



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Agenda Community Development Committee

Wednesday, May 17, 2023

3:30 PM

Town Hall, 363 N. Main Street and Via Video
Conference

Special Meeting

MEETING CALLED TO ORDER

ROLL CALL

COMMITTEE MEMBERS PLEASE TAKE NOTICE

Committee Members are reminded that pursuant to the Council policy regarding use of electronic devices during public meetings adopted on November 28, 2022, all cell phones are to be turned off and there shall be no electronic communications during the meeting. All e-communications such as texts or emails from members of the public received during a meeting are to be forwarded to the City Clerk after the meeting is adjourned.

ZOOM WEBINAR INVITATION

This meeting is being presented in a hybrid format, both in person at Town Hall and via Zoom.

Please click the link below to join the webinar: <https://us06web.zoom.us/j/86287671312>

Or One tap mobile: +16694449171 or +17193594580

Or Telephone: Dial +1 669 444 9171, +1 360 209 5623, +1 386 347 5053, or +1 507 473 4847

Webinar ID: 862 8767 1312

To speak during public comment portions of the agenda via zoom, please join the meeting and use the raise hand feature when the Chair or Acting Chair calls for public comment on the item you wish to address. Written public comments may be submitted to [Insert name/email address/address here].

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

3. CONDUCT OF BUSINESS

3A [23-160](#) Receive report regarding proposed changes to ADU and Tiny Home regulations in Fort Bragg.

- Attachments:** [Staff Report ADUs 5-2023](#)
[Attachment 1A - Changes to CLUDC Land Use Tables](#)
[Attachment 1B - Changes to ILUDC Land Use Tables](#)
[Attachment 2A - CLUDC ADU Final](#)
[Attachment 2B - ILUDC ADU Final](#)
[Attachment 3A - CLUDC Tiny Homes Ordinance](#)
[Attachment 3B - ILUDC - Tiny Home Changes](#)
[Attachment 4A - Childcare Facilities CLUDC](#)
[Attachment 5A - Minor Mods to 7 & 10 CLUDC](#)

3B [23-161](#) Receive report and discuss proposed changes to subdivision regulations relative to Prop 9.

- Attachments:** [Item 2 - Fort Bragg SB 9 legislative Outline 5-2023](#)
[Public Comment - Clark, P.](#)

3C [23-162](#) Discuss the end of COVID Regulation and how to address outdoor tents throughout Fort Bragg.

- Attachments:** [CDC Item 3](#)
[Public Comment - 05172023 Hockett, S.](#)

4. MATTERS FROM COMMITTEE / STAFF

ADJOURNMENT

STATE OF CALIFORNIA)
)ss.
COUNTY OF MENDOCINO)

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on May 16, 2023.

Humberto Arellano, Administrative Assistant - Confidential

NOTICE TO THE PUBLIC

**DISTRIBUTION OF ADDITIONAL INFORMATION FOLLOWING AGENDA PACKET
DISTRIBUTION:**

- *Materials related to an item on this Agenda submitted to the Council/District/Agency after distribution of the agenda packet are available for public inspection in the lobby of City Hall at 416 N. Franklin Street during normal business hours.*
- *Such documents are also available on the City of Fort Bragg's website at <http://city.fortbragg.com> subject to staff's ability to post the documents before the meeting*

ADA NOTICE AND HEARING IMPAIRED PROVISIONS:

It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.

If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.

This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 23-160

Agenda Date: 5/17/2023

Version: 1

Status: Business

In Control: Community Development Committee

File Type: Staff Report

Agenda Number: 3A

Receive report regarding proposed changes to ADU and Tiny Home regulations in Fort Bragg.



HEARING BODY: Planning Commission
MEETING DATE: June 14, 2023
PREPARED BY: M Jones
PRESENTED BY: M Jones

AGENDA ITEM SUMMARY REPORT

APPLICATION #: ILUDC and CLUDC Amendments ZON 1-23 & 2-23

APPLICANT: City of Fort Bragg

PROJECT: Amend the Coastal Land Use and Development Code and the Inland Land Use and Development code to:

1. Comply with recent amendments to State of California housing laws related to Accessory Dwelling Units and including making ADUs a permitted use by right in many zoning districts.
2. Adopt a tiny home ordinance for the Coastal Zone.
3. Revise zoning ordinance for compliance with State Law regarding childcare facilities and make all such facilities a permitted use by right.
4. Various other "clean up" amendments.

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

ENVIRONMENTAL DETERMINATION: Coastal LUDC is Statutorily Exempt from CEQA under CEQA Guidelines 15265 Adoption of Coastal Plans and Programs and CEQA Guidelines 15282(h).
Inland LUDC 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

APPROVALS: This project constitutes a change to the City of Fort Bragg Local Coastal Program and the City's Inland Land Use and Development Code. The Planning Commission will provide a recommendation to City Council who will

make the legislative decision on the amendment. The Coastal LUDC will then be submitted to the California Coastal Commission for consideration and possible Certification.

PROJECT BACKGROUND

To increase housing production and improve housing affordability, Governor Newsom recently signed 18 bills into law. The following bills limit the City's authority to regulate Accessory Dwelling Units (ADUs): 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 some of the new state laws and support the City's housing goals. However, this update needs to be modified because some inconsistencies were identified between the 2020 ordinance and state law as of 2022.

ADU regulations in the Coastal Zone must also be amended 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.

Senate Bill 234 was signed into law in 2019 and took effect January 1, 2020. This law requires jurisdictions to allow in-home family day care, regardless of size to be permitted by right. This is also addressed in this proposed code update.

PROJECT DESCRIPTION

The table below summarizes various changes to the CLUDC and the ILUDC for the Planning Commission's consideration. All changes are identified in the attachments to this document. 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 code 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 ADU's from the City Council and Planning Commission.
3. **Staff Recommendation.** Additionally, staff recommends consideration two changes to allow larger ADUs.

	Proposed Change	CLUDC	ILUDC	Status
	Changes to Land Use Tables			
1	Allow at least one ADU and one JADU in all zoning districts with a single family residential unit	X	X	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.	X	X	Required
3	Allow the Multi-Family Residential properties to convert non-living space (closets, sheds, garages, etc.) to ADUs (up to 25% number of legal units).	X	X	Required
4	Allow existing structures that have the appearance of a single residential dwelling unit that are currently used for commercial uses in commercial districts to be used as a residential unit with a Minor Use Permit. This is not required by state law but would implement a change already approved by the City Council.	X	X	Consistency
5	Change residential component of a mixed-use project to permitted use by right in Commercial General and Highway Visitor Commercial Zoning Districts.	X	X	Consistency
	Revise the specific land use standards in 17.42.170 Second Units	X	X	
5	Define the various types of accessory dwelling units.	X	X	Required
6	Define the conditions for Coastal Development Permit exemptions and administrative review for ADUs.	X		Required
7	A 60-day deadline for permit processing or the planning permit is deemed approved.		X	Required

8	Regulations regarding the number, type and location for ADUs and JADUs, and limitations on regulations regarding density, lot size, timing, conversion of existing structure to an ADU, sale of ADUs, prohibition of short term rentals	X	X	Required
9	Development standards such as height limits, setbacks, ADU size and height limits, window placement, etc.	X	X	Required
10	Eliminate owner occupancy requirements for primary residence	X	X	Required
11	Allow the conversion of existing accessory structures (garages, sheds, etc.) on residential lots into ADU's without requiring compliance with height limits, size limits and other requirements for ADUs so long as the accessory structure is pre-existing.	X	X	Required
12	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 ADU's which are needed in our community. Alternatively, the City could retain the 1,000 SF limitation on size.	X	X	Recommend 1,000 SF current; 1,200 SF
13	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 also not required by law. This would allow two story ADUs and ADU's above garages. Existing regs that do not allow windows to look out on the adjacent parcels would preserve backyard privacy.	X	X	Recommend 16 ft current; 28 feet
14	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.	X	X	Required
15	Prohibit parking requirement		X	Required
16	Compliance with Coastal Resources regulations	X		Required
17	Update relevant definitions	X		Required
Other Changes				
18	Adopt ordinance to allow (Mobile) Tiny Homes to be used as ADUs and permissible on all residential properties in compliance with the specific land use standards.	X	X	Consistency
19	Change large in-home day care from Minor Use Permit to Permitted Use to comply with state law per SB 234.	X	X	Required

The proposed revisions to the code include updates to the following sections which are illustrated in detail in the listed attachment.

Coastal land Use & Development Code

Article 2	Chapter 17.21	Section 17.21.030 Section 17.21.050	Attachment 1A – Land Use Tables
	Chapter 17.22	Section 17.22.030	
Article 4	Chapter 17.42	Section 17.42.170 Section 17.42.175 Section 17.42.060	Attachment 2A - ADUs Attachment 3A – Tiny Homes Attachment 4A – Childcare facilities
Article 7	Chapter 17.70	Section 17.70.030	Attachment 5A – Design Review & Definitions
	Chapter 17.71	Section 17.71.045	
Article 10	Chapter 17.100	Section 17.100.020	

Inland Land Use & Development Code

Article 2	Chapter 18.21	Section 18.21.030 Section 18.21.050	Attachment 1B – Land Use Tables
	Chapter 18.22	Section 18.22.030	
Article 4	Chapter 18.42	Section 18.42.170 Section 18.42.175 Section 18.42.060	Attachment 2B - ADUs Attachment 3B – Tiny Homes Attachment 4B – Childcare facilities
Article 7	Chapter 18.70	Section 18.70.030	Attachment 5B – Design Review & Definitions
	Chapter 18.71	Section 18.71.045	
Article 10	Chapter 18.100	Section 18.100.020	

CLUDC PROJECT ANALYSIS

CLUDC Required Findings

CLUDC 17.95.060(B) requires that the following findings be made for an update to the Coastal Land Use and Development Code:

1. The proposed amendment is consistent with the Coastal General Plan and any applicable specific plan.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

3. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

COASTAL GENERAL PLAN CONSISTENCY

The proposed ILUDC amendment must be consistent with relevant policies of the City’s Coastal General Plan. As State Law has mandated these changes, staff recommends the following amendments to the City’s General Plan.

Land Use Element

The proposed project is consistent with the land use designations of the Land Use Element of the Coastal General Plan (CGP) because state law does not allow local jurisdictions to include ADUs and JADUs in their density calculations. Thus, while the CLUDC will allow “higher” residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element.

