

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE AMENDING DIVISION 17 OF THE FORT BRAGG MUNICIPAL CODE (CLUDC 1-25) 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.

ORDINANCE NO. 1005-2025

WHEREAS, California Constitution Article XI, Section 7, enables the City of Fort Bragg (the "City") to enact local planning and land use regulations; and

WHEREAS, the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

WHEREAS, the City of Fort Bragg ("City") adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits and its sphere of influence; and

WHEREAS, the City adopted a Coastal General Plan ("Coastal GP") as the Land Use Plan portion of the Local Coastal Program on May 12, 2008, which established policies for all land within the Fort Bragg Coastal Zone; and

WHEREAS, in August 2008 the California Coastal Commission certified the City's Local Coastal Program (LCP) which includes the Coastal GP as the Land Use Plan; and

WHEREAS, The City Council adopted Resolution 3162-2008 on May 12, 2008, adopting the Coastal General Plan; and

WHEREAS, the City adopted a Coastal Land Use and Development Code in 2008 as the implementing portion of the Local Coastal Program on May 12, 2008, which established all land use regulations for the Coastal Zone; and

WHEREAS, the Coastal General Plan includes policies to: (1) advance the orderly growth and development of the City's Coastal Zone; (2) protect coastal resources; (3) incorporate sustainability into the development process so that Fort Bragg's coastal resources and amenities are preserved for future generations; (4) respond to current environmental and infrastructure

constraints; (5) protect the public health, safety, and welfare; and (6) promote fiscally responsible development; and

WHEREAS, the availability of housing is a substantial concern for individuals of all demographics, ages, and economic backgrounds in communities throughout the State of California; and

WHEREAS, accessory dwelling units ("ADUs") offer lower cost housing to meet the needs of the existing and future residents while ensuring that they remain compatible with the existing neighborhood; and

WHEREAS, the 2009, 2014, and 2019 Housing Element updates included policies and programs to support and create affordable housing, a diverse range of housing types and provisions for accessory Dwelling Units; and

WHEREAS, the City desires to ensure that residential development occurs in an orderly manner, in accordance with the goals and objectives of the General Plan and reasonable land use planning principles; and

WHEREAS, the City of Fort Bragg Local Coastal Program policy H-2.5 intends that the City governance continue to facilitate the construction of secondary dwelling units on residential properties consistent with Chapter 17.42.170 (Second Units) of the Coastal Land Use and Development Code; and

WHEREAS, Coastal General Plan Housing Element Section F.7.c lists siting and design criteria for second dwelling units to ensure neighborhood compatibility; and

WHEREAS, Assembly Bills 68, 587, 671, 345 and 881 and Senate Bill 13 and SB 477 pertain to accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"). These bills were approved by the California Legislature and signed by the Governor in 2019 and became effective on January 1, 2020.

WHEREAS, In 2023, the City Council adopted Resolution 4747-2023 to submit an LCP amendment to amend the Coastal Land Use and Development Code (CLUDC) to meet requirements of state laws at the time; and

WHEREAS, These laws were further amended in 2023 and became recodified in California Government Code sections 66310 through 66342 in May of 2024, effectively making the City's 2023 LCP Amendment resolution obsolete; and

WHEREAS, the City submitted the draft LCP Amendment to HCD for review and consent and received a review letter as the law had changed; and

WHEREAS, the City's consultant revised the Ordinance in compliance with the HCD review letters; and

WHEREAS, Section 17.94.040 states that the Planning Commission shall forward a written recommendation, and reasons for the recommendation, to the City Council based on the findings identified in Section 17.94.060; and a resolution was transmitted to the City Council on

October 25, 2023 that represents the Planning Commission's recommendations; and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 29, 2025, to consider the LCP Amendment, accept public testimony; and

WHEREAS, the City Council has considered all public comments and a staff report dated February 24, 2025 regarding the proposed ordinance; the staff report is incorporated herein by reference and available for review at City Hall during normal business hours; and

WHEREAS, the proposed minor modification to the Coastal Land Use and Development Code is set forth in its entirety in Section 2 – Section 4 below; and

WHEREAS, the “activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long-range development plan” pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption “shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c)).

