



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482  
120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

Ignacio Gonzalez, Interim Director  
Phone: 707-234-6650  
Fax: 707-463-5709  
Ft. Bragg Phone: 707-964-5379  
Ft. Bragg Fax: 707-961-2427  
pbs@co.mendocino.ca.us  
[www.co.mendocino.ca.us/planning](http://www.co.mendocino.ca.us/planning)

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## MEMORANDUM

DATE: MAY 8, 2017

TO: BOARD OF SUPERVISORS

FROM: PLANNING AND BUILDING SERVICES

SUBJECT: SA 2016-0040 ACCESSORY RESIDENTIAL UNITS

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In response to the on-going housing crisis in California, Assembly Bill (AB2299) signed by the Governor on September 27, 2016 which became January 1, 2017. The new law is intended to make it easier to create accessory dwelling units (ADUs). While existing law provided for such units, many local ordinances in California unintentionally, prevented property owners from building accessory dwelling units by imposing standards related to lot coverage, setbacks, off-street parking or construction. Under AB 2299, the single term “accessory dwelling units” (ADUs) shall be used to describe what in the past have been referred to as second units, granny flats/units, in-law units, or secondary dwelling units. The definition of an accessory dwelling unit is now “an attached or detached residential dwelling unit which provides complete independent living for one or more persons. It includes permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single family dwelling is situated.” It also includes efficiency units and manufactured homes. The new law requires local governments to adopt an ADU ordinance consistent with the new state requirements by January 1, 2017.

The County’s second unit ordinance was originally adopted in 1987 and subsequently modified in 1993 to conform with changes in State statutes then that provided for second units and removed the requirement for discretionary permits (i.e. Use Permits and Administrative Permits) and provided for the establishment of second units with only a building permit, but still subject to all zoning requirements contained in Title 20, Division I, Mendocino county Code (Zoning Ordinance). Specifically, Section 20.458.10 of the Title 20, Division II, prohibits second residential units as defined in Government Code Section 65852.2 within the Coastal Zone. In a recent memorandum to California Planning Directors of Coastal Cities and Counties, the Coastal Commission’s Executive Director has stated that that the Coastal Commission strongly recommends that local governments amend their LCPs to address the review of coastal development permit (CDP) applications for ADUs in light of the new legislation. However, it is further stated that “currently certified provisions of LCPs, including specific LCP ADU sections currently in place, are not superseded by Government Code Section 65852.2 and continue to apply to CDP applications for ADU.

Staff understands the need to examine every opportunity to increase the affordable housing stock in the unincorporated areas of Mendocino County. And as such, once newly hired staff in the Planning Division are in place, staff intends to examine both the Inland Second Unit provision of the Inland Zoning Ordinance (Section 20.164.015(K) as well as Section 20.458.10 (Coastal Zoning Ordinance) and update the ordinances to make them consistent with AB2299, including exploring processing an LCP Amendment to address second units in the Coastal Zone, unless an exemption is provided for.

For the Board's information, Planning and Building Services staff has already initiated the task of amending the applicable sections of the Zoning Code, including exploring the allowance of Accessory Dwelling Units within the Coastal Zone. This item as it relates to Accessory Dwelling Units (AB 2299) previously came before the Board as an informational item in late 2016. However, due to recent turnover in PBS, this task will be re-assigned to a new planner starting in May 2017, who brings extensive housing experience to the Department. The only new piece of information for staff to consider is the memorandum, dated April 18, 2017 from the Coastal Commission (see attached) addressing ADUs within the Coastal Zone.

Attachment: April 18, 2017 Coastal Commission Memo