The proposed updates to the CLUDC are **consistent** with the CGP:

Policy	Analysis
Policy LU-3.2 Mixed Uses: Support mixed use development (i.e., a combination of residential and commercial uses) in the Central Business District that does not conflict with the primary retail function of this area.	The update to the CLUDC will allow for a residential component of a mixed-use project as permitted by right.
Policy LU-10.2: Locating New Development. New residential, commercial, or industrial development, except as otherwise provided in the LCP, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...	Allowing Accessory Dwelling Units by right will provide an avenue for an increase in infill development by creating housing opportunities on lots where previously only one unit was allowed. This allows for infill development and minimizes impacts on coastal resources.
Policy LU-10.4: Ensure Adequate Services and Infrastructure for New Development. Development shall only be approved when it has been demonstrated that the development will be served with adequate water and wastewater treatment. Lack of adequate services to serve the proposed development	ADUs and JADUs can only be permitted on parcels that are already served by infrastructure and services.

shall be grounds for denial of the development.	
Policy LU-10.6: Protect Special Communities. New Development shall, where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.	In the proposed CLUDC amendment, an ADU cannot be used for a short-term vacation rental. This will help maintain the residential neighborhoods consistent with this policy.

The following policies could potentially apply to the project but after review, it has been determined that the proposed CLUDC updates are neither consistent nor inconsistent with these policies:

Policy	Analysis
Policy LU-5.7: Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.	The proposed amendment requires off-street parking for ADUs in neighborhoods that provide coastal recreational access.
Policy LU-10.1: Preserve Neighborhoods: Preserve and enhance the character of the City’s existing residential neighborhoods.	ADUs have a long history in Fort Bragg and contribute to inclusive and affordable neighborhoods.

There are no other applicable policies in the land use element.

Public Facilities Element

The City’s current Coastal General Plan projected that: *“Buildout over the next 10 years would generate a projected 1,900 additional people which would require production of an additional 200,000 gallons of water per day.”*¹ However, as seen from the statistics provided by the CDF, at the most population has increased by 178 people or decreased by 120 people which is significantly less than the 1,900 people projected in 2008. Even if every single residential parcel in the coastal zone added an Accessory Dwelling Unit, that would only account for an additional 556 units, and, even if all of those units had two people, the City still would not have an increase in the population projected in the 2008 plan, even if the more conservative higher number of residents is used to estimate the City’s population.

The 2008 General Plan also states that, *“The City will have sufficient water supply to meet this demand, though it may not have sufficient water storage.”*²

¹ City of Fort Bragg, Coastal General Plan Public Facilities Element, Pg. 3-1. July, 2008.

² Ibid. pg. 3-1

The City of Fort Bragg continues to rely on three surface water sources: Waterfall Gulch (tributary to Hare Creek), Newman Gulch (tributary to Noyo River), and the Noyo River (intake is at Madsen Hole). The water treatment plant was originally constructed in the 1950's, and upgraded in the 1980's, and has a capacity of 2.2 million gallons per day (MGD). An upgrade of the water treatment plant is currently in design phase. While the water supply has not changed, the City has made significant progress in amplifying storage capacity by adding an additional 1.5 million gallon finished water storage tank and the Summers Lane Reservoir with a raw water capacity of 14.7 million gallons, creating a total water storage capacity to 22.6 million gallons.

While there is more than sufficient capacity, the City is exploring long-term sustainable water strategies that include "purple pipe" transmission of treated recycled wastewater and desalinization. The City's potable water system has sufficient capacity to support future development that could occur as a result of the proposed code revision while still accommodating other planned growth in the City.

The City's Water Treatment Plant (WWTP) provides sewage treatment and disposal through the Fort Bragg Municipal Improvement District No. 1 (MID). The MID is somewhat larger than the City as it includes some of the Local Agency Formation Commission (LaFCO) proposed Sphere of Influence. The Wastewater Treatment Plant (WWTP) was constructed in 1971 and underwent a substantial upgrade in 2020. It has a secondary treatment level capacity of 0.8 million gallons per day (MGD) for average dry weather flow (ADWF) and 4.9 MGD Peak Hydraulic Flow. The WWTF also has sufficient capacity to handle additional wastewater that may result from development of housing related to the proposed code revisions.

The proposed updates to the CLUDC are **consistent** with the following General Plan policy as State Law prohibits additional capacity fees for ADUs.

Policy	Analysis
<p>Policy PF-2.1 Development Pays Its Share: Require that new development pay its share of capital improvements and the cost of public services to maintain adequate levels of service.</p>	<p>ADUs are exempt from capacity fees as required by State Law.</p>

There are no other policies that are applicable to the proposed CLUDC updates.

Conservation, Open Space, Energy, and Parks Element

The proposed amendment would be consistent with the policies of the Conservation Element as a CDP is required if the project is located in an area that has the potential to have Environmentally Sensitive Habitat, Wetlands, visual resources or on other Coastal Act resources as illustrated in the Maps of the Coastal General Plan.

Circulation Element

The proposed amendment to the CLUDC is **consistent** with the following General Plan policy as the changes are mandated by State law:

Policy	Analysis
<p>Policy C-9.2: Require Sidewalks. Require a sidewalk on both sides of all collector and arterial streets and on at least one side of local streets as a condition of approval for new development.</p>	<p>All multi-family and mixed-use projects are required to construct public improvements. However, State law prohibits local jurisdictions from requiring public improvements as a condition of approval for ADUs. There are a small number of single-family residential units that do not currently have sidewalks, and they would not be required to add sidewalks as part of the ADU permitting process.</p>

There are no other applicable circulation policies that would affect the CLUDC’s consistency with the CGP.

Community Design, Safety, and Noise Elements

The proposed project is in conformance with any goals, policies, and programs in this element and does not conflict with anything in the element. As amended, new development would still be required to apply for a CDP. Projects would be reviewed for impacts to visual resources and any new commercial or multi-family construction would still require design review. Additionally, there are no changes to the land use code that pertain to safety, noise, or the review process for site design standards.

Housing Element

The City’s Housing Element was updated in 2019 and adopted by the City Council for both Inland and Coastal Fort Bragg. The consistency review for the amendments to the CLUDC is done referencing the goals, policies, and programs in the 2019 Housing Element even though it has not been certified by Coastal Commission as part of the Local Coastal Program. There are significantly more goals, policies, and programs in the 2019 Housing Element in comparison to the 2008, most of which have been added to address the housing crisis.

The proposed amendments to the CLUDC **are consistent** with the following applicable policies of the 2019 Housing Element:

Policy	Analysis
<p>Policy H-1.2 Mixed-Use Development: Encourage the development of mixed-use projects that include multi-family residential uses (upstairs and at the rear of properties) in conjunction with commercial enterprises on the street frontage in commercial zones and use Design Review to minimize conflicts between residential and commercial uses.</p>	<p>The amended CLUDC will allow the residential component of a Mixed-Use project by right.</p>

<p>Policy H-1.3 Secondary Dwelling Units: Continue to facilitate the construction of secondary dwelling units on residential properties.</p>	<p>The proposed CLUDC amendment will allow accessory dwelling units to be constructed on any parcel where there are existing residential units (single-family and multifamily).</p>
<p>Program H-1.3.2 No Development Impact Fees for Secondary Units: Continue to refrain from charging Capacity Fees for second units.</p>	<p>The proposed CLUDC amendment includes implementing State law which prohibits charging capacity fees for ADUs.</p>
<p>Program H-1.3.3 Junior Accessory Dwelling Units: Consider revising the zoning ordinance to allow junior accessory dwelling units (units no more than 500 SF and contained entirely within an existing single-family structure) in single-family residential and multifamily zoning. The Junior Accessory units would be in addition to a second unit, allowing up to 3 units per parcel by right.</p>	<p>The proposed amendment includes definitions and provisions for Junior Accessory Dwelling Units in Section 17.42.170.</p>
<p>Program H-1.3.5 Allow Tiny Homes as Second Units: Consider revising the zoning ordinance so that people can park mobile residences (residences built under the vehicle code) as a second unit, so long as the residence looks like a house (e.g. external siding that is compatible with the residential neighborhood, skirted if the wheels would otherwise be visible from the public right of way, etc.).</p>	<p>The proposed amendment includes the addition of Section 17.42.175 which provides standards for Tiny Homes to be allowed as second units.</p>
<p>Policy H-1.6 Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure.</p>	<p>The proposed code will allow the development of ADUs on all parcels with sufficient space that are already developed for residential uses. By adding the ADU on the site, this is a denser and more efficient use of space to increase housing rather than building new housing on vacant sites.</p>
<p>Program H-5.2.2 Single-Family Homes: Continue to allow the reuse of existing single family residences, in commercial zones, as single-family residences. Consider allowing second units on commercially zoned parcels with existing single family homes.</p>	<p>The proposed amendment will allow houses in commercial districts that still have the appearance of a house to be converted back into a house.</p>

The proposed project does not conflict with any goals, policies, or programs of the 2019 Housing Element.

CONSISTENCY WITH CLUDC SITE PLANNING AND PROJECT DESIGN STANDARDS

Setbacks and Lot Coverage

Again, as mandated by state law Accessory Dwelling Units will have special exceptions to site design standards. Namely, they are exempt from lot coverage calculations, and they have a reduced set back of 4 feet on the rear and the side setbacks. In many cases in the City, houses are located at the back of a parcel. In the case of an ADU being placed in front of the existing house, the ADU shall comply with the front setback requirement.

Parking and Traffic

Again, in compliance with State law, ADUs do not require additional parking, and in the case of a garage conversion to an ADU, the removed parking space does not have to be replaced.

Public Improvement Requirements

Under the amended code per state law, the City would not be able to require new sidewalks or other improvements required in Section 17.30.090 for ADUs.

It is worth noting that the State mandates that a local jurisdiction cannot require the correction of any non-conforming issues as a condition of approval on an ADU or JADU. That said, the proposed code amendments would not have any other impacts on site or design standards.

COASTAL RESOURCES ANALYSIS

The proposed updates to the Coastal Land Use and Development Code will change the planning entitlement requirements for certain projects, allowing some as permitted uses instead of requiring use permits. However, with the possible exception of the conversion of an existing structure to an ADU or a portion of an existing house to a JADU, all projects will still require a Coastal Development Permit.

For the conversion of either an existing structure or a space in an existing structure into either an ADU or JADU, each project would be evaluated to determine if the project is exempt from a Coastal Development Permit. In the case of a JADU, which has a maximum size of 500 square feet, it is relatively easy to conclude that there is no intensification of use and that the change would not qualify as development and therefore, a CDP would not be required. However, in the case of an existing structure conversion, such as a garage into an accessory dwelling unit, projects would have to be evaluated on a case-by-case basis, but it is conceivable that the project may not be considered intensification of use nor development in terms of needing a Coastal Development Permit. The construction of a new ADU is and would continue to be considered development and would require a CDP.

With the exception of those noted above, all projects would still have to be analyzed and the findings in Section 17.71.045(l) (2) would have to be made including the following:

The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources;

In order to make this finding, a project would need to be analyzed for potential effects to natural resources, marine resources, scenic resources, cultural resources, and recreational resources. Projects within 300 feet of a coastal bluff or between the sea and the first public road will also be analyzed for special considerations and the required findings in Section 17.56.070.