NOW, THEREFORE, The Fort Bragg City Council, based on the entirety of the record before it, which includes without limitation, CEQA Public Resources Code §21000, et seq. and State CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Inland General Plan; the Fort Bragg Inland Land Use and Development Code; State law; all reports and public testimony submitted as part of the City Council meeting of February 24, 2025 and City Council deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Fort Bragg City Council **does ordains as follows**:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. The foregoing recitals are true and correct and are made a part of this Ordinance.
2. On January 27, 2025, the Planning Commission held a properly noticed public hearing to consider recommending the proposed minor amendment to the Coastal Land Use and Development Code to the Fort Bragg City Council for adoption, and adopted a resolution in support of the City Council's adoption of the minor amendment to the CLUDC pursuant to Gov. Code Section 65355.
3. On February 24, 2025 the City Council held a properly noticed public hearing to consider adoption of the minor amendment to the Coastal Land Use and Development Code.
4. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City and seeks to be consistent with recently adopted State Laws as codified in California Government Code sections 66310 through 66342; and
5. The proposed amendment is internally consistent with other applicable provisions of the Coastal Land Use Development Code, including its Chapters 17.42, 17.71, 17.100, and others; and the LCP Amendment is consistent with the California Coastal Act; The proposed amendment is consistent with CLUDC standards, with the following State mandated exceptions:
 - a) Lot Coverage: As mandated by State law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if one 800 SF ADU cannot otherwise be constructed.

- b) Setbacks: As mandated by State law, housing units developed as a consequence of this ordinance have an exception from the code requiring only 4-foot setbacks on the rear and side property lines. Additionally, front yard setbacks must be reduced if one 800 SF ADU cannot otherwise be constructed on a lot.
 - c) Parking and Traffic: In compliance with State law, the City Council may not require off-street parking for an ADU. In the case of a garage conversion to an ADU, the converted parking spaces do not have to be replaced.
 - d) 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.
6. The project is exempt from CEQA, under Public Resources Code Section 21080.17 and State CEQA Guidelines Section 15282(h), adoption of an ordinance regarding ADU/JADUs in areas zoned to allow single-family or multifamily dwelling residential use by a city or county. Furthermore, the California Environmental Quality Act ("CEQA") does not apply to activities and approvals of a local coastal program that are undertaken by a local government pursuant to Public Resources Code Section 21080.9) and CEQA Guidelines Section 15265(a), and
 7. Pursuant to Coastal Act Section 30510(a), the City of Fort Bragg will carry out the Local Coastal Program as amended in a manner fully in conformity with the California Coastal Act; and
 8. The documents and other material constituting the record for these proceedings are located at the Community Development Department; and
 9. The amendments to the Local Coastal Program shall take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.
 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 ADU placement on top of garages results in good urban design and facilitates the retention of parking while allowing the construction of an ADU.

Section 2. Based on the foregoing, the City Council hereby:

Amends Title 17.21.030 & 17.21.050 Land Use Tables as follows:

Amends 17.21.030(B) Table 2-1 Allowable Land Uses and Permit Requirements for Residential Zoning Districts to include the following additional uses.

| TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts | P | Permitted Use, Zoning Clearance required Minor Use Permit required (see Section 17.71.060) MUP 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 |
| | RR | RS | RL | RM | RH | RVH | |
| RESIDENTIAL USES | | | | | | | |
| Duplex | P | P | P | P | P | P | 17.42.170 |
| Single-family Unit | P | P | P | P | P | P | |

Amends 17.22.030(C) Table 2-6 Allowable Land Uses and Permit Requirements for Commercial Zoning Districts:

| TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts | P | Permitted Use, Zoning Clearance required Minor Use Permit required (see Section 17.71.060) MUP 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 | | | | | | |
| Residential component mixed use project | P | P | P(2) | P | P | 17.42.100 |
| Single-Family Residential Unit | P(3) | -- | P(4) | P(4) | - | |
| ADU | P(5) | P(5) | P(5) | P(5) | P(5) | 17.42.170 |

Notes:

- (4) Use permitted only for existing **non-conforming single-family homes** that have the appearance of a **single-family home**, per the Citywide Design Guidelines.
- (5) Use permitted only on parcels with an existing **non-conforming** single family primary unit or existing/proposed multifamily development, and only in compliance with § 17.42.170.

