



COUNTY OF MENDOCINO
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MEMORANDUM

DATE: NOVEMBER 5, 2019

TO: HONORABLE BOARD OF SUPERVISORS

FROM: BRENT SCHULTZ, PLANNING AND BUILDING SERVICES
JULIA ACKER KROG, PLANNING AND BUILDING SERVICES

SUBJECT: LOCAL COASTAL PROGRAM AMENDMENT FOR ACCESSORY DWELLING UNITS
(GP_2018-0003/OA_2018-0009)

The Mendocino County Board of Supervisor directed staff to prepare an amendment to the County's certified Local Coastal Program (LCP) to establish regulations for accessory dwelling units in the unincorporated areas of Mendocino County's coastal zone. The LCP amendment is comprised of amendments to the Coastal Element of the General Plan (GP_2018-0003) and to the Coastal Zoning Code (Mendocino County Code, Title 20, Division II) (OA_2018-0009).

The new regulations align with the recently adopted provisions for accessory dwelling units in the Inland Zoning Code to the extent possible. However, in the coastal zone, the establishment of regulations to allow accessory dwelling units requires a balancing of the State mandates for accessory dwelling units (per California Government Code §65852.2, et seq.) with the requirements for protection of coastal resources under the California Coastal Act.

While preparing the LCP amendment, staff consulted with the Supervisors from the two Coastal districts and staff from the California Coastal Commission. In addition, Native American tribes and federal, State, and local agencies were notified and given an opportunity for input into the regulations.

PLANNING COMMISSION RECOMMENDATION: On July 18, 2019, the Mendocino County Planning Commission held a public hearing, solicited public comments, and made a recommendation to the Mendocino County Board of Supervisors that the LCP amendment be submitted to the California Coastal Commission. The Planning Commission staff report and Resolution providing a formal, written recommendation to the Board of Supervisors are included with this agenda packet.

The Planning Commission voted (4-1) to recommend that the Board of Supervisors authorize staff to submit the LCP Amendment to the California Coastal Commission with modifications to prohibit the use of accessory dwelling units or junior accessory dwelling units as vacation home rentals. The action by the Planning Commission modified Sections 6 and 11 in OA_2018-0009 as follows:

Section 6. Section 20.456.015 of the Mendocino County Code is hereby amended to read as follows:

Sec. 20.456.015 - Residential and Agricultural Use Types.

(H) **Room and Board.** The renting of not more than one (1) room for occupancy by transient guests for compensation or profit, except in an accessory dwelling unit/or a junior accessory dwelling unit ~~on properties designated AG, RL, FL and TPZ~~ where such use shall be prohibited.

Section 11. A new Section 20.458.020 is added to the Mendocino County Code as follows:

Sec. 20.458.020 - General Standards for Accessory Dwelling Units and Junior Accessory Dwelling Units.

(F) ADUs and JADUs are intended to increase the supply of non-transient housing. Restrictions regarding use of ADUs and/or JADUs as vacation home rentals are as follows:

~~(1) In the coastal zone outside of the Gualala Town Plan area, on a parcel with an ADU or JADU, use of no more than one dwelling as a vacation home rental may only be permitted if the owner resides in either the single-family dwelling or the ADU or JADU.~~

~~(1)~~ (2) In the coastal zone, on parcels zoned AG, RL, FL or TPZ, use of an ADU or JADU as a vacation home rental or by transient guests shall be prohibited. Existing licensed vacation home rentals in legal, non-conforming ADUs located in AG, RL, FL and TPZ districts shall be phased out as business licenses are abandoned or expire. Vacation home rental licenses shall not be transferable to another location, person, or entity, except that the property owner may transfer the license to a spouse/domestic partner, child, parent, or, for estate planning purposes, to a trust in which the property owner serves as a trustee, which shall not be deemed a change of ownership for purposes of Section 6.04.070(g) of the County Code.

~~(2)~~ (3) Prior to obtaining a building permit for an ADU or JADU, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations for the ADU and/or JADU, which shall run with the land, and be binding upon any future owners, heirs, or assigns.

~~(3)~~ (4) See Section 20.458.035(F) for restrictions on use of ADUs and JADUs as vacation home rentals in the Gualala Town Plan area.

MINOR CHANGES BY STAFF: After the Planning Commission hearing and prior to publication of revised documents for the Board of Supervisors staff discovered that OA_2018-0009 contained duplication of a section number in Section 11 and Section 17, specifically section 20.458.020. Staff has revised the numbering to be consistent. This has resulted in Section 11 speaking to amendments to the current section 20.458.020 and Section 17 adds section 20.458.050.

CEQA RECOMMENDATION: Pursuant to CEQA Guidelines Section 15282(h), "the adoption of an ordinance regarding second units in a single-family or multi-family zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code", is statutorily exempt from CEQA, based on Public Resources Code section 21080.17.

In addition, pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; CEQA) does not apply to activities and approvals by a local government as necessary for the preparation and adoption of a local coastal program pursuant to the California Coastal act (Public Resources Code Section 30000 et seq.), and as provided by Section 15265 of the CEQA Guidelines (14 Cal. Code Regs, Section 15000 et seq.), the burden of CEQA compliance for local coastal programs is shifted from the County to the California Coastal Commission.

GENERAL PLAN CONSISTENCY ANALYSIS: The 2014 Housing Element of the General Plan contains the following policies related to Accessory Residential/Second Residential Units:

- POLICY 3.1 Encourage the development of an adequate supply of housing and range of housing densities and types to meet the diverse needs of County residents.
- POLICY 3.2 Promote the development of second units.

Staff recommends that the proposed amendments are consistent with the 2009 Mendocino County General Plan, as well as the 2014 Housing Element. The amendments align with the County's intention of encouraging and facilitating the development of an adequate supply of housing.

RECOMMENDED MOTION FOR THE BOARD OF SUPERVISORS: Adopt a resolution authorizing submittal of a Local Coastal Program Amendment to the California Coastal Commission, consisting of an amendment of the Coastal Element of the Mendocino County General Plan (GP_2018-0003) and an amendment of the Mendocino County Coastal Zoning Code (Title 20-Division II of the Mendocino County Code)(OA_2018-0009) to establish regulations for accessory dwelling units in the coastal zone of Mendocino County, and authorize Chair to sign same.

ATTACHMENTS

- A. Planning Commission Hearing Packet
- B. Planning Commission Signed Resolution
- C. Coastal Element Amendment - Redline
- D. Ordinance – Redline
- E. Board of Supervisors Resolution
 - Exhibit A - Coastal Element Amendment - Clean
 - Exhibit B - Ordinance – Clean