

# ATTACHMENT 3 - CONSISTENCY ANALYSIS

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This attachment analyzes the Accessory Dwelling Unit code amendments consistency with their respective Inland or Coastal General Plan policies and the implementation regulations found in the City of Fort Bragg Inland Land Use and Development Code (ILUDC) and Coastal Land Use and Development Code (CLUDC).

## 1. COASTAL GENERAL PLAN & CLUDC CONSISTENCY ANALYSIS

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The CLUDC 17.95.060(B) states than an amendment to the Development Code may be approved if the following findings are made:

1. The proposed amendment is consistent with the Coastal General Plan and any applicable specific plan; and
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.

As analyzed below, the Accessory Dwelling Unit code amendments are consistent with relevant policies of the City's Coastal General Plan.

### **Coastal 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 amendment to the CLUDC is **consistent** with the following Coastal General Plan Policies in the Land Use Element.

Policy	Analysis
<b>Policy LU-10.2:</b> 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,	The Accessory Dwelling Units ordinance will result in increased infill development by allowing two ADUs on lots where previously only one primary unit was allowed and by allowing two ADU's on parcels with multi-family development.

Policy	Analysis
either individually or cumulatively, on coastal resources.	
<p><b>Policy LU-10.4:</b> 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 shall be grounds for denial of the development.</p>	<p>ADUs and JADUs are permitted on parcels that are already served by infrastructure and services. The City recently upgraded its Sewer Treatment Facility and has plans to develop additional water storage which together ensures adequate sewer and water services throughout Fort Bragg.</p>
<p><b>Policy LU-10.6:</b> 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.</p>	<p>In the proposed CLUDC amendment, an applicant for an ADU must provide onsite parking where visitor-serving parking is constrained</p>
<p><b>Policy LU-5.7:</b> 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.</p>	<p>The proposed amendment requires off-street parking for ADUs in neighborhoods that provide coastal recreational access</p>
<p><b>Policy LU-10.1:</b> Preserve Neighborhoods: Preserve and enhance the character of the City's existing residential neighborhoods.</p>	<p>ADUs have a long history in Fort Bragg and contribute to inclusive and affordable neighborhoods.</p>

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

**Coastal Public Facilities Element**

Relevant policies in the Public Facilities Element are analyzed below:

<p><b>Policy PF-1.1:</b> All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses</p>
<p><b>Analysis:</b> 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</p>

2.2 million gallons per day (MGD). While the water supply has not changed, the City has made significant progress in amplifying storage capacity:

- It added 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.
- It installed a desalination batch plant to allow effective use of water from the Noyo during low flow conditions.
- It purchased the “gulf course” property with plans to build new water storage capacity on the site.

While there is more than sufficient capacity, the City is also exploring long term sustainable water strategies that include “purple pipe” transmission of treated recycled waste water 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 part of the 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

**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

**Analysis:** The ordinance exempts ADU’s from paying capacity fees per State law.

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

### **Coastal 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.

### **Coastal 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><b>Policy C-9.2:</b> 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 coastal circulation policies that would affect the CLUDC’s consistency with the CGP.

**Coastal 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.

Policy	Analysis
<p><b>Policy CD-1.1:</b> Visual Resources. Permitted development shall be designed and sited to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance scenic views in visually degraded areas.</p>	<p>As amended, new development would be required to apply for a CDP which would necessitate a visual analysis if visual resources would be impacted by a proposed project.</p>
<p><b>Policy CD-2.5:</b> Scenic Views and Resource Areas. Ensure that development does not adversely impact scenic views and resources as seen from a road and other public rights-of- way.</p>	<p>As amended, new development would be required to apply for a CDP which would Necessitate a visual analysis if visual resources would be impacted by a proposed project.</p>

**Coastal Housing Element**

The City’s Housing Element was updated in 2019 and adopted by the City Council for both Inland and Coastal Fort Bragg, however the 2019 Housing Element has not been certified by Coastal Commission as part of the Local Coastal Program. Nevertheless, this consistency review for the amendments to the CLUDC uses the goals, policies, and programs from the 2019 Housing Element as it has been updated per State Law. The last certified Housing Element (2008) in the Coastal General Plan does not include most State mandated goals, policies and programs.