Amend Table 2-4 to clarify that a duplex would be allowed in lieu of a single-family residential unit:

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 single-family home or one duplex per parcel; or 1 single-family home and one converted ADU, and one detached or attached ADU, and one JADU, where allowed by 17.42.170 . | | |

Section 3. 17.42.170 Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)

Chapter 17.42.170 is hereby repealed and replaced in its entirety as follows:

Purpose. This Section establishes standards for accessory dwelling units (ADU) and junior accessory dwelling units (JADU), located in conjunction with a single-family home or multifamily development, where allowed by Article 2 (Zoning Districts and Allowable Land Uses) and in compliance with California Government Code (66310-66342).

- a. "Accessory Dwelling Unit" means an attached, detached or converted residential dwelling unit that provides complete independent living facilities for one or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a proposed or existing single-family residential unit or multifamily dwelling structure. An "Accessory Dwelling Unit" also includes the following: an efficiency unit or a manufactured home, as defined in Section 18007 of the Health and Safety Code.
- b. "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-family residential unit. A JADU shall include permanent provisions for living, sleeping, eating and cooking, and sanitation (Sanitation facilities may be separate or may be shared with the primary unit).
- c. "Multi-Family Housing." For purposes of this Section only, A dwelling unit is the part of a structure that contains two or more other dwelling units. For the purposes of ADU law only Multi-family dwellings include duplexes, triplexes, fourplexes (buildings under one ownership with three, or more dwelling units in the same structure); apartments (five or more units under one ownership in a single building); and townhouse developments (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.).

A. Coastal Development Review & 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 ADU within the Coastal Zone.
2. **JADUs & ADU Conversions of Inhabited Space.** The conversion of an existing, legally established habitable space to a JADU or an ADU within an existing residence is exempt from the requirement to obtain a CDP if the following requirements are met:
 - a. The ADU/JADU incorporates an existing bedroom of the primary residence into the structure or eliminates an existing bedroom as part of the ADU conversion.

- b. The construction of the Junior ADU will not include the removal or replacement of major structural components (e.g., roofs, exterior walls, foundations, etc.).
- c. The construction of the JADU does not result in an increase in habitable floor spaces on the parcel.
- d. The ADU/JADU will not change the intensity of use of the structure (total occupiable bedrooms).
- e. The ADU/JADU does not constitute development within the definition in the Coastal Act.
- f. The ADU/JADU will have no impact on Coastal Resources.

If an ADU/JADU conversion does not comply with all the requirements of 17.42.170(A)(2), an administrative Coastal Development Permit is required.

- 3. The City of Fort Bragg shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit (attached, detached, conversion, JADU, or ADUs that are requested as part of a planned or existing multifamily project that meets the requirements of this section).
- 4. **Demolition Permits.** The demolition permit for a detached garage, that is to be replaced with an ADU, shall be reviewed and issued at the same time as the building permit for the ADU.

