



AGENCY: City Council
MEETING DATE: January 27, 2019
DEPARTMENT: CDD
PRESENTED BY: S. McCormick
EMAIL ADDRESS: smccormick@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 959-2020 Amending Tables in Sections 18.22.030 and 18.22.050 of Article 2 (Zoning Districts and Allowable Land Uses), Repealing and Replacing Article 4 (Standards for Specific Land Uses), Repealing and Replacing Sections 18.90.030 and 18.90.040 of Article 9 (Inland Land Use and Development Administration), and Amending Article 10 (Definitions) of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code Relating to Second Units

ISSUE:

In an effort to boost housing production in California, Governor Newsom recently signed 18 bills into law that became effective on January 1, 2020. Several of these bills will affect the manner in which the City regulates second units, or what is referred to as accessory dwelling units (ADU) and junior accessory dwelling units (Junior ADU): Senate Bill 13, Assembly Bill 881, Assembly Bill 68, Assembly Bill 587 and Assembly Bill 671. The analysis below and the attached Ordinance are prepared to bring the City's second unit regulations into compliance with State law.

ANALYSIS:

An 'Accessory Dwelling Unit,' or ADU, is a separate, self-contained small living unit with bathroom and kitchen facilities. ADUs have a separate entrance and can be either attached to or detached from the primary unit. A 'Junior Accessory Dwelling Unit,' or JADU, is contained within a legally established bedroom and contained entirely within the walls of an existing single residential dwelling.

Both ADUs and JADUs are valuable tools to address our community's need for available and affordable housing units. Not only are they an effective option to create more housing, but they can be an important source of income to homeowners. Additionally, ADUs and JADUs can provide flexibility for homeowners wanting independent living areas for family members, such as aging parents or adult children, while still maintaining privacy.

The City's Inland Land Use and Development Code (ILUDC) currently allows ADUs on any parcel that is zoned for residential development and has one single residential dwelling unit. The City does not currently allow JADUs anywhere in the City. With the passage of SB 13, AB 881, AB 68, AB 587 and AB 671, State law requires the City to revise and relax certain development standards including, but not limited to, allowing JADUs, decreasing setback requirements, removing parking standards in certain circumstances, increasing unit size and removing barriers regarding lot coverage. Staff is proposing an amendment to tables in Sections 18.22.030 and 18.22.050 of Article 2 (Zoning Districts and Available Land Uses),

repealing and replacing Section 18.42.170 of Article 4 (Standards for Specific Land Uses), repealing and replacing Sections 18.90.030 and 18.90.040 of Article 9 (Inland Land Use and Development Administration) and amending Article 10 (Definitions) of Title 18 (Inland Land Use and Development Code) of the City of Fort Bragg Municipal Code, in order to comply with State law.

On January 8, 2020, the Fort Bragg Planning Commission considered Ordinance 959-2020 and adopted Resolution PC01-2020 recommending that City Council adopt Inland Land Use and Development Code Amendment 1-20 (**Attachment 4 - Resolution PC01-2020**). An overview of the proposed amendments is provided below. For the complete ILUDC amendment, refer to Ordinance No. 959-2020 (**Attachment 1 – Ordinance 959-2020**).

Article 2: Zoning and Land Uses

ILUDC Chapter 18.21 contains tables identifying land uses that may be permitted within a designated zoning district and provides general development standards for site layout and building size. The residential land use, Accessory Dwelling Unit / Duplex in Table 2-1 and Table 2.6 would be amended to read: Second Units – ADU / JADU. Furthermore, the supporting note (2), reading: See Government Code Sections 65852.1, 6585.150 and 65852.2 for additional information, will be removed because the references are outdated and/or unnecessary to be included as reference.

Additionally, Table 2-4, 2-5, 2-8 and 2-9 have been amended so as to reference § 18.42.170, which provides specific development standards for second units by: 1) exempting second units from the calculation of maximum allowable density on a parcel; 2) regulating site coverage and height limits specific to this land use.

Article 4: Second Unit – Accessory Dwelling Unit (ADU)

ILUDC Chapter 18.42 provides site planning, development and/or operating characteristics for specific land uses to ensure compatibility with existing uses and structures in the vicinity. Section 18.42.170 Second Units – Accessory Dwelling Unit (ADU) would be amended to read: Section 18.42.170 Second Units – Accessory Dwelling Unit (ADU) / Junior Accessory Dwelling Unit (JADU). This section would be repealed and replaced in its entirety with a track-changes version included for reference (**Attachment 2 - Track Changes: Article 4**).

