



AGENCY: City Council
MEETING DATE: April 11, 2022
DEPARTMENT: CDD
PRESENTED BY: K. Locke
EMAIL ADDRESS: klocke@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

Receive Report, Receive Planning Commission Recommendation, Conduct Public Hearing, and Consider Introducing by Title Only and Waiving the First Reading of Ordinance 980-2022 Amending Section 18.42.110 (Mobile/Manufactured Homes and Mobile Home Parks) and Adding Section 18.42.175 (Tiny Homes) to Chapter 18.42 (Standards For Specific Land Uses) of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code

ISSUE:

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 City’s 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 ADUs, but moveable tiny homes are not allowed in the City.

Deliverables associated with grant funding through SB2, 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.

ANALYSIS:

While tiny homes are a very affordable and flexible option for housing, inherent differences between tiny homes and traditionally constructed homes present special circumstances which a proposed ordinance attempts to address. There are concerns related to location, design, development standards, and more. As a result, on January 25, 2022, staff met with the Community Development Committee (CDC) to discuss potential regulations. Staff covered a variety of regulation considerations and sought feedback from the committee and the public. Based on feedback received, City staff prepared a formal ordinance. Staff

subsequently met with the Planning Commission (PC) on March 23, 2022 to hold a public hearing regarding the proposed ordinance and seek recommendation to City Council. Analysis below shows where the current proposed regulations are, and how they have reached this point based on recommendation from Planning Commission.

A redlined draft of the proposed ordinance may be found in **Attachment 2**.

Location on a Parcel

Tiny homes are proposed to be permitted on all residentially zoned parcels. As tiny homes are considered an alternative to ADUs, this provision is consistent with current State and City regulations for ADUs.

Development Standards

As tiny homes are considered another form of ADUs, they generally follow regulations set forth in ILUDC section 18.42.170 “accessory dwelling units.” Tiny homes would not need to provide replacement parking, would not apply to lot coverage, but need to maintain 4-foot side and rear setbacks. However, there are other standards that are not addressed in this code section which are not applicable to accessory units, and more related to tiny homes.

- **Number of units per parcel** – Staff originally proposed that tiny homes could take the place of the primary unit on a lot. The primary unit tiny home would still need to comply with all residential standards in the code related to the primary unit. However, Planning Commission changed this to only allow them as accessory units. A maximum of two are permitted per parcel, and would take the place of ADU allowances. For example, if there is an existing ADU on a parcel, only one tiny home is allowed.

Staff Comment: PC decided to change this by considering the ordinance more of a “pilot program.” There were many unknowns to the Commission related to taxes, lack of building regulations, and health/safety concerns. As a result, the Commission felt starting with a more simplified ordinance would allow those concerns to be fleshed out and addressed in a future ordinance revision. Due to this change, multiple standards throughout the proposed ordinance have been removed related to the allowance of a tiny home as a primary unit.

- **Size** – The minimum size for a tiny home would be 150 sq. ft. to comply with California Health & Safety Code and the maximum would be 400 sq. ft.
- **Height** – A tiny home would have a maximum height of 13’6” from grade to the top of the unit to meet Department of Motor Vehicle towing requirements.

Design Standards

As tiny homes are generally pre-fabricated, they are built to resemble a typical home. This is what differentiates tiny homes from other moveable homes such as RVs and travel trailers. However, it is important to keep in mind that DMV towing requirements would generally result in a “boxy” home. As a result, the following prescriptive requirements have been proposed to achieve a “residential feel.”

- **Skirting.** The undercarriage (wheels, axles, tongue and hitch) shall be hidden from view with a solid wood, metal or concrete apron when parked.

- **Roof Pitch.** Roofs shall have a minimum pitch of 1:12 for greater than 50% of the roof area.
Staff Comment: Based on CDC recommendation, staff originally proposed a roof pitch of 3:12. Planning Commission wanted to ensure a high level of flexibility in these units, and revised allowances to 1:12.
- **Foundation or Pad.** A paved parking pad shall be required and include bumper guards, curbs, or other installations adequate to prevent movement of the unit. Alternative paving methods may be permitted at the discretion of the Community Development Director.
- **Mechanical Equipment.** Mechanical equipment shall be incorporated into the structure and not be located on the roof (except for solar panels). Generators are prohibited except in emergencies.
Staff Comment: Planning Commission revised this section to allow generators in emergencies to be consistent with other City regulations.
- **Materials.** Materials for the exterior wall covering shall include wood, fiber-cement or equivalent material as determined by the Community Development Director. Single piece composite laminates or interlocked metal sheathing is prohibited.
- **Windows.** Windows shall be double pane glass or better, labeled for building use, and be trimmed out.
- **Utility Connections.** A tiny home shall be connected to City water and sewer utilities through dedicated pipes. A tiny home may use on or off-grid electricity. All tiny homes shall have a GFI shutoff breaker.
Staff Comment: A ground fault circuit interrupter (GFI) is generally installed where electrical circuits may come into contact with water. They are used to help prevent electrocution. Due to utility connections for tiny homes being located outside and the City's wet coastal climate, there was public safety concern of electrocution so PC agreed to require this for all homes.

