

RECEIVED

By James Feenan at 7:58 am, Jul 25, 2024

ADU MEMO

From: Marie Jones

To: Planning Commission

Re: Proposed ADU Ordinance

Hello Planning Commissioners,

I recently prepared a NEW ADU ordinance for the City of Fort Bragg. The ordinance below illustrates some ideas for our discussion. Please note that the yellow highlighted items are required by State Law and are not currently incorporated into the County's ordinance. Grey highlights indicate ideas that we adopted in the City of Fort Bragg which may have relevance to the County. Thanks for your consideration. -- Marie

Yellow Highlight Required by Law

Grey Highlight is Recommended

Purpose. This Section establishes standards for two types of residential second units: accessory dwelling units (ADU); and 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.

- “Accessory Dwelling Unit” means an attached, detached or converted residential dwelling unit that provides complete independent living facilities for one 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: an efficiency unit or a manufactured home, as defined in Section 18007 of the Health and Safety Code.
- “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 18.42.200 - Urban Unit Development.

A. Review & Approval Process.

1. **Deemed Approved.** An application for the creation of an ADU or JADU shall be deemed approved (not just subject to Ministerial Approval) if the City has not acted on the completed application within 60 days. (65852.2a3).
2. **Ministerial Approval.** Ministerial approval is required for an ADU and/or JADU on parcels located in all residential and commercial zoning districts.

B. Location, Number & Size of Units. Two ADUs 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 JADU constructed within an existing or proposed single residential unit, which complies with the requirements of 18.42.170 (K)(3); and/or

- b. One ADU, that complies with the requirements of 18.42.170 (K) (1 or 2);
- 2. On a lot with an existing multifamily dwelling:
 - a. **Interior ADUs.** 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. **Detached ADUs.** Up to 1 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.

Condominiums. 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.

- A. **Conversion of Accessory Structures to ADUs.** The conversion of a pre-existing (pre-existing prior to the date of the adoption of the ordinance) accessory structure (garage, barn, shed, etc.) or portion of an existing accessory structure to an ADU is not subject to size limits, setback or height limitations of this ordinance. ADUs proposed for accessory structures that are expanded in size by more than 150 SF are subject to the size limitations of this ordinance.
 - C. **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.
 - D. **Lot Size.** There is no minimum lot size for ADUs and JADUs.
 - E. **Lot Coverage.** Projects are required to conform with Lot Coverage requirements for their zoning district, unless lot coverage requirements do not allow at least one 800 square foot second unit, in which case the lot coverage requirement shall be waived.
 - F. **Timing.** An ADU may be constructed before, with or after the primary dwelling unit(s). In addition, an existing dwelling that complies with the standards for second units in Subsection (K) of this Section may be considered a second unit, and a new primary unit may be constructed.
 - G. **Sale of ADUs JADUs.** 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 Prohibited.** Accessory dwelling units and JADUs shall not be rented for periods of less than 31 days.
 - I. **Deed Restriction.** Prior to the issuance of a building permit for a ADU, the owner shall record a deed restriction in a form approved by the City that includes: 1) a prohibition on the sale of the ADU separate from the sale of the primary residential
-

unit (except in the case of H above or Urban Lot Split (18.84.045); 2) a prohibition on short-term rentals, and: 3) in the case of a JADU restricts the size and attributes of the JADU to conformance with this section.

J. Second Unit Standards.

1. **Exceptions to Accommodate at least one 800 SF ADU and one JADU.** The Community Development Director shall modify or eliminate objective development standards if they prevent the construction of a JADU and/or an ADU of at least 800 square feet in size, and 16 feet in height with 4-foot setbacks on any lot. Objective development standards shall be modified with the following to be considered last to allow an 800 SF unit: changes to parking requirements, front setbacks and/or height limits.
2. **Accessory Dwelling Unit.** An ADU shall comply with the following standards:
 - a. **Location.** An ADU may be located on the front, the back or the side of a parcel and it may be larger or smaller 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.
 - b. **Height limit.** A detached ADU shall be limited to a maximum height of 16 feet. Second story ADUs are permitted only over a garage and are limited to 28 ft in height.
 - c. **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 § 18.90.020. 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, or for expansions of existing structures that have less than a four-foot rear or side yard setback so long as the expansion conforms with the existing structure's existing setback. Front yard setbacks are defined in 18.22, however a reduced front setback is required if the applicant is precluded by the strict application of the setback requirements from building at least one 800 SF ADU on the property.
 - d. **Maximum floor area.** The maximum floor area of a detached ADU shall not exceed 1,200 square feet and the maximum floor area for an attached ADU shall be 50% of the existing primary dwelling unit or 1,200 SF whichever is more. The conversion of an existing structure to an ADU shall not be limited in size so long as it is enclosed within the existing structure.
 - e. **Separate entrance required.** An attached ADU shall have an entrance separate from the entrance to the primary dwelling.
 - 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.
3. **Junior Accessory Dwelling Unit.** A JADU shall comply with the following standards:
 - a. **Location.** JADUs may be located in an attached garage or within the walls of the primary dwelling. JADUs are allowed to share bathroom facilities with the primary dwelling. JADUs are not permitted in detached accessory structures or ADUs.
 - b. **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.
 - c. **Separate entrance required.** A JADU shall have a separate entrance from the main entrance to the primary residence.
 - d. **Efficiency kitchen.** A JADU shall include an efficiency kitchen with cooking appliances, a food preparation counter, and storage cabinets reasonably sized in relation to unit.

- e. **Fire protection.** 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.
- f. **Utility service.** For the purpose of providing service for water, sewer, or power, a JADU unit shall not be considered a separate or new unit, unless the JADU was constructed in conjunction with a new single residential unit.

K. Parking Requirements

- 1. **ADU/JADU Parking Exemptions & Requirements:** No parking is required.
- 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 or converted in conjunction with the construction of an ADU.

L. Solar Requirements. New, non-manufactured, detached ADUs shall install solar in compliance with the California Building Code. No other ADUs are subject to the Building Code's solar requirements.

M. No Capacity Fees. JADUs are exempt from paying capacity fees. ADUs of less than 750 SF shall be exempt from paying capacity fees, and units of more than 750 SF shall pay a prorated share of the capacity fee.

N. No off-site Improvements. No physical improvements, such as installation of sidewalks or off-site drainage improvements, shall be required for the creation or conversion of an ADU or JADU.

O. No Correction of Nonconforming Zoning Conditions. No applicant shall be required to correct existing non-conforming zoning conditions as part of the creation or conversion of an ADU or JADU.

P. Non-Conforming ADUs. An existing substandard ADU or JADU shall have five years to correct a violation so long as the violation is not a health and safety issue as determined by the Building Department.

Q. Restrictive Covenants Void. ADUs and JADUs shall be allowed on all parcels regardless of any covenants, conditions or restrictions that have been placed on a lot; such restrictions are void and unenforceable. (Civ Code 4751).