Junior Accessory Dwelling Unit (JADU). JADUs are not currently allowed in the City of Fort Bragg. However, beginning January 1, 2020 AB 68 and AB 881 will mandate that cities allow JADUs and therefore, regulations pertaining to JADUs have been added.

Location. The City's existing regulations allow ADUs on parcels zoned for residential development with one single residential unit. State law now also allows one (1) JADU on parcels with a single residential unit. Furthermore, parcels with multi-family development are now allowed two (2) detached ADUs and up to 25% of the existing units, but at least one

(1), unit may be constructed from existing non-livable spaces (i.e., storage rooms, attics, basements, and garages).

Unit Size. The City's existing regulations limit the size of an ADU to "less than 960 SF." The new law imposes new maximum floor areas. The specific maximums that cities must adopt, depends on whether the unit is constructed inside an existing dwelling, is attached, detached, is accessory to a single residential unit or multifamily dwelling and whether the unit can be constructed in compliance with other city development standards. The proposed floor area maximums in this ordinance meet the state law limits.

Lot Coverage. The City currently regulates development standards such as site coverage. However, AB 68, removes local jurisdictions' authority to impose maximum lot coverages in their regulation of ADUs.

Setbacks. The City's existing setbacks for ADUs reflect development standards for the zoning district in which an ADU is located. The City is now limited to require up to four-foot (4') side and/or rear setbacks for detached units or attached units that are built in new footprints and zero setbacks for ADUs that are replacement ADUs in the same location with the same dimensions.

Parking. The City does not currently require on-site parking for ADUs. However, on-site parking is required to be provided for the primary unit. AB 881 no longer allows jurisdictions to require replacement parking in the case that a garage or carport is converted into an ADU. For example, if a property owner builds an ADU in an existing two car garage or demolishes a two car garage for new construction of an ADU, the two parking spaces would not need to be replaced elsewhere on the parcel.

Time for Approval of ADU Permit. The new law shortens the cities' timelines to review and approve applications for ADUs from 120 days to 60 days. The ordinance does not contain this requirement, but staff has been advised to follow the new deadlines for processing ADU applications.

ADUs that Must Be Approved. In general, and despite any other development standards applicable to ADUs a city may have adopted, a city must ministerially approve the following four types of ADUs or JADUs:

1. A unit within (or only expands original footprint by 150 square feet or less to accommodate ingress and egress) a single residential unit or accessory structure, with exterior access from the proposed or existing single residential unit, and the setbacks are sufficient for fire safety.
2. A newly constructed, detached ADU on a lot with proposed or existing single residential unit that has a minimum of 4 feet of rear and side yard setbacks. City may limit the floor area of these to 800 square feet, and may limit the height to 16 feet.
3. Within a residential or mixed use zone, a city must allow the owner of a multi-family unit to construct at least one and up to 25% of the total number of units, as ADUs

that are constructed in spaces not used as livable space (e.g. storage rooms, boiler rooms, passageways, attics, basements, or garages) to be used as ADUs if the spaces meet state building standards for dwellings.

4. Two detached ADUs on lots with existing multifamily, provided they are no taller than 16 feet and there are a minimum of 4 feet rear and side yard setbacks.

If the city approves one of these four types of ADUs, it must require that they not be rented for less than thirty-one (31) days.

Impact Fees. The new laws limit the amount of impact fees that the city can charge in that it must only collect a proportional share of fees for ADUs 750 square feet or more, and it may not collect any impact fees or park fees for units less than 750 square feet in floor space (pass-through fees for school districts can be collected from all ADUs and JADUs).

Water Connection and Fees and Mandatory Connections of Utilities. The new law expands the instances in which the City may charge ADU applicants for new connection fees or capacity charges including water and sewer service. The City does not require separate connections for ADUs and would not require separate connections for JADUs, as well. Currently, the City waives water/sewer capacity fees for all ADUs and the water/sewer capacity fees would also be waived for JADUs.

Housing and Community Development (HCD) Review. The new law requires cities to submit their ADU ordinances to HCD for its review within 60 days from the date the ordinance was adopted. HCD may require cities to amend provisions of their ordinances that are inconsistent with the state law. The proposed ordinance directs the City Clerk to transmit the ordinance to HCD once it is approved within the 60-day deadline.