The proposed amendment to the CLUDC will not adversely affect coastal resources.

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 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.

RECOMMENDED PLANNING COMMISSION ACTION

Provide direction to staff on proposed zoning amendment for recommendation to the City Council.

ATTACHMENT 1A

Recommendation 1: Staff recommends the following changes to the Land Use Tables of the CLUDC for compliance with State Law.

Revise 17.21.030(B) Table 2-1 Allowable Land Uses and Permit Requirements for Residential Zoning Districts as follows:

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations	
	RR	RS	RL	RM	RH	RVH			
	P	Permitted Use, Zoning Clearance required							
	MUP	Minor Use Permit required (see Section 17.71.060)							
	UP	Use Permit required (see Section 17.71.060)							
	S	Permit requirement set by Specific Use Regulations							
	—	Use not allowed							
LAND USE (1)	RR	RS	RL	RM	RH	RVH	Specific Use Regulations		
RESIDENTIAL USES									
Duplex	P	P	P	P	P	P	17.42.170		
Condominium conversion - 3 units maximum per parcel	—	—	—	P	UP	UP			
Home occupation	P	P	P	P	P	P	17.42.080		
Mobile home park	UP	UP	UP	UP	UP	UP	17.42.110		
Mobile/manufactured home	P	P	P	P	P	P	17.42.110		
Multi-family housing, 2 or 3 units	—	—	—	P	P	P	17.42.120		
Multi-family housing, 4 or more units	—	—	—	UP	UP	P	17.42.120		
Organizational house (sorority, monastery, etc.)	—	—	—	UP	UP	UP			
Residential accessory use or structure	P	P	P	P	P	P	17.42.160		
Residential care facility for the elderly (RCFE)	—	—	—	UP	UP	UP			
Residential care, 6 or fewer clients, in a single-family dwelling	P	P	P	P	P	P			
Residential care, 7 or more clients	—	—	—	UP	UP	UP			
Rooming or boarding, 3 or more persons	—	—	—	MUP	MUP	MUP			
Second units – ADU/JADU	P	P	P	P	P	P	17.42.170		
Single-family dwelling	P	P	P	P	P	P			
Tiny homes	P	P	P	P	P	P	17.42.175		

Recommendation 2: to clarify that a duplex would be allowed in lieu of a single-family residential unit and not in addition to, the following update is also proposed to 17.21.050 Residential District Site Planning and Building Standards:

TABLE 2-4 - RR, RS, AND RL DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	RR Rural Residential	RS Suburban Residential	RL Low Density Residential
Density	Maximum number of dwelling units allowed on a single parcel.		
	1 dwelling unit or one duplex per parcel; or 1 dwelling Unit and one second unit and one JADU where allowed by 17.42.170 .		

Recommendation 3: as established by Senate Bill 234(2019) the following changes are proposed to comply with state law regarding permitting for in-home day care.

SERVICES							
Adult day care - 6 or fewer clients	—	—	—	—	—	—	
Adult day care - 7 or more clients	—	—	—	—	—	—	
Child day care - Small family day care home	P	P	P	P	P	P	
Child day care - Large family day care home	MUP	MUP	MUP	MUP	MUP	MUP	17.42.060

Recommendation 4: Revise the following portions of 17.22.030(C) Table 2-6 Allowable Land Uses and Permit Requirements for Commercial Zoning Districts as follows:

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P	Permitted Use, Zoning Clearance required				
	MUP	Minor Use Permit required (see Section 17.71.060)				
	UP	Use Permit required (see Section 17.71.060)				
	S	Permit requirement set by Specific Use Regulations				
	—	Use not allowed				
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	

RESIDENTIAL USES						
Emergency/transitional shelter	—	—	—	P	—	
Home occupation	P	P	P	P	P	17.42.080
Live/work unit	MUP	MUP	MUP	MUP	—	17.42.090

LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	
Multi-family dwellings	P	UP	UP	UP	UP	17.42.120
Residential care facility for the elderly (RCFE)	—	UP	UP	UP	—	
Residential care facility, 7 or more clients	—	UP	UP	UP	—	
Residential component mixed use project	P	UP	P(2)	UP	UP	17.42.100
Single Residential Unit	MUP(3)	--	MUP(4)	MUP(4)	--	Add citation
Second unit – ADU/JADU	P(5)	P(5)	P(5)	P(5)	P(5)	17.42.170

Key to Zoning District Symbols

CN	Neighborhood Commercial	CG	General Commercial
CO	Office Commercial	CH	Highway and Visitor Commercial
CBD	Central Business District		

Notes:

- (1) See Article [10](#) for land use definitions.
- (2) Use allowed only on second or upper floors, in compliance with Section [17.22.060.B](#) (Limitation on Location of Allowable Uses).
- (3) Use permitted only for lots in the CN zone that do not front a major collector, as defined in the General Plan.
- (4) Use permitted only for existing structures that have the appearance of a single residential dwelling unit, per the Citywide Design Guidelines.
- (5) Use permitted only on parcels with existing single residential unit or existing/proposed multifamily development, and only in compliance with § 18.42.170.

ATTACHMENT 1A

Recommendation 1: Staff recommends the following changes to the Land Use Tables of the ILUDC for compliance with State Law.

Revise 18.21.030(B) Table 2-1 Allowable Land Uses and Permit Requirements for Residential Zoning Districts as follows:

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	RR	RS	RL	RM	RH	RVH		
	P	Permitted Use, Zoning Clearance required						
	MUP	Minor Use Permit required (see Section 17.71.060)						
	UP	Use Permit required (see Section 17.71.060)						
	S	Permit requirement set by Specific Use Regulations						
	—	Use not allowed						
LAND USE (1)	RR	RS	RL	RM	RH	RVH	Specific Use Regulations	
RESIDENTIAL USES								
Duplex	P	P	P	P	P	P	17.42.170	
Condominium conversion - 3 units maximum per parcel	—	—	—	P	UP	UP		
Home occupation	P	P	P	P	P	P	17.42.080	
Mobile home park	UP	UP	UP	UP	UP	UP	17.42.110	
Mobile/manufactured home	P	P	P	P	P	P	17.42.110	
Multi-family housing, 2 or 3 units	—	—	—	P	P	P	17.42.120	
Multi-family housing, 4 or more units	—	—	—	UP	UP	P	17.42.120	
Organizational house (sorority, monastery, etc.)	—	—	—	UP	UP	UP		
Residential accessory use or structure	P	P	P	P	P	P	17.42.160	
Residential care facility for the elderly (RCFE)	—	—	—	UP	UP	UP		
Residential care, 6 or fewer clients, in a single-family dwelling	P	P	P	P	P	P		
Residential care, 7 or more clients	—	—	—	UP	UP	UP		
Rooming or boarding, 3 or more persons	—	—	—	MUP	MUP	MUP		
Second units – ADU/JADU	P	P	P	P	P	P	17.42.170	
Single-family dwelling	P	P	P	P	P	P		
Tiny homes	P	P	P	P	P	P	17.42.175	

Recommendation 2: to clarify that a duplex would be allowed in lieu of a single-family residential unit and not in addition to, the following update is also proposed to 18.21.050 Residential District Site Planning and Building Standards:

TABLE 2-4 - RR, RS, AND RL DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	RR Rural Residential	RS Suburban Residential	RL Low Density Residential
Density	Maximum number of dwelling units allowed on a single parcel.		
	1 dwelling unit or one duplex per parcel; or 1 dwelling Unit and one second unit and one JADU where allowed by 17.42.170 .		

Recommendation 3: as established by Senate Bill 234(2019) the following changes are proposed to comply with state law regarding permitting for in-home day care.

SERVICES

Adult day care - 6 or fewer clients	☐	☐	☐	☐	☐	☐	WHY???
Adult day care - 7 or more clients	☐	☐	☐	☐	☐	☐	
Child day care - Small family day care home	P	P	P	P	P	P	
Child day care - Large family day care home	MUP	MUP	MUP	MUP	MUP	MUP	18.42.060

Recommendation 4: Revise the following portions of 17.22.030(C) Table 2-6 Allowable Land Uses and Permit Requirements for Commercial Zoning Districts as follows:

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P	Permitted Use, Zoning Clearance required				
	MUP	Minor Use Permit required (see Section 17.71.060)				
	UP	Use Permit required (see Section 17.71.060)				
	S	Permit requirement set by Specific Use Regulations				
	—	Use not allowed				
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	

RESIDENTIAL USES

Emergency/transitional shelter	☐	☐	☐	P	☐	I
--------------------------------	---	---	---	---	---	---

Draft Ordinance

17.42.170 - Second Units - Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)

Purpose. This Section establishes standards for 2 types of residential second units: (A) accessory dwelling units (ADU); and (B) junior accessory dwelling units (JADU), where allowed by Article 2 (Zoning Districts and Allowable Land Uses) and in compliance with California Government Code 65852-65853.13. An application for a second unit that complies with the standards of this Section shall be approved ministerially.

- “Accessory dwelling unit” means an attached, detached or converted residential dwelling unit that provides complete independent living facilities for 1 or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single residential unit or multifamily dwelling structure.
- 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, and (C) a tiny home as defined in 17.42.175.
- “Junior accessory dwelling unit” means a living space not more than 500 square feet in size and contained entirely within the walls of a single residential unit. A JADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation; sanitation facilities may be separate, or may be shared with the primary unit.

A second unit that does not comply with this section is subject to the standards of the Zoning District and Article 3 Site Planning and Project Design Standards.

A. Coastal Zone & Coastal Development Permit Requirements.

1. **ADUs.** ADUs that require new construction and/or the conversion of an accessory structure or uninhabited space into a habitable living space shall require an administrative CDP. No public hearing is required for the approval of an administrative CDP for an ADUs within the Coastal Zone.
2. **JADUs.** The conversion of an existing, legally established habitable space to a JADU within an existing residence is exempt from the requirement to obtain a CDP if the following requirements are met:
 - i. The Junior ADU incorporates an existing bedroom of the primary residence into the structure or eliminates an existing bedroom as part of the ADU conversion.
 - ii. The construction of the Junior ADU will not include the removal or replacement of major structural components (e.g., roofs, exterior walls, foundations, etc.).
 - iii. The construction of the JADU does not result in an increase in habitable floor spaces on the parcel.
 - iv. The JADU will not change the intensity of use of the structure (total occupiable bedrooms).
 - v. The JADU does not constitute development within the definition in the Coastal Act.
 - vi. The JADU will have no impacts on Coastal Resources.

If the ADU conversion does not comply with all of the above requirements, an administrative Coastal Development Permit shall be required.

