



23-418 - Staff Report ILUDC 1-23

Amendments to the ILUDC and
CLUDC

Legistar



AGENCY:	City Council
MEETING DATE:	December 11, 2023
DEPARTMENT:	Community Development
PRESENTED BY:	Marie Jones Consulting

AGENDA ITEM SUMMARY

TITLE: Receive Report, Hold a Public Hearing, and Consider Introduction, By Title Only, and Waive Further Reading of Ordinance 985-2023 Amending Division 18 to the Fort Bragg Municipal Code to Amend Chapter 18.21.030(B)(C) & 18.21.050 “Zoning Districts And Allowable Land Uses”, to Repeal and Replace 18.42.170 “Accessory Dwelling Units” and to Amend Chapter 18.71.050 “Design Review” and Chapter 18.100 “Definitions” to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law.

Consider Adoption of Resolution XXX-2023 Submitting LCP Amendment 2-2023 Amending Division 17 to the Fort Bragg Municipal Code to Amend Chapter 17.21.030(B)(C) & 17.21.050 “Zoning Districts and Allowable Land Uses”, to Repeal And Replace 17.42.170 “Accessory Dwelling Units” and to Amend Chapter 17.71.050 “Design Review” and Chapter 17.100 “Definitions” to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law

- APPLICATION #:** ILLUDC Amendment 1-23 (ILLUDC 1-23) and LCP Amendment 1-23 (LCP 1-23).¹
- APPLICANT:** City of Fort Bragg
- PROJECT:** Amend the Coastal Land Use and Development Code and the Inland Land Use and Development Code to comply with recent amendments to State of California housing laws related to Accessory Dwelling Units, including making ADUs a permitted use by right in many zoning districts.
- LOCATION:** Residential and Commercial Zoning Districts in the Coastal Zone and the Inland Area.
- APN:** Various
- LOT SIZE:** Various
- ZONING:** Low Density, Medium Density, High Density and Very High-Density Residential Zoning Districts and General Commercial, Highway Visitor

¹ Please note that a previous notice regarding this application to Planning Commission included the incorrect file numbers of Zon 3-23 and Zon 4-23, the numbers in this report are correct.

Commercial, Neighborhood Commercial, and Commercial Office Zoning Districts, and the Central Business District.

ISSUE:

To increase housing production and improve housing affordability, Governor Newsom recently signed 18 bills into law. Six of these bills establish minimum requirements for the City's Accessory Dwelling Unit (ADUs) regulations: Senate Bill 13, Assembly Bill 881, Assembly Bill 68, Assembly Bill 587 and Assembly Bill 671. Additionally, the Governor signed AB345 which allows for separate conveyance of ADUs in specific circumstances for low-income housing.

In February 2020, the City Council adopted Ordinance 20-609 to amend the Inland Land Use and Development Code (ILUDC) to meet the requirements of some of the new State laws and support the City's housing goals. However, this update must be modified because there are many inconsistencies between the 2020 ordinance and State law as of 2023. Additionally, a new zoning amendment is required to update ADU regulations in the Coastal Zone.

On September 13, 2023, the Planning Commission held a hearing and adopted two resolutions which provide recommended amendment language regarding ADU regulations for both the ILUDC and the CLUDC. The Planning Commission concurred with all staff recommendations and provided the following additional recommendations:

1. Include Primary Residential Units in Land Use Table 2-6 as a permitted use by right (rather than a use requiring a Minor Use Permit) in the Neighborhood Commercial, Central Business District and General Commercial zoning districts if the pre-existing unit has the look of a house.
2. Limit ADU size to 1,200 SF rather than the lower limit allowed by State law of 1,000 SF.
3. Where objective development standards are loosened to accommodate the smallest 800 SF unit required by State law, the following standard should be relaxed last in order to improve neighborhood compatibility: changes to parking requirements, front setbacks and/or height limits.
4. Limit height of ADUs to 16 feet (unless the ADU is over a garage) instead of allowing for 28 feet (which is permissible for the primary unit) in all circumstances.
5. Limit expansion of a building's non-conforming setback (for an ADU conversion/expansion) to the existing building's setbacks.
6. Eliminate all window and balcony placement requirements for second units.
7. Only allow ADUs of less than 750 SF to be exempt from capacity fees (as required by State law). Require all other ADUs to pay a prorated share of capacity fees for floor area of more than 750 SF.

RECOMMENDED ACTIONS:

1. Introduce, by title only, and waive further reading of Ordinance 985-2023 Amending Division 18 to the Fort Bragg Municipal Code to Amend Chapter 18.21.030(B)(C) & 18.21.050 "Zoning Districts and Allowable Land Uses", to Repeal and Replace 18.42.170 "Accessory Dwelling Units", and to Amend Chapter 18.71.050 "Design Review" and Chapter 18.100 "Definitions" to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law.