Article 9 (Inland Land Use and Development Code Administration)

Chapter 18.90 provides regulations to address existing land uses, structures and parcels that do not conform to current development code standards. Generally, continuance of nonconformance is discouraged, with the exception of residential uses. Currently, the City allows up to 25% expansion of nonconforming residential structures, with Minor Use Permit approval. However, new State law would allow ADUs and JADUs to be expanded up to 150 square feet within the proposed space of a single residential unit or residential accessory structure without discretionary approval. This provision has been added and other minor changes were also made for consistency (**Attachment 3 – Track Changes: Article 9**).

Article 10 (Definitions)

Chapter 18.100 provides definitions of terms and phrases used in the ILUDC. With the addition of JADUs, the following terms would be added, alphabetically:

Junior Accessory Dwelling Unit (JADU). A living space not exceeding five hundred square feet (500 SF) in size and contained entirely within the walls of a single residential unit. A JADU shall include an efficiency kitchen; have a separate entrance from the main entrance to structure, with an interior entry into the main living area; may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Efficiency Kitchen. An efficiency kitchen shall include the following: 1) cooking appliances; and 3) a food preparation counter and storage cabinets reasonably sized in relation to unit.

ENVIRONMENTAL DETERMINATION

Adoption of the proposed ordinance is exempt from environmental review under CEQA. The CEQA Guidelines include a statutory exemption for “[t]he adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code...” (CEQA Guidelines § 15282(h)). In addition, the various minor amendments to other Municipal Code provisions to ensure their consistency with the new ADU zoning regulations are exempt under the CEQA Guidelines’ “General Rule” exemption (CEQA Guidelines § 15061(b)(3)).

RECOMMENDED ACTION:

1. Conduct a Public Hearing;
2. Introduce by title only and waive the second reading of Ordinance No. 959-2020, amending tables in Sections 18.22.030 and 18.22.050 of Article 2 (Zoning Districts and Allowable Land Uses), repealing and replacing Section 18.42.170 of Article 4 (Standards for Specific Land Uses), repealing and replacing Sections 18.90.030 and 18.90.040 of Article 9 (Inland Land Use and Development Administration), and Amends Article 10 (Definitions) of Title 18 (Inland Land Use and Development Code) of the City of Fort Bragg Municipal Code relating to second units as recommended by Planning Commission Resolution PC01-2020 (**Attachment 4 – Resolution PC01-2020**).

ALTERNATIVE ACTION(S):

Provide direction to staff regarding further revisions to the Municipal Code addressing accessory dwelling units. Substantive changes would require further review and recommendation by the Planning Commission.

FISCAL IMPACT:

If Council adopts the ordinance amendment pertaining to accessory dwelling units and junior accessory dwelling units, 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:

City Council Priority Area 3: Housing

- Goal 1: 200 units of housing in the next five years
- Goal 3: Streamline permitting process and pursue creative approaches to fees.

General Plan and ILUDC

Required findings for Development Code amendments include:

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 General Plan policies. The City’s Housing Element promotes a variety of housing types accessible to all income levels, including accessory dwelling units and multifamily developments, in order to provide housing opportunities for residents, as supported by the following:

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

Program H-1.3.1 Secondary Dwelling Unit Design. Continue to implement the City’s free secondary unit program to provide affordable and aesthetically pleasing second unit designs for the development of secondary units in Fort Bragg.

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

Program H-1.3.3 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.

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.

19.94.060(B)(1)(b) – The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because accessory dwelling units and junior accessory dwelling units 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 the CA Building Code and City development standards.

19.94.060(B)(2) – The proposed amendment is internally consistent with other applicable provisions of the Development Code because all sections pertaining to Second Units have been included in one comprehensive amendment. ILUDC 1-20 also includes minor revisions for internal consistency, such as changing the word “Section” to the section symbol “§” throughout all tables of Article 2.

IMPLEMENTATION/TIMEFRAMES:

If the ordinance is introduced on January 27, 2020 and adopted on February 10, 2020, it would become effective March 11, 2020.

ATTACHMENTS:

1. Ordinance 959-2020, ILUDC Amendment
2. Track Changes: Article 4
3. Track Changes: Article 9
4. Resolution PC01-2020
5. ADU Brochure
6. JADU Brochure
7. Public Hearing Notice

NOTIFICATION:

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