B. Limitation on location.

1. **Accessory dwelling unit.** At least one ADU shall be allowed on any parcel with a single residential unit or a multifamily residential development regardless of compliance with other development standards and regulations if the unit complies with either this section or California Government Code 65852-65853.13. ADU permits shall be approved for the following types of accessory dwelling units, regardless of whether the application meets the development standards contained in this Zoning Code: detached ADUs, attached ADUs, and ADUs converted from an accessory structure,
2. **Junior accessory dwelling unit.** JADUs are allowed on any parcel that is zoned for a single residential unit.

C. Number & Size of Units. An ADU in compliance with this section or California Government Code 65852-65853.13 shall be allowed as follows:

1. On a lot with an existing or proposed single family residential unit:
 - a. One interior ADU or one JADU per lot constructed within an existing or proposed single residential unit or accessory structure, including the construction of up to a 150-square-foot expansion beyond the same physical dimensions as the existing accessory dwelling structure to accommodate ingress and egress. The ADU or JADU must have exterior access and side and rear setbacks sufficient for fire safety; and/or
 - b. One new detached ADU with minimum 4-foot side and rear setbacks, up to 1,200 square feet and no more than 24 feet high on a lot with an existing or proposed single residential unit. A JADU may be built within an existing or proposed dwelling unit.
2. On a lot with an existing multifamily dwelling:
 - a) ADUs may be constructed in areas that are not used as livable space within an existing multifamily attached or detached structure (i.e., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior ADUs permitted on the lot shall not exceed 25% of the current number of units of the multifamily complex on the lot and at least 1 such unit shall be allowed. Units constructed pursuant to this Subsection shall not exceed 1,200 square feet in floor area; and
 - b) Up to 2 additional detached ADUs may be constructed, provided they are no taller than 16 feet, and they have at least 4 feet of side and rear yard setbacks. Units constructed pursuant to this Subsection shall not exceed 1,200 square feet in floor area.
 - c) ADU and JADUs are permitted within condominiums as rentals or homeowner occupied units, However no less than 25% of all ADUs in condominiums must be rented.
3. **Conversion of Accessory Structures to ADUs.** The conversion of an existing accessory structure or portion of an existing accessory structure to an ADU is not subject to unit size, setback or height limitations, ADUs proposed for accessory structures that are expanded in size by more than 150 feet are subject to the size limitations of this ordinance.

ADUs approved under this Subsection (E)(1)(g) shall not be rented for less than 31 days.

- D. Density.** Both ADUs and JADUs shall be exempted from the calculation of the maximum allowable density for the lot on which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designation for the lot.
- E. Lot Size.** There is no minimum lot size for ADUs and JADUs. They are permissible on any sized lot.
- F. Timing.** An ADU may be constructed simultaneously with or after the primary dwelling unit(s). In addition, an existing dwelling that complies with the standards for second units in Subsection (F) of this Section may be considered a second unit, and a new primary unit may be constructed which would then be considered the primary dwelling unit.
- G. Sale of ADUs.** The separate sale or conveyance of an ADU as a tenancy in common (TIC) is only permitted if: 1) both the primary unit and the ADU were built or developed by a qualified non-profit whose mission is to provide housing units to low-income households; 2) an enforceable restriction is placed on the property between the low

income buyer and the non-profit that satisfies the requirements of Section 402,1 of the Revenue and tax code; and 3) the entire property is subject to affordability restrictions to assure that the ADU and the primary dwelling unit are preserved for low-income housing for 45 years.

H. Short-term rentals. Accessory dwelling units and JADUs shall not be rented for periods of less than 31 days.

I. Relationship to primary use.

1. Accessory dwelling unit (ADU). An ADU may be on the front of the parcel or on the back of the parcel and it may be larger or small than the primary single family residential unit so long as it complies with the size limitations of this code. An ADU can be: (i) a remodeled portion of a primary dwelling unit; (ii) attached to a primary dwelling unit; (iii) one of the units of a duplex; (iv) a detached unit, or located in a converted Accessory Structure such as a shop or garage.

2. Junior accessory dwelling unit (JADU).

a. A JADU shall be contained entirely within the walls of a single residential unit and shall not exceed 500 square feet.

b. A JADU shall include an efficiency kitchen including a food preparation counter, storage cabinets that are of reasonable size in relation to the size of the unit, and cooking appliances; have a separate entrance from the main entrance to structure; and may include separate sanitation facilities or may share sanitation facilities with the existing structure.

c. Sale prohibited. A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

e. Fire protection; utility service. For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit shall not be considered a separate or new unit, unless the junior accessory dwelling unit was constructed in conjunction with a new single residential unit. No separate connection between the junior accessory dwelling unit and the utility shall be required for units created within a single residential unit, unless the junior accessory dwelling unit is being constructed in connection with a new single residential unit.

g. Deed restriction. Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the City that includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single residential unit, does not permit short-term rentals, and restricts the size and attributes of the junior dwelling unit to those that conform with this section.

J. Second unit standards.

1. Accessory dwelling unit. An ADU shall comply with the following standards:

a. Height limit. A detached ADU shall be limited to maximum height of 28 feet,

b. Setbacks. An ADU shall have a minimum rear and side setback of 4 feet; unless the second unit is located in a nonconforming structure as defined by § 17.90.020. Notwithstanding the foregoing, no setbacks are required for ADUs that are conversions of existing living areas or existing accessory structures, or for any new structures in the same location and to the same dimensions as an existing structure. Front yard

setbacks are defined in 17.22, however a reduced front setback is required if the applicant is precluded by the strict application of the setback from building at least one 800 SF ADU on the property.

- c. **Maximum floor area.** The maximum floor area of an ADU shall not exceed 1,200 square feet.
- d. **Separate entrance required.** An attached ADU shall have an entrance separate from the entrance to the primary dwelling.
- e. **Window & Balcony Placement.** An ADU that is placed 20 feet or less from a residential unit on the same parcel or an adjacent parcel shall not have windows that directly face windows in the other unit. Transom windows and skylights are allowed even when ADU windows directly face windows in the other unit. An ADU that is located over a residential accessory structure shall not have windows or balconies that directly face a neighboring yard. This limitation applies only to side yards, not to windows facing alleys.
- f. **Building code compliance.** All new ADUs must satisfy the requirements contained in the building code and fire code as currently adopted by the City, including applicable energy efficiency standards associated with Title 24 of the California Code of Regulations. However, fire sprinklers shall not be required if they are not required for the primary residence.
- g. **Nonconforming conditions.** ADUs or JADUs approved under this Section shall not be required to correct legal nonconforming zoning conditions.

2. **Junior accessory dwelling unit.** A JADU shall comply with the following standards:

- a. **Maximum floor area.** The living space shall not exceed 500 square feet in size and shall be contained entirely within the walls of an existing or proposed single residential unit.
- b. **Separate entrance required.** A JADU shall have a separate entrance from the main entrance to structure, with an interior entry into the main living area.
- c. **Efficiency kitchen.** A JADU shall include an efficiency kitchen, as follows:
 - i. Cooking appliances;
 - ii. A food preparation counter; and
 - iii. Storage cabinets reasonably sized in relation to unit.

K. Parking Requirements

- 1. **ADU/JADU Parking Exemptions & Requirements:** No parking is required unless the ADU is located in a neighborhood which provides public parking and public access to the coast. In Fort Bragg this includes all residential parcels that directly abut Glass Beach Drive. All other parcels are not required to provide parking.
- 2. **Replacement Parking Exemption.** No replacement parking space(s) are required for the primary unit, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU.

L. ADU's Proposed for Sensitive Habitats, Scenic Areas, and areas subject to Sea Level Rise

- 1. **Visual Resources.** ADUs shall be reviewed for impacts to visually resources in visually sensitive areas as designated in Map CD-1 of the Coastal General Plan.
- 2. **Sensitive Habitat.** ADUs shall be reviewed for impacts to sensitive habitats in areas as designated in Map OS-1 of the Coastal General Plan.

3. **Areas Sensitive to Sea Level Rise.** J/ADUs that are proposed for areas that are vulnerable to sea level rise and other coastal hazards shall meet all LCP requirements for new development to be safe from such hazards, but that also addresses the need for future sea level rise adaptations including future removal and risk disclosure.

17.42.170 - Second Units - Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)

Purpose. This Section establishes standards for 2 types of residential second units: (A) accessory dwelling units (ADU); and (B) junior accessory dwelling units (JADU), where allowed by Article 2 (Zoning Districts and Allowable Land Uses) and in compliance with California Government Code 65852-65853.13. An application for a second unit that complies with the standards of this Section shall be approved ministerially.

- “Accessory dwelling unit” means an attached, detached or converted residential dwelling unit that provides complete independent living facilities for 1 or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single residential unit or multifamily dwelling structure.
- An “accessory dwelling unit” also includes the following: (A) an efficiency unit; ~~and~~ (B) a manufactured home, as defined in Section 18007 of the Health and Safety Code, and (C) a tiny home as defined in 17.42.175.
- “Junior accessory dwelling unit” means a living space not more than 500 square feet in size and contained entirely within the walls of a single residential unit. A JADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation; sanitation facilities may be separate, or may be shared with the primary unit.

A second unit that does not comply with this section is subject to the standards of the Zoning District and Article 3 Site Planning and Project Design Standards.

A. Limitation on location.

1. **Accessory dwelling unit.** At least one ADU shall be allowed on any parcel with a single residential unit or a multifamily residential development regardless of compliance with other development standards and regulations if the unit complies with either this section or California Government Code 65852-65853.13. ADU permits shall be approved ministerially for the following types of accessory dwelling units, regardless of whether the application meets the development standards contained in this Zoning Code: Detached ADUs, attached ADUs, and ADUs converted from an accessory structure,
2. **Junior accessory dwelling unit.** JADUs are allowed on any parcel that is zoned for a single residential unit.

B. Number & Size of Units. An ADU in compliance with this section or California Government Code 65852-65853.13 shall be allowed as follows:

1. On a lot with an existing or proposed single family residential unit:
 - a. One interior ADU or one JADU per lot constructed within an existing or proposed single residential unit or accessory structure, including the construction of up to a 150-square-foot expansion beyond the same physical dimensions as the existing accessory dwelling structure to accommodate ingress and egress. The ADU or JADU must have exterior access and side and rear setbacks sufficient for fire safety; and/or
 - b. One new detached ADU with minimum 4-foot side and rear setbacks, up to 1,200 square feet and no more than 24 feet high on a lot with an existing or proposed single residential unit. A JADU may be built within an existing or proposed dwelling unit. ~~of such residence in connection with the ADU.~~ 2. On a lot with an existing multifamily dwelling:
 - a) ADUs may be constructed in areas that are not used as livable space within an existing multifamily attached or detached dwelling-structure (i.e., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior ADUs permitted on the lot shall not exceed 25% of the current number of units of the multifamily complex on the lot

and at least 1 such unit shall be allowed. Units constructed pursuant to this Subsection shall not exceed 1,200 square feet in floor area; and

b) Up to 2 additional detached ADUs may be constructed, provided they are no taller than 16 feet, and they have at least 4 feet of side and rear yard setbacks. Units constructed pursuant to this Subsection shall not exceed 1,200 square feet in floor area.

c) ADU and JADUs are permitted within condominiums as rentals or homeowner occupied units, However no less than 25% of all ADUs in condominiums must be rented.

