



AGENCY:	Planning Commission
MEETING DATE:	March 23, 2022
DEPARTMENT:	CDD
PREPARED BY:	K. Locke
PRESENTED BY:	K. Locke

## AGENDA ITEM SUMMARY

### **TITLE:**

**Receive Report, Hold a Public Hearing, and Consider Recommending to the Fort Bragg City Council Adding Chapter 18.42.200 “Movable Tiny Homes” and Modifications to Section 18.42.110 “Mobile/Manufactured Homes and Mobile Home Parks” to the City of Fort Bragg Inland Land Use and Development Code.**

### **BACKGROUND AND OVERVIEW:**

The construction of Accessory Dwelling Units (ADUs) brings much needed housing to our community. ADUs, commonly referred to as “second units” or “in-law units”, are additional attached or detached residential dwellings that provide complete independent living facilities for one or more persons; ADUs are regulated in the cities Inland Land Use & Development Code (ILUDC) section 18.42.170 “Second Units – Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)”.

The City of Fort Bragg Inland General Plan, Element 9 Goal H-1 seeks to “provide a range of housing, including single-family homes, townhouses, apartments, and other housing types to meet the housing needs of all economic segments of the community.” Furthermore, Program H-1.3.5 provides direction to “Allow tiny homes as second units.” Tiny homes are small, independent, livable dwelling units that are less than 400 Sq. Ft., excluding lofts. These units can be categorized into two types, ones with a foundation, and moveable mobile residences that maintain the appearance of a single-family residence. Tiny homes on foundation are currently regulated through ILUDC section 18.42.170 as they are just considered small ADU’s, but moveable tiny homes are not allowed in the City.

Deliverables associated with grant funding through Senate Bill 2, has brought staff to the creation of a moveable tiny home ordinance to address program H-1.3.5. The primary focus of the proposed ordinance is to treat movable tiny houses as an alternative ADU rather than stand-alone housing. As well, the grant also considers “tiny home communities” where multiple tiny homes on a singular lot are allowed.

### **OPTIONS FOR REGULATIONS FOR MOVEABLE TINY HOMES**

On January 25, 2022, staff met with the Community Development Committee (CDC) to discuss a proposed tiny home ordinance. Staff covered a variety of regulation considerations and sought feedback from the committee and the public. Based on responses from CDC as well as in written and oral comments, staff have seen an overwhelming support from the public for adopting regulations to allow moveable tiny homes as permanent residences. However, based on responses received, modifications to original proposals from staff were necessary prior to bringing an official ordinance forward. As a result, staff have modified the original proposals to be in line with what Fort Bragg residents and leaders are looking for. The

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topics discussed herein include the recommended changes requested; however, there are additional regulations which may be found on the draft ordinance in **Attachment 2**.

### **Configuration and Number per Parcel**

Based on feedback from the public and at CDC, most felt that the City should be as flexible as possible with the amount of units permitted. The goal should also be that the units fit in with the neighborhood. Therefore, staff are proposing to allow three tiny homes per lot. One tiny home as the “primary unit” and two as ADUs subject to certain standards.

There was also some discussion regarding the idea of a “tiny home village” with multiple rental units beyond what a typical parcel would allow. In addition, Program H-1.7.10 of the Fort Bragg General Plan Housing Element seeks to consider adopting new zoning regulations to allow for small home subdivisions. However, there is some concern about adding more residential units than are currently allowed due to impact to neighbors and City facilities. As a result, staff believe the best way to allow these tiny home communities is by modifying ILUDC section 18.42.110 Mobile/Manufactured Homes and Mobile Home parks. Mobile home parks are currently allowed in all residential zoning districts with a use permit. As of now, moveable tiny homes are not allowed in these parks due to certain design and construction standards. By modifying this section, it would allow tiny home communities while still giving the City regulatory control to ensure it is compatible with adjacent uses.

***Staff Recommendation:*** Allow tiny homes to count as one or more of the allowed dwellings on a parcel. A tiny home could take the place of a primary dwelling, ADU or attached ADU, as long as the total number of dwellings does not exceed the maximum allowed on the parcel. For example, on a vacant single-family parcel where three dwellings are allowed (primary unit, ADU, JADU), three tiny homes would be allowed.

*Staff also recommend modifying section 18.42.110 Mobile/Manufactured Homes and Mobile Home Parks to allow tiny homes. A modified code section can be found as **Attachment 3**.*

### **Development Standards**

There are a variety of options to regulate tiny homes such as unit size, height, lot coverage, and setbacks. Overall, based on responses received, since the City would consider tiny homes as a form of second unit, they should comply with accessory dwelling unit standards set forth in 18.42.170. However, as mentioned the City is also considering allowing a tiny home as the primary unit. One option staff explored at the CDC meeting was to allow tiny homes in the driveway, but feedback was generally negative. So allowing the primary unit to have the same flexibility as accessory units may create neighborhood incompatibilities. Therefore, staff believe holding the “primary unit” tiny home to standards of a “typical” primary residence would resolve this conflict.

***Staff Recommendation:*** Accessory unit tiny homes should generally follow second unit standards. A “primary unit” tiny home should follow standards based on the applicable zoning district set forth in 18.21.050 – Residential District Site Planning & Building Standards.

