



CITY COUNCIL STAFF REPORT

TO: Fort Bragg City Council

DATE: February 24, 2025

DEPARTMENT: Community Development Department

PREPARED BY: Marie Jones, Marie Jones Consulting

PRESENTER: Marie Jones, Marie Jones Consulting

AGENDA TITLE: Receive a Report, Conduct a Public Hearing, Receive Planning Commission's Recommendation, and Introduce, by Title Only, and Waive the First Reading of Ordinances Amending the Inland Land Use and Development Code (Ordinance 1004-2025) and the Coastal Land Use and Development Code (Ordinance 1005-2025) to Comply with Recent Changes in State of California Housing Law Related to Accessory Dwelling Units. Statutorily exempt under CEQA Guidelines 15265 Adoption of Coastal Plans and Programs and 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.

RECOMMENDATION

1. Adopt:

- a. Ordinance 1004-2025 Amending Division 18 to the Fort Bragg Municipal Code to Amend Chapter 18.21.030(B)(C) & 18.21.050 "Zoning Districts And Allowable Land Uses," to Repeal and Replace 18.42.170 "Accessory Dwelling Units" and to Amend Chapter 18.71.050 "Design Review" And Chapter 18.100 "Definitions" to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law.
- b. Ordinance 1005-2025 Amending Division 17 to the Fort Bragg Municipal Code to Amend Chapter 17.21.030(B)(C) & 17.21.050 "Zoning Districts And Allowable Land Uses", to Repeal and Replace 17.42.170 "Accessory Dwelling Units" and to Amend Chapter 17.71.050 "Design Review" and Chapter 17.100 "Definitions" to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law; and

BACKGROUND

To increase housing production and improve housing affordability, Governor Newsom has signed new housing bills into law in 2023 and 2024. Our current zoning ordinance no longer complies with state law due to new State regulations. In 2023 the City amended the Accessory Dwelling Unit (ADU) ordinance to comply with state law. However, State law has again changed in 2023 and 2024, and the City must again update the ADU ordinances.

AGENDA ITEM NO. XX

As part of the approval process for the City 2023 ordinance, Marie Jones Consulting (MJC) submitted the draft ordinance to the California Department of Housing and Community Development (HCD) in April of 2023 for comment and review. It was through this process that MJC discovered that State Law had significantly changed, and the City received HCD review letters on September 14, 2024 (Inland Land Use and Development Code (ILUDC)) and November 13, 2024 (Coastal Land Use and Development Code (CLUDC)) (Attachments 3 and 4). The changes required to make the ordinances compliant with State law are noted in red text in the attached draft ordinances (Attachments 1 and 2). As noted in the ordinance findings section, MJC is recommending that the City not comply with three of HCD's interpretations of State law, see below.

10. The City finds, contrary to HCD's reviews of Fort Bragg's draft ordinance dated September 5, 2024, and November 12, 2024, that State Law:

- a) Does not require the City to make JADU's available as vacation rentals. State law only prohibits detached ADU's from being used as vacation rentals but is silent on the regulation of JADUs as vacation rentals. The City has a blanket prohibition on vacation rentals in residential zoning districts to ensure the ongoing availability of housing for residents. All regulatory authority which is not explicitly denied to the local jurisdiction by the state, is retained by the local jurisdiction.
- b) Does not require the City to disallow ADUs located above garages. Garages are considered part of the primary dwelling unit (whether attached or detached), and therefore state law can be interpreted to allow ADU's on top of existing or proposed garages. The City has a network of alleys with access to garages from the alley, making ADUs on top of garages good urban design as it facilitates the retention of parking while allowing the construction of an ADU.
- c) Does not require the City to list height limits for ADUs located within ½ mile of a major transit stop, because the City does not have any major transit stops or high-quality transit corridors as defined by state law.

Additionally, the Coastal Commission has requested that the Local Coastal Program (LCP) amendment submittal be in the form of an ordinance rather than a resolution. MJC has therefore prepared an Ordinance for the City Council to adopt as part of the Local Coastal Program submittal.

Finally, comments provided by the City Attorney office have also been incorporated into both ordinances.