3. **Conversion of Accessory Structures to ADUs.** The conversion of an existing accessory structure or portion of an existing accessory structure to an ADU is not subject to unit size, setback or height limitations, ADUs proposed for accessory structures that are expanded in size by more than 150 feet are subject to the size limitations of this ordinance.

ADUs approved under this Subsection (E)(1)(g) shall not be rented for less than 31 days.

- C. **Density.** Both ADUs and JADUs shall be exempted from the calculation of the maximum allowable density for the lot on which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designation for the lot.
- D. **Lot Size.** There is no minimum lot size for ADUs and JADUs. They are permissible on any sized lot.
- E. **Timing.** An ADU may be constructed simultaneously with or after the primary dwelling unit(s). In addition, an existing dwelling that complies with the standards for second units in Subsection (F) of this Section may be considered a second unit, and a new primary unit may be constructed which would then be considered the primary dwelling unit.
- F. **Sale of ADUs.** The separate sale or conveyance of an ADU as a tenancy in common (TIC) is only permitted if: 1) both the primary unit and the ADU were built or developed by a qualified non-profit whose mission is to provide housing units to low-income households; 2) an enforceable restriction is placed on the property between the low income buyer and the non-profit that satisfies the requirements of Section 402,1 of the Revenue and tax code; and 3) the entire property is subject to affordability restrictions to assure that the ADU and the primary dwelling unit are preserved for low-income housing for 45 years.
- G. **Short-term rentals.** Accessory dwelling units shall not be rented for periods of less than 31 days.
- H. **Relationship to primary use.**

1. **Accessory dwelling unit (ADU).**

a. . An ADU may be on the front of the parcel or on the back of the parcel and it may be larger or small than the primary single family residential unit so long as it complies with the size limitations of this code. An ADU can be: (i) a remodeled portion of a primary dwelling unit; (ii) attached to a primary dwelling unit; (iii) one of the units of a duplex; (iv) a detached unit, or located in a converted Accessory Structure such as a shop or garage.

b. ADUs constructed under the provisions of Government Code Section 65852.2(c)(2)(c) may not be rented for less than 31 days.

2. **Junior accessory dwelling unit (JADU).**

- a. A JADU shall be contained entirely within the walls of a single residential unit and shall not exceed 500 square feet.
- b. A JADU shall include an efficiency kitchen including a food preparation counter, storage cabinets that are of reasonable size in relation to the size of the unit, and cooking appliances; have a separate entrance from the main entrance to structure; and may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
- c. **Sale prohibited.** A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.
- e. **Fire protection; utility service.** For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit shall not be considered a separate or new unit, unless the junior accessory dwelling unit was constructed in conjunction with a new single residential unit. No separate connection between the junior accessory dwelling unit and the utility shall be required for units created within a single residential unit, unless the junior accessory dwelling unit is being constructed in connection with a new single residential unit.
- g. **Deed restriction.** Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the City that includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single residential unit, does not permit short-term rentals, and restricts the size and attributes of the junior dwelling unit to those that conform with this section.

I. Second unit standards.

1. **Accessory dwelling unit.** An ADU shall comply with the following standards:
 - a. **Height limit.** A detached ADU shall be limited to maximum height of 28 feet,
 - b. **Setbacks.** An ADU shall have a minimum rear and side setback of 4 feet; unless the second unit is located in a nonconforming structure as defined by § 17.90.020. Notwithstanding the foregoing, no setbacks are required for ADUs that are conversions of existing living areas or existing accessory structures, or for any new structures in the same location and to the same dimensions as an existing structure. Front yard setbacks are defined in 17.22, however a reduced front setback is required if the applicant is precluded by the strict application of the setback from building at least one 800 SF ADU on the property.
 - c. **Maximum floor area.** The maximum floor area of an ADU shall not exceed 1,200 square feet.
 - d. **Separate entrance required.** An attached ADU shall have an entrance separate from the entrance to the primary dwelling.
 - e. **Window & Balcony Placement.** An ADU that is placed 20 feet or less from a residential unit on the same parcel or an adjacent parcel shall not have windows that directly face windows in the other unit. Transom windows and skylights are allowed even when ADU windows directly face windows in the other unit, An ADU that is located over a residential accessory structure shall not have windows or balconies that directly face a neighboring yard. This limitation applies only to side yards, not to windows facing alleys.
 - f. **Building code compliance.** All new ADUs must satisfy the requirements contained in the building code and fire code as currently adopted by the City, including applicable energy efficiency standards associated

with Title 24 of the California Code of Regulations. However, fire sprinklers shall not be required if they are not required for the primary residence.

g. Nonconforming conditions. ADUs or JADUs approved under this Section shall not be required to correct legal nonconforming zoning conditions.

2. Junior accessory dwelling unit. A JADU shall comply with the following standards:

a. Maximum floor area. The living space shall not exceed 500 square feet in size and shall be contained entirely within the walls of an existing or proposed single residential unit.

b. Separate entrance required. A JADU shall have a separate entrance from the main entrance to structure, with an interior entry into the main living area.

c. Efficiency kitchen. A JADU shall include an efficiency kitchen, as follows:

- i. Cooking appliances;
- ii. A food preparation counter; and
- iii. Storage cabinets reasonably sized in relation to unit.

J. Off-street parking not required. No off-street parking is required for an ADU and/or a JADU. However, if parking is provided, the parking space shall comply with the location and design requirements of Chapter 17.36.

K. Planning Approvals.

1. **(ILUDC) Deemed Approved.** ADUs and Juniors ADUs will be deemed approved (not subject to ministerial approval) if the local agency has not acted on the complete application within 60 days of complete application submittal.
2. **ILUDC Ministerial Review.** All ADUs, JADU shall be approved ministerially and shall not be subject to Design Review.
3. **Coastal Zone & Coastal Development Permit.**
 - a. **ADUs.** ADUs that require new construction and/or the conversion of an accessory structure or uninhabited building into a habitable living space shall require an administrative CDP. No public hearing is required for the approval of an administrative CDP for an ADUs within the Coastal Zone.
 - b. **JADUs.** The conversion of an existing, legally established habitable space to a J/ADU within an existing residence is exempt from the requirement to obtain a CDP if the following requirements are met:
 - i. The Junior ADU incorporates an existing bedroom of the primary residence into the structure or eliminates an existing bedroom as part of the ADU conversion.
 - ii. The construction of the Junior ADU will not include the removal or replacement of major structural components (e.g., roofs, exterior walls, foundations, etc.).
 - iii. The JADU will not change the intensity of use of the structure (total occupiable bedrooms
 - iv. The JADU does not constitute development within the definition in the Coastal Act.
 - v. The JADU will have no impacts on Coastal Resources.

If the ADU conversion does not comply with all of these requirements an administrative Coastal Development Permit shall be required.

Attachment 3A – CLUDC

Tiny Home Ordinance for Coastal Zone – Add Section 17.42.175

A. Applicability. Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), tiny homes shall comply with the standards of this Section.

B. Definitions. A tiny home is a small towable residential unit that is not on a permanent foundation, and that meets the design and construction criteria listed in subsection (C) of this Section.

C. Coastal Zone & Coastal Development Permit Requirements. An administrative Coastal Development Permit shall be required for all Tiny Homes.

D. Standards. Tiny homes shall be allowed as a type of accessory dwelling unit subject to the following criteria:

1. Limitation on location.

a. Tiny homes are allowed on any residentially zoned parcel (RR, RS, RL, RM, RH, and/or RVH) as an accessory dwelling unit.

2. Development standards. A tiny home shall conform with the following requirements:

a. **Height.** A tiny home shall have a maximum height of 13 feet six inches to comply with Department of Motor Vehicles (DMV) towing requirements.

b. **Location.** A tiny home shall comply with standard front setbacks for the zoning district; tiny homes shall be located toward the rear behind the primary dwelling unit on the property, and maintain four-foot side and rear setbacks.

c. **Size.** The minimum square footage of a tiny home shall be no less than 150 square feet to comply with California Health and Safety Code. The maximum size shall be 400 square feet.

d. **Number of units allowed.** Tiny homes are allowed on a parcel in the following configurations:

i. On a parcel with an existing primary unit, a maximum of two tiny homes are permitted. Alternatively, a maximum of one ADU or one JADU and one tiny home is permitted. Tiny homes shall be considered a type of accessory dwelling unit for the purposes of density calculations.

ii. Tiny homes are permitted in mobile home parks, and the maximum allowed shall be determined in the use permit process.

3. Design standards. A tiny home shall maintain a residential appearance through the following design standards:

a. **Skirting.** The undercarriage (wheels, axles, tongue and hitch) shall be hidden from view with a solid wood, metal or concrete apron when parked.

b. **Roof pitch.** Roofs shall have a minimum of a 1:12 for greater than 50% of the roof area.

c. Foundation or pad. A paved parking pad shall be required and include bumper guards, curbs, or other installations adequate to prevent movement of the unit. Alternative paving methods may be permitted at the discretion of the Community Development Director.

d. Mechanical equipment. Mechanical equipment shall be incorporated into the structure and not be located on the roof (except for solar panels). Generators are prohibited except in emergencies.

e. Materials. Materials for the exterior wall covering shall include wood, Hardie Panel or equivalent material as determined by the Community Development Director. Single piece composite laminates, or interlocked metal sheathing, are prohibited.

f. Windows. Windows shall be double pane glass or better, labeled for building use, and be trimmed out.

g. Utility connections. A tiny home shall be connected to City water and sewer utilities through dedicated pipes. A tiny home may use on- or off-grid electricity. All tiny homes shall have a GFI shutoff breaker.

4. Short-term rentals. Tiny homes shall not be rented for periods of less than 31 days.

5. Applicable codes.

a. Tiny homes shall meet either the provisions of ANSI 119.5 or NFPA 1192. It shall be the burden of the applicant to show compliance with these standards.

b. Tiny homes shall be licensed and registered with the California Department of Motor Vehicles.

6. Fire inspection. Tiny homes shall require a yearly inspection by the Fire Marshal.

E. Parking Requirements

1. **Tiny Home Parking Exemptions & Requirements:** No parking is required unless the tiny home is located in a neighborhood which provides public parking and public access to the coast. In Fort Bragg this includes all residential parcels that directly abut Glass Beach Drive. All other parcels are not required to provide parking.