B. Location, Number & Size of Units. ADUs in compliance with this section shall be allowed as follows:

- 1. On a lot with an existing or proposed single-family residential unit:
 - a. One JADU constructed within an existing or proposed single residential unit, which complies with the requirements of 17.42.170 (K)(3); and/or
 - b. One new attached or detached ADU, that complies with the requirements of 17.42.170 (K) (1 or 2); and/or
 - c. One Conversion ADU that is within the proposed or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress, provided the expansion has exterior access from the proposed or existing single-family dwelling and the side and rear setbacks are sufficient for fire and safety.
- 2. On a lot with an existing multifamily dwelling:
 - a. **Interior ADUs.** 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 two such units shall be allowed.
 - b. **Detached ADUs.** Additional detached ADUs may be constructed as follows:
 - i. On a lot with an existing multifamily dwelling, a maximum of eight detached accessory dwelling units are permissible; however, the total number of ADUs shall not exceed the number of existing units on the lot.
 - ii. On a lot with a proposed multifamily dwelling, not more than two detached accessory dwelling units and permissible.
 - c. **Condominiums.** ADU and JADUs are permitted within condominiums as rentals or homeowner-occupied units.

C. Conversion of Accessory Structures or Existing Living Area to ADUs. The conversion of a pre-existing accessory structure (garage, barn, shed, etc.) or portion of an existing accessory structure or living area (within a single or multi-family unit) to an ADU is not subject to size limits, setback or height limitations of this ordinance.

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 or JADUs.

- F. **Lot Coverage.** Projects are required to conform to Lot Coverage requirements for their zoning district unless lot coverage requirements do not allow at least one 800-square-foot ADU, in which case the lot coverage requirement shall be waived. Detached, new construction ADUs on multifamily properties are not subject to the lot coverage requirement. Conversion ADUs on single-family properties may include a 150 square foot addition to facilitate ingress and this expansion is exempt from the lot coverage requirement.
- G. **Timing.** An ADU may be constructed with or after the primary dwelling unit(s). In addition, an existing dwelling that complies with the standards for an ADU in Subsection (K) of this Section may be considered an ADU, and a new primary unit may be constructed.
- H. **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 property is held as a tenants in common that includes all the requirements of Section 66341 of the government code. Additionally, the ADU shall have separate water, sewer, and electrical utility connections.
- I. **Short-term Rentals Prohibited.** Accessory dwelling units and JADUs shall not be rented for periods of less than 31 days.
- J. **Deed Restriction.** Prior to the issuance of a building permit for a JADU, the owner shall record a deed restriction in a form approved by the City that includes: 1) a prohibition on the sale of the JADU separate from the sale of the primary residential unit; and 2) restricts the size and attributes of the JADU to conformance with section 66333 of the Government Code.
- K. **ADU/JADU Standards.**
1. **Exceptions to Accommodate at least one 800 SF ADU.** The Community Development Director shall modify or eliminate any objective development standards if they prevent the construction of an ADU of at least 800 square feet in size.
 2. **Accessory Dwelling Unit.** An ADU shall comply with the following standards:
 - a. **Location.** An ADU may be located on the front, the back, or the side of a parcel and it may be larger or smaller 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, (v) located in a converted Accessory Structure such as a shop or garage or (vi) one of the units of a multifamily structure.
 - b. **Height limit.** A detached ADU shall be limited to a maximum height as follows:
 - i. A height of 16 feet for a detached ADU on a lot with an existing or proposed single family dwelling unit. An additional two feet in height is permissible to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
 - ii. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
 - iii. A height of 18 feet for a detached ADU on a lot with an existing or proposed multifamily dwelling. An additional two feet in height is permissible to accommodate a roof pitch on the accessory dwelling unit.

unit that is aligned with the roof pitch of the primary dwelling unit.

- iv. A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a single-family or multifamily dwelling.

- v. ADUs are also permitted over a garage and are limited to 28 ft in height.

- c. **Setbacks.** An ADU shall have a minimum rear and side setback of 4 feet unless the ADU 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, or for expansions of existing structures that have less than a four-foot rear or side yard setback and are sufficient for fire and safety based on the requirement of the California Building Code and type of construction. Front yard setbacks are defined in 18.22, however, a reduced front setback must be provided if the applicant requests it for an ADU of 800 SF or less on the front of the property.
- d. **Maximum floor area.** The maximum floor area of a detached ADU shall not exceed 1,200 square feet and the maximum floor area for an attached ADU shall be 50% of the existing primary dwelling unit or 1,200 SF whichever is more. The conversion of an existing structure to an ADU shall not be limited in size so long as it is enclosed within the existing structure.
- e. **Separate entrance required.** An attached ADU shall have an entrance separate from the entrance to the primary dwelling.
- f. **Building code compliance.** Fire sprinklers shall not be required if they are not required for the primary residence. Construction of an ADU shall not trigger the requirement for fire sprinklers in the primary dwelling.

