

Mendocino County Board of Supervisors

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: November 5, 2019



LOCAL COASTAL PROGRAM AMENDMENT – Accessory Dwelling Units

BACKGROUND

- State legislation (2016) requires cities and counties to remove barriers to development of ADUs (*GC 65852.2 et seq.*).
- County amends Inland Zoning Code to encourage ADUs (2018).
- More complicated process in Coastal Zone:
 - Existing LCP prohibits ADUs except in Gualala Town Plan area and Town of Mendocino.
 - LCP Amendment required. Must be certified by Coastal Commission.
 - Must “balance” Coastal Act protections with State ADU legislation.



PURPOSE OF HEARING

- Receive Planning Commission recommendation on LCP Amendment
- Conduct Public Hearing
- Ask questions and deliberate
- Consider adoption of resolution authorizing submittal of LCP Amendment to California Coastal Commission for certification



OBJECTIVES OF LCP AMENDMENT

- Create opportunity for development of ADUs 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 that does not require a public hearing.



COASTAL ELEMENT AMENDMENT

- Amend three Coastal Element policies which allow only one housing unit on each existing parcel. Include language to permit ADUs.
 1. Agriculture policy 3.2-1
 2. Forestry and Soils Resources policy 3.3-5
 3. Locating and Planning New Development policy 3.9-1



COASTAL ZONING CODE AMENDMENT

ISSUE:

Existing LCP prohibits ADUs based on concerns about water, septic and traffic impacts.

LCP AMENDMENT:

- Water and septic issues addressed through existing County Division of Environmental Health regulations.
- 500-unit cap on ADUs is established, after which the SR 1 Corridor Study must be updated and an LCP Amendment processed to modify or eliminate cap. Gualala Town Plan cap of 100 ADUs remains in effect.



COASTAL ZONING CODE AMENDMENT

ISSUE:

ADUs are intended to increase long-term rental housing stock. Use of ADUs as Vacation Home Rentals (VHRs) undermines this objective.

LCP AMENDMENT:

- Per Planning Commission recommendation, use of ADUs/JADUs as VHRs is prohibited.



COASTAL ZONING CODE AMENDMENT

ISSUE:

ADUs must be consistent with agricultural and timber resource policies.

LCP AMENDMENT:

- On parcels zoned AG, RL, FL and TPZ, an ADU may only be located within 150 feet of an existing legally-authorized structure.
- On parcels zoned AG and RL, an ADU may only be located on non-prime soils. On parcels zoned FL and TPZ, an ADU may only be permitted in locations where no timber removal is necessary.
- On parcels within 200' of AG, RL, FL or TPZ lands, ADUs may only be permitted if attached to an existing residence.



COASTAL ZONING CODE AMENDMENT

ISSUE:

ADUs must be consistent with Coastal Act and LCP requirements for protection of coastal resources.

LCP AMENDMENT:

- Establishes objective standards for protection of coastal resources. If applicant can demonstrate compliance with “checklist,” a ministerial CDP (i.e., no hearing) will be granted.
- If objective standards are not met, applicant may be able to obtain a standard or administrative CDP for an ADU.



COASTAL ZONING CODE AMENDMENT

“CHECKLIST” REQUIREMENTS FOR PROTECTION OF COASTAL RESOURCES:

- ✓ >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.



COASTAL ZONING CODE AMENDMENT

OTHER “CHECKLIST” REQUIREMENTS:

- ✓ No more than one other “accessory living unit” on parcel.
- ✓ Must conform to height limits, setbacks, lot coverage, parking requirements, and other development standards.
- ✓ Floor area limitations: 1,200 SF for detached ADU; 1,200 SF or no more than 50% of existing dwelling for attached ADU.
- ✓ Division of Environmental Health sign-off on water and septic.
- ✓ CalFIRE and local Fire District preliminary clearance letter.
- ✓ Prohibited in special flood hazard areas.



COASTAL ZONING CODE AMENDMENT

GUALALA TOWN PLAN REQUIREMENTS FOR ADUS ARE UNCHANGED:

- ✓ ADUs not permitted on parcels with guest house, detached bedroom, or more than one dwelling unit.
- ✓ ADUs/JADUs prohibited on parcels west of SR 1.
- ✓ On parcels less than ½ acre in size, ADUs must be attached to primary residence or as a second story on a detached garage.
- ✓ Floor area limitations: 960 SF for detached ADU; 500 SF for attached ADU.
- ✓ VHRs prohibited on properties with an ADU and/or JADU.



COASTAL ZONING CODE AMENDMENT

PARKING REQUIREMENTS FOR ADUS:

- No parking required for JADU.
- One parking space required per ADU.
- No parking required if ADU is located within ½ mile of a public transit bus stop along a prescribed route according to a fixed schedule.



COASTAL ZONING CODE AMENDMENT

PERMITTING PROCESS FOR ADUS:

- JADUs are exempt from requirement to obtain CDP.
- Converting an existing guest houses or accessory structure to an ADU requires a CDP.
- New “ministerial” process established for issuance of CDP based on objective criteria in checklist. Public hearing not required. Ministerial CDPs are not appealable to BOS. If in Coastal Commission’s appeal jurisdiction, ministerial CDP may be appealed to Coastal Commission.



LOCAL COASTAL PROGRAM AMENDMENT

PROCESS & TENTATIVE TIMEFRAMES:

- BOS hearing and adoption of resolution authorizing submittal of LCP Amendment to Coastal Commission – *November 2019*
- Submittal of LCP Amendment and supporting documentation to Coastal Commission – *December 2019*
- Coastal Commission staff review and recommendation (typically with “suggested modifications”) – *4 to 6 months expedited review*
- Coastal Commission hearing and certification of LCP amendment – *July 2020 (North Coast)*



LOCAL COASTAL PROGRAM AMENDMENT

PROCESS & TENTATIVE TIMEFRAMES *(Cont'd)*:

- Planning Commission hearing and review of Coastal Commission-approved amendment; recommendation to BOS – *September 2020*
- Board of Supervisors adoption of LCP Amendment (GP 2018-0003 and OA 2018-0009) – *November 2020*
- Coastal Commission “Executive Director check-off” confirming that final action of Board of Supervisors is consistent with Coastal Commission’s certification of LCP Amendment – *December 2020*



LOCAL COASTAL PROGRAM AMENDMENT

RECOMMENDED ACTION:

- Adopt resolution authorizing submittal of a Local Coastal Program Amendment to the California Coastal Commission to establish regulations for accessory dwelling units in the coastal zone of Mendocino County.





QUESTIONS?



LOCAL COASTAL PROGRAM AMENDMENT – Accessory Dwelling Units