F. ADU's Proposed for Sensitive Habitats, Scenic Areas, and areas subject to Sea Level Rise

1. **Visual Resources.** Tiny Homes shall be reviewed for impacts to visually resources in visually sensitive areas as designated in Map CD-1 of the Coastal General Plan.
2. **Sensitive Habitat.** Tiny Homes shall be reviewed for impacts to sensitive habitats in areas as designated in Map OS-1 of the Coastal General Plan.
3. **Areas Sensitive to Sea Level Rise.** Tiny Homes that are proposed for areas that are vulnerable to sea level rise and other coastal hazards shall meet all LCP requirements for new development to be safe from such hazards, but that also addresses the need for future sea level rise adaptations including future removal and risk disclosure.

Attachment 3B: ILUDC

Proposed Changes to Section 18.42.175 Standards for Tiny Homes

A. Applicability. Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), tiny homes shall comply with the standards of this Section.

B. Definitions. A tiny home is a small towable residential unit that is not on a permanent foundation, and that meets the design and construction criteria listed in subsection (C) of this Section.

C. Standards. Tiny homes shall be allowed as a type of accessory dwelling unit subject to the following criteria:

1. Limitation on location.

a. Tiny homes are allowed on any residentially zoned parcel (RR, RS, RL, RM, RH, and/or RVH) **as an accessory dwelling unit.**

2. Development standards. A tiny home shall conform with the following requirements:

a. **Height.** A tiny home shall have a maximum height of 13 feet six inches to comply with Department of Motor Vehicles (DMV) towing requirements.

b. **Location.** A tiny home shall comply with standard front setbacks for the zoning district; tiny homes shall be located ~~toward the rear~~ **behind the primary dwelling unit on** the property, and maintain four-foot side and rear setbacks.

c. **Size.** The minimum square footage of a tiny home shall be **no less than** 150 square feet to comply with California Health and Safety Code. The maximum size shall be 400 square feet.

d. **Number of units allowed.** Tiny homes are allowed on a parcel in the following configurations:

i. On a parcel with an existing primary unit, a maximum of two tiny homes are permitted. Alternatively, a maximum of one ADU or one JADU and one tiny home is permitted. Tiny homes shall be considered a type of accessory dwelling unit for the purposes of density calculations.

ii. Tiny homes are permitted in mobile home parks, and the maximum allowed shall be determined in the use permit process.

e. **Parking.** No on-site parking is required for a tiny home.

3. Design standards. A tiny home shall maintain a residential appearance through the following design standards:

a. **Skirting.** The undercarriage (wheels, axles, tongue and hitch) shall be hidden from view with a solid wood, metal or concrete apron when parked.

b. **Roof pitch.** Roofs shall have a minimum of a 1:12 for greater than 50% of the roof area.

c. Foundation or pad. A paved parking pad shall be required and include bumper guards, curbs, or other installations adequate to prevent movement of the unit. Alternative paving methods may be permitted at the discretion of the Community Development Director.

d. Mechanical equipment. Mechanical equipment shall be incorporated into the structure and not be located on the roof (except for solar panels). Generators are prohibited except in emergencies.

e. Materials. Materials for the exterior wall covering shall include wood, Hardie Panel or equivalent material as determined by the Community Development Director. Single piece composite laminates, or interlocked metal sheathing, are prohibited.

f. Windows. Windows shall be double pane glass or better, labeled for building use, and be trimmed out.

g. Utility connections. A tiny home shall be connected to City water and sewer utilities through dedicated pipes. A tiny home may use on- or off-grid electricity. All tiny homes shall have a GFI shutoff breaker.

4. Short-term rentals. Tiny homes shall not be used as short term rentals as defined by ~~§ 17.42.190, Vacation Rental Units~~ **rented for periods of less than 31 days.**

5. Applicable codes.

a. Tiny homes shall meet either the provisions of ANSI 119.5 or NFPA 1192. It shall be the burden of the applicant to show compliance with these standards.

b. Tiny homes shall be licensed and registered with the California Department of Motor Vehicles.

6. Fire inspection. Tiny homes shall require a yearly inspection by the Fire Marshal.

Attachment 4A

17.42.060 - Child Day Care Facilities

A. Applicability. Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) Child day care facilities shall comply with the standards of this Section. These standards apply in addition to the other provisions of this Development Code and requirements imposed by the California Department of Social Services (DSS). DSS Licensing is required for all facilities.

B. Definitions. Definitions of the child day care facilities regulated by this Section are in Article 10 (Glossary & Index) under "Day Care."

~~C. Standards for large family day care homes. As required by State law, a Minor Use Permit for a large family day care home shall be approved if it complies with the following standards.~~

~~1. Location requirements. In order to avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no large family day care home shall be located within 300 feet of an existing large family day care home, or child day care center. In no case shall a residential property be directly abutted by a large family day care center on two or more sides.~~

~~2. Parking, drop-off area.~~

~~a. At least two off-street parking spaces shall be provided exclusively for dropping off and picking up children. The driveway may be used to provide the off-street parking required by Section 17.36.040 (Number of Parking Spaces Required) for a single-family dwelling, if the parking will not obstruct any required drop-off and pick-up areas nor block any sidewalks or other public access. Alternative parking and drop-off arrangements may be required by the review authority based on traffic and pedestrian safety considerations.~~

~~b. A home located on a street with a speed limit of 30 miles per hour or greater shall provide a drop-off/pick-up area designed to prevent vehicles from backing onto the street (e.g., circular driveway).~~

~~3. Outdoor activity areas.~~

~~a. Any side or rear setback areas intended for day care use shall be enclosed with a fence or wall to separate the children from neighboring properties.~~

~~b. Outdoor recreation equipment over eight feet in height shall not be located within a required side setback, and shall be set back a minimum of five feet from a rear property line.~~

~~4. Noise. Noise generated from the large family day care home shall not exceed the standards in Municipal Code Chapter 9.44.~~

~~5. Additional standards. Each large family day care home shall comply with applicable building and fire codes, and standards adopted by the State, and Social Services Department licensing requirements (California Code of Regulations, Title 22, Division 2).~~

DC. Standards for child day care centers.

1. Fencing. Design Review shall be required for any proposed fencing.

2. Parking and loading.

a. Off-street parking shall be provided as required through the Minor Use Permit process, but shall be a minimum of one space per employee on the largest shift, plus one space for each 10 children authorized by the State license. An exception to these off-street parking requirements may be granted if the facility complies with the following criteria:

i) The exception shall be granted only for uses in an existing building, and shall not be granted for any expansion of gross floor area or new construction;

ii) Off-street parking shall be provided on the site in the maximum amount feasible;

iii) The exception shall only be granted in a situation where the City Engineer has determined that the exception will not result in potentially unsafe conditions for vehicles or pedestrians;

iv) Each Minor Use Permit that grants an off-street parking exception shall be reviewed annually, and if it is found that the use of on-street parking spaces by the facility is creating a nuisance, the City may initiate proceedings to revoke the Minor Use Permit.

b. Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.

3. Noise. Potential noise sources shall be identified during the Minor Use Permit process, and noise attenuation and sound dampening shall be addressed.

Attachment 5A - minor modifications to Article 7 & 10 of the CLUDC

Recommendation 1. Staff propose revising Chapter 17.70.030 Table Footnote (3) to clarify the authority of administrative Coastal Development Permits. While this clarifies that CDPs for projects that would otherwise require no permit, shall be processed as an administrative permit. It does not change the appeal process, hearing requirements, or notification requirements.

- (3) The Director may act on a Coastal Development Permit application that is not required to have a public hearing, in compliance with Section [17.71.045](#) (Coastal Development Permits). **This includes Coastal Development Permit applications that are not appealable to the Coastal Commission and that do not require other land use entitlements that fall under a higher review authority (e.g. a Use Permit).**

Recommendation 2. Update CLUDC Section 17.71.045(K)(2)(a) to correct the code reference:

Notice that a public hearing shall be held upon request by any person is provided by the City to all persons who would otherwise be required to be notified of a public hearing by Section [17.71.045](#)(FG), as well as any other persons known to be interested in receiving notice; and

Recommendation 3. Update CLUDC Section 17.71.050 B2 and B3 to clarify that ADUs are not subject to design review.

B. Applicability. All new structures, any relocation, exterior addition(s), or changes of or to existing structures, and any other physical improvements shall be subject to Design Review, whether or not a Building Permit is required, unless exempt in compliance with Subsection B.3 (Improvements exempt from Design Review), below. Design Review shall be required in addition to all other planning permit or approval requirements of this Development Code and the Municipal Code, including but not limited to a Coastal Development Permit.

2. Improvements subject to Design Review by the Director. The following improvements shall be subject to Design Review by the Director, except when in conjunction with a development project. If in conjunction with a development project, each of the following shall be subject to review and approval by the Commission:

- a. ~~The construction or rehabilitation/remodeling of a secondary dwelling unit or duplex;~~

3. Improvements exempt from Design Review. The following improvements are exempt from Design Review:

- a. **The construction or rehabilitation/remodeling of a secondary dwelling unit or duplex;**

Recommendation 4. Complete the following modifications to the definitions in CLUDC Section 17.100.020:

Add the following Definitions:

Accessory Dwelling Unit. Can be an attached, detached or converted residential dwelling unit of less than 1,200 sf that provides complete independent living facilities for 1 or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single residential unit or multifamily dwelling structure is or will be situated. An “accessory dwelling unit” also includes the following: (A) an efficiency unit; and (B) a manufactured home, as defined in Section 18007 of the Health and Safety Code, and (C) a tiny home as defined in 17.42.175.

Junior accessory dwelling unit. Is a living space not more than 500 square feet in size and contained entirely within the walls of a single residential unit. A JADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation; sanitation facilities may be separate, or may be shared with the primary unit.

Tiny Home - a small towable residential unit with the appearance of a small house that is not on a permanent foundation and which is NOT certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC Section 4401 et seq.), American National Standards Institute 119.5, or National Fire Protection Agency 1192 and constructed after January 1, 1989, but is registered through the California Department of Motor Vehicles.

Remove the following definitions:

Carriage House. See “**Second Unit** or Carriage House.”

Small secondary unit. A small secondary residential dwelling unit is a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facility, which is an attached or detached extension to a single family structure that has no more than one bedroom and that is no greater than 600 square feet in size. Any loft area, regardless of ceiling height, is counted when calculating maximum square feet. No more than one loft area is permitted in a small secondary unit.

Second Unit or Carriage House. A second permanent dwelling that is accessory to a primary dwelling on the same site. A second unit that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking, and does not meet the criteria for an Accessory Dwelling Unit.

Revise the following definitions:

Duplex. See “**Multi-Family Housing.**” A duplex consists of two attached dwelling units typically sharing a wall, but may also be attached vertically. A duplex may be considered a primary dwelling unit with an attached Accessory Dwelling Unit (ADU) if one of the units is less than 1,200 square feet.

Coastal Development Permit. A discretionary land use permit that may be granted in compliance with Section ~~17.71.040~~ 17.71.045 (Coastal Development Permit) required pursuant to this Development Code and subdivision (a) of the Coastal Act Section 30600. which authorizes development in the coastal zone subject to compliance with any conditions of approval imposed on the permit.

