AB 68 (2019)	<ul style="list-style-type: none">Discretionary review or hearing is not allowed. All ADU reviews shall be ministerial.
SB 1211 (2024)	<ul style="list-style-type: none">Prohibits the City from imposing any design or development standards beyond what the <u>Government Code</u> specified for ADUs created pursuant to <u>Government Code 66323</u> (i.e., State-mandated ADUs).Expands allowable number of detached ADUs for existing multi-family dwellings to eight, provided the number of ADUs does not exceed the number of existing units.Prohibits the replacement of covered and uncovered off-street parking if demolished in conjunction with the construction of an ADU.
AB 1154 (2025)	<ul style="list-style-type: none">Prohibits the City from requiring owner occupancy for an ADU, or for a JADU with independent bathroom facilities.
SB 543 (2025)	<ul style="list-style-type: none">Requires that the City determine application completeness with 15 days of submittal, and to approve or deny an application to create an ADU or JADU within 60 days. If the City fails to act within 60 days, the application is automatically deemed approved.Clarifies that a single-family lot is allowed to construct three types of ADUs and one type of JADU total, for a total of up to four ADUs on a single-family lot.Clarifies that ADU size limits are based on the interior livable space of the unit
SB 9 (2025)	<ul style="list-style-type: none">Specifies that if the City fails to submit an adopted ADU Ordinance to HCD or fails to respond to the HCD's findings, the City's ADU Ordinance is null and void and the City may only apply State ADU law.

Other Changes

Applicability	Standard	Existing Requirement	Proposed Requirement
Attached ADU	Front Setback	Same setback as zone if >16 feet tall and attached to primary dwelling; 20 feet if >16 feet tall and attached above an accessory structure	Same setback as zone
Detached ADU	Front Setback	Same setback as zone	Cannot be located closer to street than the main residence
Attached ADU	Maximum Height	25 feet in Historic District; 30 feet elsewhere; Height shall not exceed height of primary dwelling	Same height requirement as zone; 25 feet maximum for portions that encroach into setback area of primary residence
Detached ADU	Maximum Height	25 feet in Historic District; 30 feet elsewhere; Height shall not exceed height of primary dwelling.	25 feet; Height shall not exceed height of primary dwelling