3. **Junior Accessory Dwelling Unit.** A JADU shall comply with the following standards:

- a. **Location.** JADUs may be located in an attached garage or within the walls of the primary dwelling. JADUs are allowed to share bathroom facilities with the primary dwelling. JADUs are not permitted in detached accessory structures or ADUs.
- b. **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.
- c. **Separate entrance required.** A JADU shall have a separate entrance from the main entrance to the primary residence. If a JADU unit does not include a separate bathroom, the ADU shall also include an interior entry to the main living area of the single-family unit.
- d. **Efficiency kitchen.** A JADU shall include an efficiency kitchen with cooking appliances, a food preparation counter, and storage cabinets reasonably sized in relation to the unit.
- e. **Fire protection.** For purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate or new dwelling unit.
- f. **Utility service.** For the purpose of providing service for water, sewer, or power, a JADU unit shall not be considered a separate or new unit and shall not require separate connections or fee.
- g. **Owner occupancy.** Owner-occupancy of either the remaining portion of the single-family home of the JADU is required, unless the JADU is owned by a governmental agency, land trust or housing organization.

L. Building Code Compliance. The construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety. The City may change the occupancy code of a space that was uninhabitable or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this section.

M. Parking Requirements

- 1. **ADU/JADU Parking Exemptions & Requirements:** No on-site parking is required. On-site parking is permitted within

rear and side yard setbacks or through tandem parking, unless findings are made that parking in setbacks or tandem parking is not feasible based upon specific topographical or fire and life safety conditions.

2. **Replacement Parking Exemption.** No replacement parking space(s) are required for the primary unit, when a garage, carport, covered or uncovered parking structure is demolished or converted in conjunction with the construction of an ADU or JADU.
- N. **No Capacity or Impact Fees.** JADUs are exempt from paying capacity or impact fees. ADUs of 750 SF or less and ADUs of any size created from the conversion of a portion of a single-family home are exempt from paying capacity and impact fees. Other ADU types (detached, new attached, detached conversion) that are greater than 750 SF shall pay a prorated share of the capacity and impact fees.
- O. **No off-site Improvements.** No physical improvements, such as installation of sidewalks or off-site drainage improvements, shall be required for the creation or conversion of an ADU or JADU.
- P. **No Correction of Nonconforming Conditions.** The City shall not deny an application for a permit for an ADU nor require an applicant to correct existing non-conforming zoning or building code violations or obtain permits for unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit (Section 17920.3 of the Health and Safety Code) as part of the creation or conversion of an ADU or JADU.
- Q. **Non-Conforming ADUs.** An existing substandard ADU or JADU shall have five years to correct a violation so long as the violation is not a health and safety issue as determined by the Building Department.
1. The City shall not deny a permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, if the ADU/JADU is: 1) in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code; or 2) or Article 2 and Article 3 (Government Code Sections 66314-66339), as applicable, or any local ordinance regulating accessory dwelling units or junior accessory dwelling units.
 2. A homeowner applying for a permit for a previously unpermitted accessory dwelling unit or junior accessory dwelling unit constructed before January 1, 2020, shall not be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with Section 17920.3 of the Health and Safety Code.
 3. Upon receiving an application to permit a previously unpermitted ADU or JADU, constructed before January 1, 2020, a building inspector shall inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards necessary to obtain a permit. If the inspector finds noncompliance with health and safety standards (per Section 17920.3 of the Health and Safety Code), the local agency shall not penalize an applicant for having the unpermitted ADU or JADU and shall approve necessary permits to correct noncompliance with health and safety standards.
- R. **Restrictive Covenants Void.** ADUs and JADUs shall be allowed on all parcels regardless of covenants, conditions or restrictions, as enumerated in Civil Code 4751.
- S. **Sensitive Habitats, Scenic Areas, and areas subject to Sea Level Rise.** ADU's that require new construction and/or the conversion of an accessory structure or uninhabited space, shall obtain an administrative CDP and shall be reviewed for:
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 as part of the required administrative CDP process.
 2. **Sensitive Habitat.** ADUs, proposed concurrently with new development of a Single-Family Home or a Multifamily project, shall be reviewed for impacts to sensitive habitats as part of the required CDP for the entire project. ADU's proposed for existing development shall be sited in already developed areas or shall obtain an administrative CDP.