Multi-Family Housing. A dwelling unit that is part of a structure containing ~~one~~ **two** or more other dwelling units, ~~or a non-residential use.~~ An example of the latter is a mixed-use project where, for example, one or more

dwelling units are part of a structure that also contains one or more commercial uses (retail, office, etc.). Multi-family dwellings include: ~~duplexes, triplexes, fourplexes~~ (buildings under one ownership with ~~two~~, three or more dwelling units in the same structure); apartments (five or more units under one ownership in a single building); and townhouse development (three or more attached dwellings where no unit is located over another unit), and other building types containing multiple dwelling units (for example, courtyard housing, rowhouses, stacked flats, etc.).

Residential Accessory Use or Structure. Any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property. See also “Agricultural Accessory Structure.”

garages	studios
gazebos	swimming pools
greenhouses (non-commercial)	tennis and other on-site sport courts
spas and hot tubs	workshops
storage sheds	

Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include: second units or **Accessory Dwelling Units**, which are separately defined; guest houses, ~~which are included under the definition of second units~~; or home satellite dish and other receiving antennas for earth-based TV and radio broadcasts (see “Telecommunications Facilities”).

Second Unit/~~Carriage House/Duplex~~. See Accessory Dwelling Unit.



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 23-161

Agenda Date: 5/17/2023

Version: 1

Status: Business

In Control: Community Development Committee

File Type: Staff Report

Agenda Number: 3B

Receive report and discuss proposed changes to subdivision regulations relative to Prop 9.

City of Fort Bragg - SB 9 Regulatory Outline

Chapter 162, Statutes of 2021

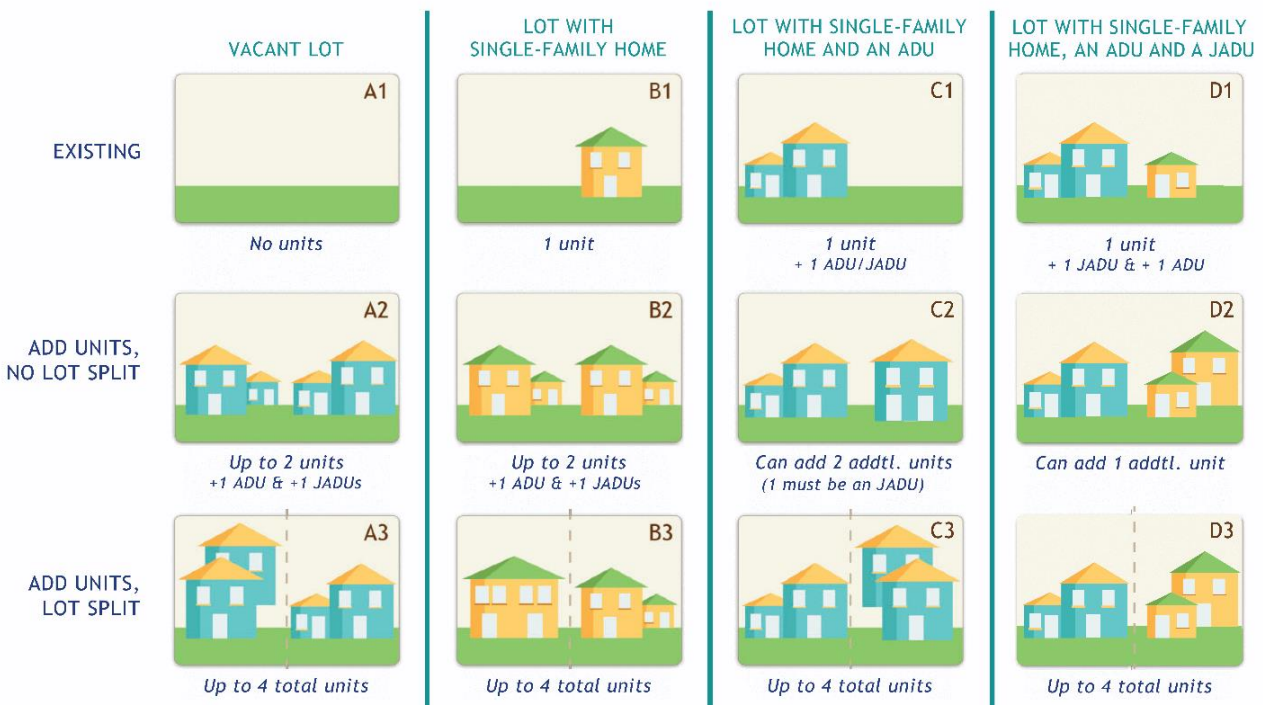
SB 9 requires ministerial approval of:

- A housing development with no more than two primary units and 2 ADUs in a single-family zone,
- The subdivision of a parcel in a single-family zone into two parcels,
- and/or both.

SB 9 allows the creation of up to four housing units in the lot area typically used for one single-family home. Potential configurations include the following:

WHAT IT CAN MEAN FOR DEVELOPMENT OF NEW DWELLING UNITS

Illustrations are based on a preliminary analysis of the law. Details are subject to change and are for informational purposes only.



For parcels with non-conforming buildings please check with Department of Planning & Development on the requirements for SB 9 to be utilized for building new units.

USING SB 9 WITHOUT A LOT SPLIT:

- Without a lot split, two primary units and up to 2 new ADUs/JADUs can be built.

USING SB 9 WITH A LOT SPLIT:

- SB 9 does not require jurisdictions to approve more than 4 units total, including any ADUs/JADUs.
- Future subdivision prohibited.



SINGLE-UNIT DEVELOPMENTS

SB 9 can be used to develop single units - but projects must comply with all SB 9 requirements.

The law requires a local agency to modify or eliminate objective development standards on a project-by-project basis if they would prevent **an otherwise eligible lot from being split** or prevent the construction of up to two units at least 800 square feet in size on each lot.

Ministerial Review

- An application made under SB 9 must be considered ministerially, without discretionary review or a hearing. A ministerial review is always a “staff-level review.”
- Staff should use a checklist, and compare the application materials (e.g., site plan, project description, etc.) with the objective standards in the ILUDC, CLUDC and below as applicable.

Objective Standards

(Reference: Gov. Code, §§ 65852.21, subd. (b); 66411.7, subd. (c))

- **Single Family Zoning Only.** The parcel must be located in a single-family residential zone (RR, RS, RL zones). Parcels in multi-family residential and commercial are not subject to SB 9 mandates even if they allow single-family residential uses as a permitted use and are on a small parcel.
- **Maximum of 4 Units.** SB 9 allows a lot-split with just one existing unit on one of the parcels. It also allows for the other configurations shown in the chart above.
 - **No more than 4 units total are permissible under SB 9, or 2 units max per parcel.**
 - **Up to 2 units/lot.** 2 primary units, 1 primary and 1 ADU, or 1 duplex.
 - 2 units of 800 square feet each must be allowed on each lot regardless of other Zoning Ordinance requirements (including floor area ratio (FAR), lot coverage, setbacks).
- **Lot Sizes Must be near Equal.** For an SB 9 urban lot-split, the two lots must be **roughly of equal size**, each lot must be at least 40 percent of the existing lot size, but no smaller than 1,200 sf. The new lot line should comply with setback requirements (front 20 ft and 4 foot side and back setbacks) for existing buildings.
- **Owner Occupancy Deed Restriction.** Applicants for an urban lot-split under SB 9 must sign and record a deed restriction that they will use one of the units as their primary residence for a minimum of three years.
- **Short-term rentals not allowed.** Units may be rented, but for terms of at least 30 days (no Short-Term Rentals).
- **Reduced Setbacks.** Four-foot maximum side and rear setbacks as required by SB 9 establishes an across-the-board maximum four-foot side and rear setbacks. The City can apply existing front-yard setbacks.
- **Off-street parking** spot for each unit is required unless the unit is located ½ mile from a transit stop (bus stop).
- **Existing Structure Conversions**
 - Cannot require a setback for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure (i.e., a building reconstructed on the same footprint).
 - Must approve conversions of existing structures to ADU regardless of compliance with height-limits, parking requirements or setbacks.

OPTIONAL STANDARDS: Design criteria from ILUDC multi-family regulations which could be included in SB 9 regulations:

- **Private open space and storage space.** Each SB 9 unit must include 100 sf of private outdoor open-space and 100 cubic feet of outdoor accessible storage space. Private open space shall be at the same elevation as and immediately accessible from within the unit. Each private open space area shall have a minimum dimension of 8 feet; except that the review authority may authorize different minimum dimensions for upper-floor balconies where the private open space is provided as a balcony or upper floor court.
- **Window orientation.** Where 1 or more windows are proposed 10 feet or less from a side lot line, or 10 feet from another residential structure on the same site, Design Review shall ensure, to the extent feasible, that the windows are located and/or screened to provide privacy for residents of both structures.
- **Accessory structures.** Only one accessory structure (garage, craft room, shed, etc.) is permitted per lot and shall be designed and constructed with an architectural style, exterior colors and materials similar to the dwelling units.
- **Building facades adjacent to streets.** Dwelling units shall be designed so that at least 75% of the facade of each building adjacent to a public street is occupied by habitable space with windows. Each facade adjacent to a street shall have at least 1 pedestrian entry into the structure.
- **Sidewalk Improvements.** If the lot does not include full sidewalks, the applicant shall install sidewalks at the time that new development is approved.

SB 9 Lot Splits are not allowed on parcels with the following characteristics:

- **Adjacent to another parcel that was split under SB 9 under ownership by the same person.** A parcel may only be subdivided once. This provision prevents an applicant from pursuing multiple lot splits over time for the purpose of creating more than two lots. SB 9 also does not require a local agency to approve a lot split if an adjacent lot has been subject to a lot split in the past by the same property owner or a person working in concert with that same property owner.
- **Parcel was created through a previous SB-9 parcel split.** See above.
- **Historic sites or districts and sites** listed on the State Historic Resources Inventory or carry a local historic designation.
- **Wetlands**, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
- **Habitat for protected species** identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.
- **Lands under conservation easement.**
- **Project requires demolition of Affordable or Rental Housing.** A site is not eligible for a proposed housing development or a lot split if the project would require **demolition or alteration** of any of the following types of housing: (1) housing that is subject to a recorded

covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; (2) housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) housing that has been occupied by a tenant in the last three years.

Additionally, all SB 9 parcel splits:

- **Must connect to City sewer, while connection to City water is optional.**
- **Undertake proper mitigation**, if the parcel is in a Fire, Flood, or Earthquake Hazard Zone.
- Must be cleared for residential uses, if the parcel is a Hazardous Waste Site.