## **Architectural Standards**

In terms of design, since tiny homes are generally pre-fabricated they are built to resemble a typical home. This is what sets tiny homes apart from other moveable homes such as RVs and travel trailers. With design requirements, it is important to keep in mind that DMV towing requirements would generally result in a “boxy” home. As a result, staff have prepared prescriptive requirements such as allowed siding materials, building grade windows, and skirting. Based on comments received at CDC, flexibility of design is a high priority for these units, however general consensus is that the units must look like a house. Flexibility to the point of allowing RVs and travel trailers was met with a negative response.

***Staff Recommendation:*** *Staff have prepared multiple design standards that a tiny home shall conform with. These standards are the minimum staff believe a unit can be to maintain a “residential look.” Standards include guidelines on undercarriage skirting, foundation or pad, mechanical equipment, materials, windows, and utility connections.*

## **Ownership**

Since a tiny home can be moved off site, they are considered “personal property” as opposed to land or buildings, which are considered “real property.” For this reason, ownership of tiny homes does not need to be tied to the land. Based on responses from CDC and review from other similar jurisdictions, most feel the City should either be silent on ownership or be as flexible as possible. Therefore, staff is proposing the following:

***Staff Recommendation:*** *Allow tiny home ownership to be separate from the ownership of the property where a tiny home locates. However, if a “primary unit” tiny home is used, the primary unit shall be owned by the landowner.*

## **Permitting**

Construction of a primary residence or an accessory dwelling unit in most cases only requires a building permit with the City. Due to utility and foundation requirements, a building permit would be required for all new tiny homes. At building permit submittal, staff would ensure that the proposed tiny home(s) meet City regulations set forth in the proposed code. Staff will also check that the applicants either meet standards from the American National Standards Institute (ANSI) 119.5 or National Fire Protection Agency (NFPA) 1192 and that the tiny home is licensed and registered with the Department of Motor Vehicles (DMV). It will be the burden of the applicant to show proof of meeting these standards, and staff would keep a log of tiny homes located throughout the City.

***Staff Recommendation:*** *At building permit submittal, Community Development Department Staff would review the code to ensure the proposed tiny home meets all provisions listed.*

## **FINDINGS FOR APPROVAL**

An amendment to the development code may only be approved if all of the following findings are made:

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

- a. *The proposed amendment is consistent with Program H-1.3.5 to allow Tiny Homes as Second Units and Program H.-1.7.10 to allow Tiny Home Communities. This zoning code update would allow for implementation of these two programs. The proposed amendment is not in conflict with any other goals, policies, and programs in the General Plan and could be used to support many of the Housing goals, policies, and programs.*
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
  - a. *The proposed amendment was reviewed by staff to ensure that the allowance of tiny homes would not create a substantial impact to public services and utilities. The proposed ordinance amendment does not propose a change in density or operating characteristics not already allowed in a City, it simply allows an alternative type of unit to be considered an allowable housing type. Impact to City services would be minimal, and the ordinance was created with support from the public and city leaders, and amended based on response from the public.*

### **ADDITIONAL TALKING POINTS**

Throughout staffs' research into tiny homes, there were numerous additional topics that came up that were not addressed in the CDC meetings. These are ideas that local members of the community provided and are potentially worthwhile to add into the ordinance with Planning Commission approval:

- **Storage:** Require all new tiny homes to have an additional storage shed. These are small homes and will generally produce some outdoor storage due to lack of interior space. These sheds would be small (120Sq. Ft.) or less so they would not require a building permit, and they would help keep yards clean.
- **Roof-decks:** A roof mounted deck on top of the tiny home may present privacy concerns and since tiny homes are not regulated clearly under the building code, may lead to shoddy construction. These additional structures may be worth prohibiting
- **Yearly Renewal:** To ensure these homes maintain the requirements listed in the code, it may be worthwhile to require a yearly inspection with staff. This will ensure that the applicants are maintaining their DMV registration and the appearance of the home.

### **RECOMMENDATION & NEXT STEPS:**

Staff recommends adoption of the resolution recommending approval of ILUDC Amendment 2-22 Adding Chapter 18.42.200 "Moveable Tiny Homes" and Modifications to Section 18.42.110 "Mobile/Manufactured Homes and Mobile Home Parks" to the City of Fort Bragg Inland Land Use and Development Code in Order to Allow Moveable Tiny Homes.

The subsequent steps for full approval of an ordinance would be to bring it to City Council for a first and second reading. The final ordinance would become effective on the 31<sup>st</sup> day following the adoption of the amendment.

**ALTERNATIVE ACTIONS**

1. Hold a hearing, close the hearing, deliberate without a decision, and revisit the application at the next scheduled meeting for a decision after providing feedback to staff.
2. Deny the amendment.

**ENVIRONMENTAL DETERMINATION:**

The proposed ordinance amendment is exempt from review under the California Environmental Quality Act under California Code of Regulations, Title 14, Section 15301 of the CEQA Guidelines and is also exempt from review because it does not meet the definition of a project under CEQA Guidelines section 15061, subdivision (b)(3) and section 15378, subdivision (a) and subdivision (b)(5). The proposed changes of allowing and adopting standards for moveable tiny houses as a new type of accessory dwelling unit as authorized by state law, has no potential for resulting in physical changes in the environment because it consists of changes in the standards governing issuance of ministerial permits for accessory dwelling units and does not directly or indirectly approve any applications for particular accessory dwelling units. As well, the proposed text amendments would not change the overall number of dwelling units allowed on any parcel.

**ATTACHMENTS:**

- Att. 1: Draft Resolution
- Att. 2: Draft Ordinance ILUDC Section 18.42.200
- Att. 3: Draft Amendments to ILUDC Section 18.21.030 and 18.42.110