Short Term Rentals

Tiny homes shall not be used as short-term rentals as defined by section 18.42.190 – Vacation Rental Units. Tiny homes are intended to be a long-term housing option.

Applicable Codes

- Tiny homes shall meet either the provisions of ANSI 119.5 or NFPA 1192. It shall be the burden of the applicant to show compliance with these standards.
- Tiny homes shall be licensed and registered with the California Department of Motor Vehicles.

Fire Marshall Inspection

Tiny homes shall require a yearly inspection from the Fire Marshall.

Staff Comment: As tiny homes are not regulated by the residential building code, a concern of Planning Commission was ensuring these units are safe for residents and continue to comply with the proposed ordinance. Tiny homes will likely not be able to comply with typical residential standards due to size limitations, and generally follow the provisions of American National Standards Institute section 119.5 or National Fire Protection Agency section 1192

related to mobile homes. As a result, Planning Commission recommended a yearly inspection by the Fire Marshall.

RECOMMENDED ACTION:

1. Conduct a Public Hearing;
2. Introduce by title only and waive the second reading of Ordinance No. 980-2022, amending section 18.42.110 (Mobile/manufactured Homes and Mobile Home Parks) and adding section 18.42.175 (Tiny Homes) to Chapter 18.42 (Standards for Specific Land Uses) of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code as recommended by Planning Commission Resolution PC04-2022 (**Attachment 4 – Resolution PC04-2022**).

ALTERNATIVE ACTION(S):

Provide direction to staff regarding further revisions to the Inland Land Use and Development Code addressing tiny homes. Substantive changes would require further review and recommendation by the Planning Commission.

ENVIRONMENTAL DETERMINATION

The proposed ordinance 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.

FISCAL IMPACT:

If Council adopts the ordinance pertaining to tiny homes, it is likely that a limited number of new residential units would provide additional housing opportunities for our community, which could increase the population of Fort Bragg and have a fiscal impact both in services the City provides and revenue the City receives.

GREENHOUSE GAS EMISSIONS IMPACT:

The ordinance amendment would not directly have an impact on greenhouse gas emissions. New construction and living spaces would have a marginal effect on greenhouse gas emissions.

CONSISTENCY:

1. 18.94.060(B)(1)(a) – The proposed amendment is consistent with the General Plan and any applicable specific plan, because the proposed amendments are consistent with applicable land use designations and comply with State law. Furthermore, the City’s Housing Element promotes a variety of housing types accessible to all income levels,

including accessory dwelling units and multifamily developments, as illustrated in the following policies and programs:

Policy H-1.3 Secondary Dwelling Units. Continue to facilitate the construction of secondary dwelling units on residential properties.

Program H-1.3.2 No Development Impact Fees for Secondary Units. Continue to refrain from charging Capacity Fees for second units.

Program H-1.3.5 Allow Tiny Homes as Second Units: Consider revising the zoning ordinance so that people can park mobile residences (residences built under the vehicle code) as a second unit, so long as the residence looks like a house (e.g. external siding that is compatible with the residential neighborhood, skirted if the wheels would otherwise be visible from the public right of way, etc.).

Program H-1.3.6 Alternative Designs for Second Units: Explore options for allowing cutting edge construction techniques for second units including but not limited to: straw bale, rammed earth, prefabricated second units, etc.

Program H-1.7.10: Tiny Home Community. Consider adopting new zoning regulations to allow for small home subdivisions, with small individual parcel ownership, in all residential zoning districts. Consider changing the minimum lot size and minimum parcel dimensions of the LUDC to accommodate tiny home communities as part of a planned unit development.

Policy H-1.7 Workforce Housing. Encourage multi-unit housing developments in order to encourage market rate rental housing, affordable housing and lower cost ownership opportunities such as townhomes and condominiums.

Program H-2.4.5 Prioritize City Services for Housing Developments. Continue to implement procedures to grant priority service for sewer and water services to residential developments.

Program H-5.2.1 Discourage Vacation Rentals: Continue to prohibit vacation rentals in all zoning districts except for the CBD. Undertake proactive undercover code enforcement activity on a regular basis against all illegal vacation rentals in Fort Bragg. Work with the County of Mendocino at all levels to reduce or eliminate further conversions of residential units into vacation rentals as this practice has greatly increased the magnitude of the housing crisis on the Mendocino coast and in the City of Fort Bragg.

2. 18.94.060(B)(1)(b) – The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because movable tiny homes can be an invaluable tool for providing much-needed affordable and/or available housing stock in our community. All existing and proposed residential units are constructed in compliance with City development standards.

IMPLEMENTATION/TIMEFRAMES:

If the ordinance is introduced on April 11, 2022 and adopted on April 25, 2022, it would become effective May 25, 2022.

ATTACHMENTS:

1. Ordinance 980-2022
2. Proposed ILUDC Section 18.42.175 Tiny Homes-PC Redline
3. Amendments to ILUDC
4. Planning Commission Resolution PC04-2022
5. Public Hearing Notice

NOTIFICATION:

1. Notify Me Subscriber Lists – Affordable Housing, Homeless
2. Fort Bragg Planning Commission