Application Requirements

Lot Split

1. Site Plan – existing conditions
2. Boundary survey
3. Parcel Map with legal descriptions for both parcels
4. Owner occupancy deed restriction

Unit Development

1. Site Plan – existing conditions
2. Site Plan – proposed project
3. Floor Plan
4. Elevations

Permit Processing

- **Timeframe.** SB 9 projects are subject to the Permit Streamlining Act's requirements for completeness determinations (within 30 days of submittal) and approval deadlines (within 60 days of complete submittal).
- **CEQA.** As a ministerial project, SB 9 projects (housing development and/or lot split) are exempt from CEQA.
- **Subdivision Map Act.** The language in SB 9 overrides any conflicting provisions of the Subdivision Map Act. Specifically, Government Code § 66411.7(b)(2) provides that "[a] local agency shall approve an urban lot-split only if it conforms to all applicable objective requirements of the Subdivision Map Act..., except as otherwise expressly provided in this section." General Plan conformance is not required if it would preclude urban lot-splits mandated by SB 9.

Findings of Denial. SB 9 establishes a high threshold for the denial of a proposed housing development or lot split. Specifically, a local agency's building official must make a written finding, based upon a preponderance of the evidence, that the proposed housing development would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. (Gov. Code, § 65589.5, subd. (d)(2).)

Other

- Delete section 17.82.030D which allows for a unilateral agreement instead of a parcel map for minor subdivisions.

Definitions

“Units” Defined. These definitions provided are intended to be read within the context of this document and for the narrow purpose of implementing SB 9.

Primary Unit. Examples of primary units include a single-family residence (i.e., one primary unit), a duplex (i.e., two primary units), a four-plex (i.e., four primary units), etc. A primary unit is distinct from an ADU or a Junior ADU

Accessory Dwelling Unit. An ADU is 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 includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel on which the single-family or multifamily dwelling is or will be situated.

Junior Accessory Dwelling Unit. A Junior ADU is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A Junior ADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

The terms “unit,” “housing unit,” “residential unit,” and “housing development” mean primary unit(s) unless specifically identified as an ADU or Junior ADU or otherwise defined. This distinction is critical to successfully implementing SB 9 because state law applies different requirements (and provides certain benefits) to ADUs and Junior ADUs that do not apply to primary units.

Number of ADUs Allowed. ADUs can be combined with primary units in a variety of ways to achieve the maximum unit counts provided for under SB 9. SB 9 allows for up to 4 units to be built in the same lot area typically used for a single-family home. The calculation varies slightly depending on whether a lot split is involved, but the outcomes regarding total maximum unit counts are identical.

- *Lot Split.* When a lot split occurs, the local agency must allow up to two units on each lot resulting from the lot split. In this situation, all three unit types (i.e., primary unit, ADU, and Junior ADU) count toward this two-unit limit. For example, the limit could be reached on each lot by creating two primary units, or a primary unit and an ADU, or a primary unit and a Junior ADU. By building two units on each lot, the overall maximum of four units required under SB 9 is achieved. (Gov. Code, § 66411.7, subd. (j).) Note that the local agency may choose to allow more than two units per lot if desired.
- *No Lot Split.* When a lot split has not occurred, the lot is eligible to receive ADUs and/or Junior ADUs as it ordinarily would under ADU law. Unlike when a project is proposed following a lot split, the local agency must allow, in addition to one or two primary units under SB 9, ADUs and/or JADUs under ADU Law. It is beyond the scope of this document to identify every combination of primary units, ADUs, and Junior ADUs possible under SB 9 and ADU Law. However, in no case does SB 9 require a local agency to allow more than four units on a single lot, in any combination of primary units, ADUs, and Junior ADUs.

Fort Bragg general plan a few notes:

It happened around 2000 when there were three seats open on the Fort Bragg city council Vince Benedetti Dan Gjerde, and Michelle White were voted into office. The remaining councilmembers were Lindy Peters, and Jere Melo. T the general plan needed an update so the process began early on many of us citizens could see that this was not going well we formed a citizens group known as the citizens for Fort Bragg 's future to keep an eye on the general plan process we had someone of our group at every single committee meeting and planning or city Council related to the general plan. Marvin Parrish and I were the only two citizens that even knew about let alone attended a meeting when three of the city Council members voted to exclude councilmember Melo from participation in the general plan as his retirement was from Georgia Pacific the owners of the mill site Lindy Peters voted no but this was one of probably hundreds of 3 to 1 votes on various parts of the general plan.

it went downhill from there the general plan that evolved from this process which took many months, and many public meetings was in my opinion designed specifically to take existing authority from future city Councils and structure the general plan so future council members could not vote certain projects or actions without a general plan amendment. They accomplished the task. This letter is a little bit of retrospection.

I will refer to prior general plan which would've been the 1982 version which this general plan updated it allowed for example of one of many items that a standard 50 x 150 ft. lot zoned for multiple units could effectively have a triplex or three-unit residential property constructed on it. Not so in the new plan. The floor area ratios and lot coverages were unreasonable for a municipality that really wanted more housing to be built. The first step the city Council took in this process was to reduce the sphere of influence which is a general planning area that a city such as Fort Bragg would have in place for future planning and for some legal purposes as well, This was unheard of for a city to take this action why on earth would they wish to reduce the area over which they had some influence? No good reason except for making it more difficult to annex even if they desired to do so. In the general plan it was specifically added that a residential annexation could not be undertaken unless the annexation was revenue neutral meaning it had to be able to provide for fire and police protection that sort of thing. Impossible for a residential annexation and to my knowledge there have been no annexations since this general plan went into effect. That may be incorrect, but none come to mind. The former administration prior to this crew, had begun the public process for public meetings and notifications for discussion etc. to annex from the eastern boundary of Fort Bragg all the way out to Monson Lane adjacent to the city water plant. This was a logical extension for residences for the citizens of the Fort Bragg area as most of the infrastructure, water sewer power etc. is and then was in place. If you drive out Sherwood Road and just glance at the open areas, make a left on Monson Lane then turn back west on Cedar Street to the city limits you will see open spaces with the capacity for probably several hundred homes totally ignored in this general plan because to even attempt it would require a general plan amendment let alone an annexation.

One of the other major concerns was that the city Council used to be able to approve a water or sewer connection outside of the city limits of Fort Bragg it was done at the council level not a lot were done but some specifically for a situation where there was a failed septic system the cities update with this general plan disallowed the city Council being the decision maker on such an issue. If they did wish to pursue such an action once again, they would have to make a general plan amendment before they could even consider it. The eastern portion of Fort Bragg has rather high water table so septic systems are difficult to develop and can have issues, but are not allowed to hook onto the city sewer system in this general plan even if the city sewer is adjacent to the property. Many people years ago granted easements for both water and sewer lines all over town to help the town grow, in a certainly a different

time. This one change that I recommend would be to remove the limitations to a specific mapped area of water and sewer services district but leave it entirely up to the city Council. If they're responsible enough to do a general plan and implement and enforce it they are responsible enough to make a decision on a case by case basis. That authority was taken from them. Many of you probably don't know this history, that's the reason for this letter. On the day that this general plan was approved by the city Council it was unanimously voted on from my recollection and Jere Melo pointed out to me, he said something to the effect that if the problems that you mention proved to be negative to the City of Fort Bragg we can always change them . Well bless his heart, that never happened. He also promised after the plan had been in existence for a few years to look at the sewer situation that had progressed to see if there should be some changes to make the city Council wants again able to approve such hook ups for failed septic systems. He was killed before that ever happened. And even though the city at least three years ago started on an ordinance or change of the general plan to allow adjacent properties to the city to hook onto water and or sewer it got bogged down in the discussion as they wanted to make sure by contract that any such hook ups would be obligated to provide low income housing. I have no idea where this is in the process or was completely dropped, I spoke recently to a property owner that would have benefited from this and was involved in the process he also has not heard anything from the city for years.



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 23-162

Agenda Date: 5/17/2023

Version: 1

Status: Business

In Control: Community Development Committee

File Type: Staff Report

Agenda Number: 3C

Discuss the end of COVID Regulation and how to address outdoor tents throughout Fort Bragg.

3. Discuss the end of Covid Regulation and how to address outdoor tents throughout Fort Bragg

Issue: The urgency ordinance of County of Mendocino that provided for tents for outside dining is expiring.

Possible Discussion Questions:

1. Should the City Council consider allowing these tents to continue under the City's authority? Need to determine legal authority for this.
2. Should the City allow outside dining in parking lots in the Central Business District without tents?

County Notice:

EXPIRATION OF URGENCY ORDINANCE NO.'S 4472 and 4494

Post Date: 05/10/2023 8:30 AM

EXPIRATION OF URGENCY ORDINANCE NO.'S 4472 and 4494

Temporary Business Modifications During COVID-19 - Ordinance No. 4472

On October 20, 2020, the Mendocino County Board of Supervisors adopted Ordinance No. 4472 allowing and establishing requirements for temporary business modifications during the COVID-19 pandemic. Temporary business modifications include temporary tents, expanded outdoor seating areas, covered porches and/or patios, etc. that were added in response to Public Health Order requirements and did not obtain required building permits or discretionary permits.

The Ordinance allowing these temporary business modifications has expired and individuals who made temporary business modifications have 90 days to either remove any modifications made or apply for appropriate permits to keep the modifications.

The Department of Planning and Building Services is providing 90 days from the date of this Press Release or until August 8, 2023 for individuals to submit for appropriate permits to retain any temporary modifications on a permanent basis.

Temporary Water Storage Tanks - Ordinance No. 4494

On July 13, 2021, the Mendocino County Board of Supervisors adopted Ordinance No. 4494 allowing for the temporary installation and use of water tanks during the drought emergency. On April 25, 2023, the Mendocino County Board of Supervisors adopted Resolution No. 23-077 terminating the existence of a local emergency due to drought conditions, and as a result the Ordinance expired.

Since the Ordinance is expired, individuals who installed temporary water storage tanks have 30 days to either remove these tanks or apply for appropriate permits to keep them.

The Department of Planning and Building Services is providing 30 days from the date of this Press Release or until June 9, 2023 for individuals to submit for appropriate permits to retain the temporary water tanks on a permanent basis.

Arellano, Humberto Jr.

From: Sanchez, Diana
Sent: Wednesday, May 17, 2023 9:06 AM
To: Ducey, Peggy
Cc: cdd; Munoz, Cristal
Subject: Fw: Tents

Greetings Staff and Council (BCC)

Please see message below.

Best,
Diana

From: Scott Hockett <noyofish@gmail.com>
Sent: Wednesday, May 17, 2023 3:06 PM
To: City Clerk <cityclerk@fortbragg.com>
Subject: Tents

City of fort Bragg please allow the tents to stay in Fort Bragg. All of these businesses are struggling already to try to recover from Covid. Any advantage we can get to keep customers warm and dry as needed.

Regards

Scott hockett

Sent from my iPhone