

Mendocino County Planning Commission

# LCP Amendment for Accessory Dwelling Units

GP 2018-0003 – Coastal Element of General Plan

OA 2018-0009 – Title 20, Division II, Coastal Zoning Code

Public Hearing: October 7, 2021



LOCAL COASTAL PROGRAM AMENDMENT – Accessory Dwelling Units

# BACKGROUND

- July 18, 2019 – Planning Commission reviewed draft amendments to Local Coastal Program (LCP) to allow ADUs throughout the coastal zone
- November 5, 2019 – Board of Supervisors authorized submittal of LCP amendment application to California Coastal Commission
- March 16, 2020 – Coastal Commission certified LCP amendment with “suggested modifications”



# PURPOSE OF PLANNING COMMISSION HEARING

Consider adoption of Resolution recommending that Mendocino County Board of Supervisors adopt LCP amendment comprised of General Plan amendment GP\_2018-0003 and Coastal Zoning Code amendment OA\_2018-0009 with revisions incorporating Coastal Commission's "suggested modifications"



# OBJECTIVES OF LCP AMENDMENT

- Create opportunity for development of ADUs (and JADUs) in coastal zone to increase stock of affordable housing.
- To the extent feasible, mirror the County's inland ADU regulations.
- Protect coastal resources and satisfy Coastal Commission concerns while allowing for development of as many ADUs as possible.
- Establish as simple a permitting process as possible.
- Per State law, establish a Coastal Development Permit (CDP) process for ADUs that does not require a public hearing.



# COASTAL ELEMENT AMENDMENT

## COASTAL COMMISSION MODIFICATIONS:

- On agricultural and timber lands – ADUs must be clustered with primary residence or located within existing legally-authorized residential structure.
- Added reference to caps on number of ADUs (500 ADUs throughout coastal zone, plus 100 in Gualala Town Plan area)



# COASTAL ZONING CODE AMENDMENT

## COUNTY-REQUESTED MODIFICATIONS:

- Clarification/minor corrections
- Update for consistency with new ADU laws that took effect on January 1, 2020
  - modify efficiency kitchen definition
  - add language addressing multifamily dwellings
  - delete lot coverage limitations; modify size limitations
  - clarify that owner-occupancy requirement on parcels with JADU will take effect after January 1, 2025



# COASTAL ZONING CODE AMENDMENT

## SUBSTANTIVE COASTAL COMMISSION MODIFICATIONS:

- Section 20.458.010: Require analysis of water and sewer capacity (in addition to State Route 1 capacity) prior to modification of 100 ADU cap in Gualala Town Plan area.
- Section 20.458.020(F)(1): On properties with an ADU or JADU, none of the dwelling units may be used for transient habitation.
- Section 20.458.045(C): Ministerially-approved ADUs in Highly Scenic Areas must be "permanently and entirely blocked from view."



# COASTAL ZONING CODE AMENDMENT

## SUBSTANTIVE COASTAL COMMISSION MODIFICATIONS:

- Section 20.458.045(E): Detached ADUs on parcels with resource zoning (AG, RL, FL, TPZ) can be setback no more than 100 feet from the existing or proposed primary residence.
- Development associated with ADUs (wells, water storage, septic, parking, driveways, vegetation removal, etc.) must be clustered within “existing residential development footprint.”
- ADUs in "legally-authorized residential structure existing as of the effective date of the ordinance" are exempted from clustering requirement.



# COASTAL ZONING CODE AMENDMENT

## SUBSTANTIVE COASTAL COMMISSION MODIFICATIONS:

- Sections 20.532.015(A) and 20.536.005: Administrative CDP process established for ADU applications that request exception(s) to the objective standards established in Section 20.458.045. No appeal to BOS; may be appealable to Coastal Commission.
- Section 20.532.055: Clarification added regarding the 60-day time period for acting on a ministerial or administrative CDP for an ADU and/or JADU including “Failure to act” language.



# CHECKLIST REQUIREMENTS FOR MINISTERIAL CDP FOR ADUs:

- ✓ >100' from edge of an Environmentally Sensitive Habitat Area.
- ✓ >125' from edge of coastal bluff (except if within existing permitted structure).
- ✓ If in designated Highly Scenic Area, not visible from public road, trail, beach, park, waters used for recreational purposes.
- ✓ Less than 20 cubic yards of grading.
- ✓ Consistent with policies for protection of agricultural and timber resources.



## OTHER ADU REQUIREMENTS

- ✓ No more than one other “accessory living unit” on parcel.
- ✓ Must conform to height limits, setbacks, parking requirements, and other development standards.
- ✓ Floor area limitations for detached ADU: 1,200 SF.
- ✓ Floor area limitations for attached ADU: 1,200 SF or no more than 50% of existing dwelling.



# OTHER ADU REQUIREMENTS

- ✓ Division of Environmental Health sign-off on water and septic.
- ✓ CalFIRE and local Fire District preliminary clearance letter.
- ✓ Prohibited in special flood hazard areas.
- ✓ ADUs/JADUs prohibited on parcels west of SR 1 in Gualala Town Plan area (per existing Gualala Town Plan).
- ✓ VHRs prohibited on properties with an ADU and/or JADU.



# PROCESS & TIMEFRAMES FOR LCP AMENDMENT

- Planning Commission hearing and review of Coastal Commission-approved amendment; recommendation to BOS – *October 2021*
- Board of Supervisors adoption of LCP Amendment (GP 2018-0003 and OA 2018-0009) – *November 2021*
- Coastal Commission “Executive Director check-off” confirming that final action of Board of Supervisors is consistent with Coastal Commission’s certification of LCP Amendment & report to Coastal Commission – *February 2022*



# RECOMMENDED ACTION

Adopt resolution recommending that Board of Supervisors approve Local Coastal Program amendment comprised of General Plan amendment GP\_2018-0003 and Coastal Zoning Code amendment OA\_2018-0009 to establish regulations for ADUs and JADUs in the coastal zone of Mendocino County.