2. Adopt a Resolution XXX-2023 to Submit an LCP Amendment to the Coastal Commission to Amend Division 17 to the Fort Bragg Municipal Code to Amend Chapter 17.21.030(B)(C) & 17.21.050 “Zoning Districts and Allowable Land Uses”, to Repeal and Replace 17.42.170 “Accessory Dwelling Units”, and to Amend Chapter 17.71.050 “Design Review”, and Chapter 17.100 “Definitions” to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law.

ALTERNATIVE ACTION:

Provide further direction regarding revisions to the ADU ordinances.

ANALYSIS:

The proposed amendments would include:

1. Changes to the Land Use Tables regarding ADUs;
2. A new ADU ordinance;
3. Changes to the Design Review process to exempt ADUs from administrative Design Review;
4. Changes to the definitions section of the Land Use and Development Code.

See Attachments 1 & 2 which include the draft CLUDC and ILUDC ordinances respectively. There are limited opportunities to make policy decisions with regard to the ADU amendments, as most changes are mandated by the State. Policy decision opportunities are noted in grey highlight with minimum correlated requirements noted in yellow highlight. For example, the maximum size for an ADU is 1,000 to 1,200 SF, where 1,000 SF is required as a maximum size for a 2-bedroom ADU by State law and 1,200 SF is permissible as a maximum if preferred by the City Council.

Table 1, below, summarizes the changes to the CLUDC and the ILUDC ordinances. All changes are identified in the attached draft ILUDC ordinance and CLUDC ordinance. The summary table indicates the status of the proposed change as follows:

1. **Required.** Many of the changes are **required** by State law and would bring the City’s land use codes into compliance with the State’s ADU housing law.
2. **Consistency.** Some changes are also recommended to create consistency between the CLUDC and the ILUDC and implement previous direction regarding ADUs in the CLUDC.
3. **Recommendation.** The Planning Commission made a number of recommendations as noted in the table below and the attached Planning Commission Resolutions (Attachments 3 & 4).

Table 1: Proposed Changes to the ILUDC & CLUDC		Status
Changes to Land Use Tables		
1	Allow at least one ADU and one JADU in all zoning districts with a primary residential unit	Required
2	Allow a duplex (in lieu of a single-family residence) as a permitted use by right on all residential zoned parcels including Low Density Residential.	Required

3	Change residential component of a mixed-use project to permitted use by right in Commercial General and Highway Visitor Commercial Zoning Districts.	Consistency in CLUDC.
4	Include Single Residential Units in Land Use Table 2-6 as a permitted use by right (rather than a use requiring a Minor Use Permit) in the Neighborhood Commercial, Central Business District and General Commercial zoning districts if the pre-existing unit has the look of a house.	Not required.
Revise the specific land use standards in 17.42.170 & 18.42.170 Second Units		
5	Define the various types of accessory dwelling units.	Required
6	Define the review and approval process for the ILUDC and the CLUDC. Define the conditions for Coastal Development Permit exemptions and administrative CDPs for ADUs.	Required
7	Establishes a 60-day deadline for permit processing or the planning permit is deemed approved.	Required
9	Regulate the number, type and location for ADUs and JADUs. Establish specific regulations regarding density, lot size, timing, conversion of existing structure to an ADU, sale of ADUs. Prohibit short-term rental of ADUs.	Required
10	Allow Multi-Family Residential properties to convert non-living space (closets, sheds, garages, etc.) to ADUs (up to 25% number of legal units). Allow ADUs in condominiums.	Required
11	Establish development standards such as height limits, setbacks, ADU size and height limits, etc.	Required & Optional
12	Eliminate owner occupancy requirements for primary residence.	Required
13	Allow the conversion of existing accessory structures (garages, sheds, etc.) into ADUs without requiring compliance with height limits, size limits and other requirements for ADUs so long as the accessory structure is pre-existing.	Required
14	Require exemptions to zoning standards to allow one 800 SF unit. Establish the order of priority for exemptions.	Required Optional
15	Increase the allowable square footage for an ADU from 1,000 SF to 1,200 SF. This change is not required by law, but it is permissible by law. It would allow for more two-bedroom ADUs which are needed in our community. Alternatively, the City could retain the 1,000 SF limitation on size.	Recommend by Planning Commission
16	Increase the allowable height for an ADU from 16 feet to 28 feet, which is the maximum height for a single-family home. This recommendation is not required by law. This would allow two story ADUs and ADUs above garages.	Not Recommended by Planning Commission

17	Allow ADUs on the front or back of the parcel, with limitations. Allow ADUs to be larger or smaller than the primary unit with limitations.	Required
18	Prohibit parking requirements, except in certain areas of the Coastal Zone.	Required
19	Compliance with Coastal Resources regulations.	Required
20	Prohibit capacity and impact fees for ADUs of 750 SF or less.	Required
21	Prohibit requiring off-site improvements.	Required
22	Prohibit correction of nonconforming zoning conditions.	Required
23	Require 5 years to correct non-conforming and illegal ADUs.	Required
24	Void restrictive covenants that disallow ADUs.	Required
25	Establish review process for Coastal Resources for ADUs located in the Coastal Zone.	Required
Revise Design Review 18/17.70.050 & Definitions 18/17.100.020		
26	Update the Design Review section to exempt ADUs from Design Review (Attachment 4)	Required
27	Update relevant definitions (Attachment 4) for the ADU Ordinances.	Required

The proposed revisions to the code include updates to the following sections.