3. **Areas Sensitive to Sea Level Rise.** 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. **Areas that are subject to coastal hazards are noted in Map SF-1 and Map OS-2 of the Coastal General Plan.**

Section 4. 17.71.050 Design Review Amendment

Chapter 17.71.050 (2) and (3) are hereby amended as follows:

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/addition of any detached accessory structure or garage that exceeds 16 feet in height.
- b. Removal of natural ground cover, trees, or vegetation;
- c. Installation of a fence, wall, or retaining wall visible from a public right-of-way;
- d. Landscaping including vegetation, irrigation systems, and low level lighting;
- e. Signs included with plans for any project listed above, and that do not require Commission review; or
- f. Exterior lighting.

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

- a. **The construction or rehabilitation/remodeling of any ADU, JADU or duplex;**
- b. One single-family dwelling on a single parcel, including any related accessory structures;
- c. Structural improvements not visible from a public right-of-way;
- d. Signs in compliance with Chapter [17.38](#) (Signs), and which are to be located on an existing structure, or as approved under another development permit;
- e. Work determined by the Director to be minor or incidental within the intent and objectives of this Section; and
- f. Ordinary maintenance and repair of structures.

Section 5. 17.100 Definitions Amendments

Chapter 17.100 is hereby amended as follows:

Revise the following definitions:

Accessory Dwelling Unit. **See definition in Section 17.42.170.**

Junior accessory dwelling unit. **See definition in Section 17.42.170.**

Multi-Family Housing. A dwelling unit that is part of a structure containing three or more other dwelling units. Multi-family dwellings include **triplexes, fourplexes** (buildings under one ownership with three, or more dwelling units in the same structure); apartments (five or more units under one ownership in a single building); and townhouse developments (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.). **Please see definition of**

Multifamily Structure in Section 17.42.170 regarding ADU's as part of a multifamily structure.

Single-Family Residential Unit. A house that is occupied and designed with one overall living area for one group of people with one kitchen. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.

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 sports 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, and accessory to residential use. Does not include ADU/JADUs, which are separately defined or home satellite dish and other receiving antennas for earth-based TV and radio broadcasts (see "Telecommunications Facilities").

Second Unit. See Accessory Dwelling Unit.

Section 6. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases may be held invalid or unconstitutional.

Section 7. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

Section 8. Fort Bragg City Council does hereby recommend that the Coastal Commission approve Zoning Amendment 4-2023 to amend Division 17 to the Fort Bragg Municipal Code (as described in Appendix A) and modify Section 17.42.170 and Section 17.71.050 and Chapter 17.100 "Definitions" to establish regulations and standards for Accessory Dwelling Units consistent with State Law.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

The foregoing Ordinance was introduced by Councilmember Albin-Smith at a regular meeting of the City Council of the City of Fort Bragg held February 24, 2025, and adopted at a regular meeting of the City of Fort Bragg held on March 24, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

Jason Godeke
Mayor

ATTEST:

Diana Paoli
City Clerk

PUBLISH: March 13, 2025, and Date, 2025 (by summary).
EFFECTIVE DATE: Date, 2024.