

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.