



Assessory Dwelling Units

Amendments to the ILUDC and
CLUDC

Marie Jones Consulting, August 2023

PROJECT INFORMATION

APPLICATION #:	ILUDC and CLUDC Amendments ZON 3-23 & 4-23
APPLICANT:	City of Fort Bragg
PROJECT:	Amend the Coastal Land Use and Development Code and the Inland Land Use and Development Code to comply with recent amendments to State of California housing laws related to Accessory Dwelling Units (ADU), including making ADUs a permitted use by right in many zoning districts.
LOCATION:	Residential and Commercial Zoning Districts in the Coastal Zone and the Inland Area.
APN:	Various
LOT SIZE:	Various
ZONING:	Low Density, Medium Density, High Density and Very High-Density Residential Zoning Districts and General Commercial, Highway Visitor Commercial, Neighborhood Commercial, and Commercial Office Zoning Districts, and the Central Business District.
ENVIRONMENTAL DETERMINATION:	The Coastal LUDC Amendment is Statutorily Exempt from CEQA under CEQA Guidelines 15265 Adoption of Coastal Plans and Programs and CEQA Guidelines 15282(h); the Inland LUDC 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
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 the City Council who will make the legislative decision on the amendments. The Coastal LUDC amendment will be submitted as an application 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 May 2023, the Community Development Committee received a report regarding proposed changes to ADU and Tiny Home regulations. Public comment was heard. The Committee accepted the report.

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

PROJECT DESCRIPTION

The proposed amendment would include changes to the Land Use Tables, a new ADU ordinance, and changes to the Design Review process to exempt ADUs from administrative Design Review. See Attachments 1 and 2, which include the Resolutions with all proposed amendments language. There are limited opportunities to provide policy direction with regard to the ADU amendments, as most changes are mandated by the State, these opportunities are noted in grey highlight with minimum correlated requirements noted in yellow highlight. For example, the maximum size for an ADU is 1,000 to 1,200 SF, where 1,000 SF is required as a maximum size for a 2-bedroom ADU by State law and 1,200 SF is permissible as a maximum if preferred by the City Council and the Planning Commission. The Planning Commission should provide a recommendation on these policy points.

The table below summarizes the changes to the CLUDC and the ILUDC ordinances. All changes are identified in the resolutions. The summary table indicates the status of the proposed change as follows:

1. **Required.** Many of the changes are **required** by State law and would bring the City’s land use codes into compliance with the State’s ADU housing law.
2. **Consistency.** Some changes are also recommended to create consistency between the CLUDC and the ILUDC and implement previous direction regarding ADU’s from the City Council and Planning Commission in the CLUDC.
3. **Recommendation.** MJC recommends two changes to allow larger ADUs and two story ADUs.

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

3	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 in the CLUDC that was previously approved by the City Council for the ILDUC.	Consistency in CLUDC.
4	Change residential component of a mixed-use project to permitted use by right in Commercial General and Highway Visitor Commercial Zoning Districts.	Consistency in CLUDC.
Revise the specific land use standards in 17.42.170 & 18.42.170 Second Units		
5	Define the various types of accessory dwelling units.	Required
6	Define the review and approval process for the ILUDC and the CLUDC. Define the conditions for Coastal Development Permit exemptions and administrative CDPs for ADUs.	Required
7	Establishes a 60-day deadline for permit processing or the planning permit is deemed approved.	Required
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.	Required
9	Allow Multi-Family Residential properties to convert non-living space (closets, sheds, garages, etc.) to ADUs (up to 25% number of legal units). Allow ADUs in condominiums.	Required
10	Establish development standards such as height limits, setbacks, ADU size and height limits, window placement, etc.	Required & Optional
11	Eliminate owner occupancy requirements for primary residence.	Required
12	Allow the conversion of existing accessory structures (garages, sheds, etc.) 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.	Required
13	Require exemptions to zoning standards to allow at least one 800 SF unit. Establish the order of priority for exemptions.	Required Optional
14	Increase the allowable square footage for an ADU from 1,000 SF to 1,200 SF. This change is not required by law, but it is permissible by law. It would allow for more two-bedroom ADUs that are needed in our community. Alternatively, the City could retain the 1,000 SF limitation on size.	Recommend
15	Increase the allowable height for an ADU from 16 feet to 28 feet, which is the maximum height for a single-family home. This recommendation is not required by law. This would allow two story ADUs and ADUs above garages. Current regulations do not allow second-story windows to look out on the adjacent parcels. The CDC recommends deleting a requirement that windows on the ground floor of an ADU do not directly face windows of other units on the parcel or adjoining parcels (see strike out K2e of the attached ordinance).	Recommend