DISCUSSION AND ANALYSIS

The City Council can recommend ordinance modifications to comply with the above two HCD staff interpretations. The City Council has limited leeway to shape this ordinance beyond this, as no other changes can be made to the ordinance, to ensure compliance with State law.

The revised ADU ordinances include the following significant changes to comply with new State ADU law:

1. Parcels can now have three ADUs in addition to a Single-Family Home, including an attached or detached ADU, a junior ADU and a Converted ADU. The converted ADU option is new.

2. State ADU law defines Multifamily Housing as two or more units, while the City has always defined a multifamily project as three or more units. The ordinance has retained the City's definition for the purpose of deciding who must comply with multifamily housing requirements and use permit requirements (duplexes do not currently have to comply with these requirements) and adopted the State's definition only for implementation of ADU law.
3. State law does not allow the City to impose any objective or subjective design review requirements for ADUs beyond what is spelled out in the ordinance.
4. Increases the number of permissible ADUs for multifamily projects from a limit of 2 to a number that matches the total number of existing multifamily units up to a maximum of 8 ADU units. For example, a fourplex could add four ADUs, a triplex could add three ADUs, while a ten-unit apartment can only add 8 ADUs.
5. A pre-existing non-conforming accessory structure (garage, barn, shop, etc.) can be converted to an ADU, without a limit as to the time of construction of the pre-existing accessory structure and the resulting ADU is not subject to size limits, setbacks, or height limits of the ordinance.
6. The ordinance established new height limits for ADUs.
7. A Junior Accessory Dwelling Unit (JADU) can share a bathroom with the Single-Family Home.

FISCAL IMPACT/FUNDING SOURCE

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.

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.

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

COMMUNITY OUTREACH

ADUs have been discussed at all housing forums at the City of Fort Bragg and generally the community is very supportive of ADUs and relaxation of the code to allow construction of more types of ADUs.

STRATEGIC PLAN/COUNCIL PRIORITIES/GENERAL PLAN 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

While the City is adopting a local ADU ordinance, state law still has full effect as law within the City. So individuals who want to establish second units under state law can do so even before the ordinance is fully adopted locally.

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	Jan 2025
City Council – Public Hearing and 1 st Reading of Ordinance	Feb 2025
City Council – 2 nd Reading of Ordinance	March 2025
Ordinance becomes effective	April 2025

Coastal LUDC Zoning Code Amendment	Potential Timeline
Planning Commission Public Hearing and Recommendation to City Council	Jan 2025
City Council – Public Hearing and Adoption of Resolution Transmitting Zoning Amendment to Coastal Commission	Feb 2025
Coastal Commission Review	May 2025

COMMITTEE REVIEW AND RECOMMENDATIONS

On January 29, 2025, the Planning Commission adopted a resolution recommending that the City Council amend Chapters 17 and 18 to the Fort Bragg Municipal Code regarding Accessory Dwelling Units.

ALTERNATIVES

The City could decide not to adopt an ADU ordinance and could instead just implement state law with regard to ADUs.

ATTACHMENTS

- 1) Ordinance 1004-2025 Amending Division 18 to the Fort Bragg Municipal Code to Amend Chapter 18.21.030(B)(C) & 18.21.050 “Zoning Districts And Allowable Land Uses”, to Repeal and Replace 18.42.170 “Accessory Dwelling Units” and to Amend

- Chapter 18.71.050 “Design Review” And Chapter 18.100 “Definitions” to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law.
- 2) Ordinance 1005-2025 Amending Division 17 to the Fort Bragg Municipal Code to Amend Chapter 17.21.030(B)(C) & 17.21.050 “Zoning Districts And Allowable Land Uses”, to Repeal and Replace 17.42.170 “Accessory Dwelling Units” and to Amend Chapter 17.71.050 “Design Review” and Chapter 17.100 “Definitions” to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law.
 - 3) Resolution of the Fort Bragg Planning Commission recommending the City Council adopt the ADU ordinances.
 - 4) HCD September 5, 2024 Review Letter
 - 5) HCD November 13, 2024 Review Letter
 - 6) Notice of Public Hearing

NOTIFICATION

1. “Notify Me” Housing Subscriber List