Coastal Land Use & Development Code

Article 2	Chapter 17.21	Section 17.21.030	Land Use Tables
	Chapter 17.22	Section 17.22.030	
Article 4	Chapter 17.42	Section 17.42.170	ADUs
Article 7	Chapter 17.70	Section 17.70.050	Design Review & Definitions
Article 10	Chapter 17.100	Section 17.100.020	

Inland Land Use & Development Code

Article 2	Chapter 18.21	Section 18.21.030	Land Use Tables
	Chapter 18.22	Section 18.22.030	
Article 4	Chapter 18.42	Section 18.42.170	ADUs
Article 7	Chapter 18.70	Section 18.70.050	Design Review of ADUs & Relevant ADU Definitions
Article 10	Chapter 18.100	Section 18.100.020	

ENVIRONMENTAL ANALYSIS:

The proposed amendment to the Coastal Land Use and Development Code is part of the City's Local Coastal Program and will be submitted to the California Coastal Commission for certification. Therefore, the proposed project is statutorily exempt from further environmental review under CEQA Guidelines 15265 Adoption of Coastal Plans and Programs.

Additionally, the proposed ILUDC amendment is statutorily exempt under CEQA Guidelines 15282(h): The adoption of an ordinance regarding second units in a single-family or multi-family residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.

FISCAL IMPACT

Reducing or eliminating the Capacity Fee for ADUs would result in the City investing more funds from other sources in capital improvements related to sewer and water infrastructure.

GREENHOUSE GAS EMISSIONS IMPACT:

Greenhouse gas emissions would be reduced as the proposed amendments would increase residential density which reduces the miles traveled by residents to access services, jobs and community resources.

GENERAL PLAN CONSISTENCY:

The consistency of the proposed ADU ordinance has been analyzed, please see the General Plan Consistency Analysis (Attachment 5).

IMPLEMENTATION/TIMEFRAMES:

ADU regulations in the Coastal Zone must also be adopted for compliance with State law. Changes to the Coastal Land Use Development Code are part of the Local Coastal Plan and require Coastal Commission certification and a separate review and approval process. For the CLUDC amendment the City is the applicant, and the Coastal Commission is the deciding body. Here is a brief timeline for how both amendments will move through the process:

Inland LUDC Zoning Code Amendment	Potential Timeline
Planning Commission Public Hearing and Recommendation to City Council	Sept 2023
City Council – Public Hearing and 1st Reading of Ordinance	Dec 2023
City Council – 2 nd Reading of Ordinance	Jan 2023
Ordinance become effective	Jan 2023

Coastal LUDC Zoning Code Amendment	Potential Timeline
Planning Commission Public Hearing and Recommendation to City Council	Sept 2023
City Council – Public Hearing and Adoption of Resolution Transmitting Zoning Amendment to Coastal Commission	Dec 2023

Coastal Commission Review and Friendly Modifications Due	July 2024
City Council acceptance of Friendly Modifications	October 2024

ATTACHMENTS:

1. Ordinance 985-2023 Amending Division 18 to the Fort Bragg Municipal Code to Amend Chapter 18.21.030(B)(C) & 18.21.050 “Zoning Districts And Allowable Land Uses”, to Repeal and Replace 18.42.170 “Accessory Dwelling Units” and to Amend Chapter 18.71.050 “Design Review” And Chapter 18.100 “Definitions” to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law.
2. A Resolution of the Fort Bragg City Council Submitting an LCP Amendment to the Coastal Commission to Amend the Certified Local Coastal Program to Amend Chapter 17.21.030(B)(C) & 17.21.050 “Zoning Districts And Allowable Land Uses”, to Repeal and Replace 17.42.170 “Accessory Dwelling Units” and to Amend Chapter 17.71.050 “Design Review” and Chapter 17.100 “Definitions” to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law.
3. Resolution of the Fort Bragg Planning Commission Recommending that the City Council Submit an LCP Amendment Application to the Coastal Commission to Amend Division 17 to the Fort Bragg Municipal Code to Amend Chapter 17.21.030(B)(C) & 17.21.050 “Zoning Districts And Allowable Land Uses”, to Repeal and Replace 17.42.170 “Accessory Dwelling Units” and to Amend Chapter 17.71.050 “Design Review” and Chapter 17.100 “Definitions” to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law.
4. Resolution of the Fort Bragg Planning Commission Recommending that the City Council Amend Division 18 to the Fort Bragg Municipal Code to Amend Chapter 18.21.030(B)(C) & 18.21.050 “Zoning Districts And Allowable Land Uses”, to Repeal and Replace 18.42.170 “Accessory Dwelling Units” and to Amend Chapter 18.71.050 “Design Review” And Chapter 18.100 “Definitions” to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law.
5. General Plan Consistency Analysis

NOTIFICATION:

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