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

Policy	Analysis
<p><b>Policy H-1.3</b> 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><b>Program H-1.3.2</b> 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 of more than 750 SF.</p>
<p><b>Program H-1.3.3</b> 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><b>Policy H-1.6</b> 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><b>Policy H-3.2</b> Improve Accessibility to Housing: Make it easier to develop housing for seniors and persons with disabilities.</p>	<p>The proposed zoning code amendment would result in housing small units for rent, which would increase affordability for seniors and people with disabilities.</p>

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

## CONSISTENCY WITH EXISTING CLUDC SITE PLANNING AND PROJECT DESIGN STANDARDS

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The proposed amendment to the implementation measures of the Local Coastal Program is consistent with coastal site planning and project design standards, with the following State mandated exceptions:

- **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.
- **Set Backs:** 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 when one 800 SF ADU cannot otherwise be constructed on a lot.
- **Parking and Traffic:** Again, in compliance with State law, City Council may not require off-street parking for an ADU. Furthermore, in the case of a garage conversion to an ADU, the removed parking spaces do 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.

## COASTAL RESOURCES ANALYSIS

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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 require an administrative Coastal Development Permit. The Coastal Commission's staff has reviewed a draft of the ordinance and found it to be compatible with the Coastal Act, with suggested modifications.

**2. INLAND GENERAL PLAN & ILUDC CONSISTENCY ANALYSIS**

ILUDC Section 18.95.060(B) requires that the following findings be made for the amendments to the Inland Land Use and Development Code:

1. The proposed amendment is consistent with the Inland 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.

The amendment is consistent with relevant policies of the City’s Inland General Plan as analyzed below.

**Inland Land Use Element**

The proposed project is consistent with the land use designations of the Land Use Element of the Inland General Plan (CGP) because State law does not allow local jurisdictions to include ADUs and JADUs in their density calculations. Thus, while the ILUDC 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 amendment to the ILUDC is consistent with the following General Plan Policies in the Land Use Element.

Policy	Analysis
<b>Policy LU-6.1:</b> Preserve Neighborhoods: Preserve and enhance the character of the City’s existing residential neighborhoods.	The Accessory Dwelling Units ordinance will result in increased development by allowing two ADUs on lots where previously only one primary unit was allowed and by allowing two ADU’s on parcels with multi-family development.

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

**Inland Public Facilities Element**

Relevant policies in the Public Facilities Element are analyzed below:

<b>Policy PF-1.1:</b> All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses.
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**Analysis:** 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). While the water supply has not changed, the City has made significant progress in amplifying storage capacity:

It added 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.

It installed a desalination batch plant to allow effective use of water from the Noyo during low flow conditions.

It purchased the "golf course" property with plans to build new water storage capacity on the site.

While there is more than sufficient capacity, the City is also exploring long-term sustainable water strategies that include "purple pipe" transmission of treated recycled waste water 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 part of the 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

**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.

There are no other Public Facilities Policies applicable to the proposed ILUDC update.

### **Inland Conservation, Open Space, Energy, and Parks Element**

The proposed amendment is consistent with the policies of Inland Element 4.

### **Inland Circulation Element**

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



Policy	Analysis
<p><b>Policy C-9.2:</b> 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>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 amendment’s consistency with the Inland General Plan.

**Inland 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.

**Inland Housing Element 2019**

The City’s Housing Element was updated in 2019 and adopted by the City Council. The proposed amendments to the ILUDC are consistent with 2019 Housing Element, including the following relevant policies:

Policy	Analysis
<p><b>Policy H-1.3</b> Secondary Dwelling Units: Continue to facilitate the construction of secondary dwelling units on residential properties.</p>	<p>The proposed ILUDC amendment will continue to allow accessory dwelling units to be constructed on any parcel where there are existing residential units (single-family and multifamily).</p>
<p><b>Program H-1.3.2</b> No Development Impact Fees for Secondary Units: Continue to refrain from charging Capacity Fees for second units.</p>	<p>The proposed ILUDC amendment includes implementing State law which prohibits charging capacity fees for ADUs of more than 750 SF.</p>
<p><b>Program H-1.3.3</b> 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 18.42.170.</p>

Policy	Analysis
<p><b>Policy H-1.6</b> 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><b>Policy H-3.2</b> Improve Accessibility to Housing: Make it easier to develop housing for seniors and persons with disabilities.</p>	<p>The proposed zoning code amendment would result in housing small units for rent, which would increase affordability for seniors and people with disabilities.</p>

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

**CONSISTENCY WITH ILUDC SITE PLANNING AND PROJECT DESIGN STANDARDS**

The proposed amendment is consistent with ILUDC 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. **Set Backs:** 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, 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 18.30.090 for ADUs.