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

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

Coastal land Use & Development Code

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

Inland Land Use & Development Code

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

ENVIRONMENTAL ANALYSIS

The proposed amendment to the Coastal Land Use and Development Code is part of the City's Local Coastal Program and will be submitted to the California Coastal Commission for certification. Therefore, the proposed project is statutorily exempt from further environmental review under CEQA Guidelines 15265 Adoption of Coastal Plans and Programs. Additionally, the proposed ILUDC amendment is statutorily exempt under CEQA Guidelines 15282(h): The adoption of an ordinance regarding second units in a single-family or multi-family residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.

RECOMMENDED ACTION

1. Adopt a Resolution of the Fort Bragg Planning Commission recommending that the City Council submit an LCP Amendment Application to the Coastal Commission to amend Division 17 to the Fort Bragg Municipal Code, to amend Chapter 17.21.030(B)(C) & 17.21.050 "Residential District Site Planning and Building Standards", to repeal and replace 17.42.170 "Second Units", to amend Chapter 17.71.050 "Design Review" and Chapter 17.100 "Definitions", and to establish regulations and standards for Accessory Dwelling Units pursuant to State Law.
2. Adopt a Resolution of the Fort Bragg Planning Commission recommending that the City Council amend Division 18 to the Fort Bragg Municipal Code, to amend Chapter 18.21.030(B)(C) & 18.21.050 "Residential District Site Planning and Building Standards", to repeal and replace 18.42.170 "Second Units - Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)," and to amend Chapter 18.71.050 "Design Review" and Chapter 18.100 "Definitions," and to establish regulations and standards for Accessory Dwelling Units pursuant to State Law.

Fiscal Impact

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

Greenhouse Gas Emissions Impact

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

Consistency

The consistency of the proposed ADU ordinance has been analyzed as part of the ordinance adoption process. Please see the General Plan Consistency Analysis (Attachment 3).

Implementation/Timeframes

ADU regulations in the Coastal Zone must also be adopted for compliance with State law.

Changes to the Coastal Land Use Development Code are part of the Local Coastal Plan and require Coastal Commission certification and a separate review and approval process. For the CLUDC amendment the City is the applicant, and the Coastal Commission is the deciding body. Here is a brief timeline for how both amendments will move through the process:

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

Coastal LUDC Zoning Code Amendment	Potential Timeline
Planning Commission Public Hearing and Recommendation to City Council	Sept 2023
City Council – Public Hearing and Adoption of Resolution Transmitting Zoning Amendment to Coastal Commission	Oct 2023
Coastal Commission Review and Friendly Modifications Due	May 2024
City Council acceptance of Friendly Modifications	August 2024

NOTIFICATION

1. “Notify Me” subscriber lists

ATTACHMENTS

1. Resolution of the Fort Bragg Planning Commission Recommending that the City Council Submit An LCP Amendment Application to the Coastal Commission to Amend Division 17 to the Fort Bragg Municipal Code, to amend Chapter 17.21.030(B)(C) & 17.21.050 "Residential District Site Planning and Building Standards," to repeal and replace 17.42.170 "Second Units," to amend Chapter 17.71.050 "Design Review" and Chapter 17.100 "Definitions," and to establish regulations and standards for Accessory Dwelling Units pursuant to State Law.
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3. General Plan Consistency Analysis