

RESOLUTION NO. PC -2024

A Resolution of the Fort Bragg Planning Commission Recommending that the City Council approve an LCP Amendment to the Coastal Commission to Amend Chapter 17.42.175 “Tiny Homes”, of Division 17 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.

WHEREAS, California Constitution Article XI, Section 7, enables the City of Fort Bragg (the “City”) to enact local planning and land use regulations; and

WHEREAS the authority to adopt and enforce zoning regulations is an exercise of the City’s police power to protect the public health, safety, and welfare; and

WHEREAS the City of Fort Bragg (“City”) adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits; and

WHEREAS, the City adopted a Coastal General Plan (“Coastal GP”) as the Land Use Plan portion of the Local Coastal Program on May 12, 2008 which established policies for all land within the Fort Bragg Coastal Zone; and

WHEREAS, in August 2008 the California Coastal Commission certified the City’s Local Coastal Program (LCP) which includes the Coastal GP as the Land Use Plan; and

WHEREAS, The City Council adopted Resolution 3162-2008 on May 12, 2008 adopting the Coastal General Plan; and

WHEREAS, the City adopted a Coastal Land Use and Development Code in 2008 as the implementing portion of the Local Coastal Program on May 12, 2008, which established all land use regulations for the Coastal Zone; and

WHEREAS, the Coastal General Plan includes policies to: (1) advance the orderly growth and development of the City’s Coastal Zone; (2) protect coastal resources; (3) incorporate sustainability into the development process so that Fort Bragg’s coastal resources and amenities are preserved for future generations; (4) respond to current environmental and infrastructure constraints; (5) protect the public health, safety and welfare; and (6) promote fiscally responsible development; and

WHEREAS, the availability of housing is a substantial concern for individuals of all demographics, ages, and economic backgrounds in communities throughout the State of California; and

WHEREAS the City desires to ensure that residential development occurs in an orderly manner, in accordance with the goals and objectives of the General Plan and reasonable land use planning principles; and

WHEREAS, In 2019, the City of Fort Bragg amended the Housing Element of the General Plan for conformance with State Housing Law. The 2019 Housing Element includes the following non-mandatory program regarding Tiny Homes. *Program H-1.3.5 Allow Tiny Homes as Second Units. Consider revising the zoning ordinance so that people can park mobile residencies (residences built under the vehicle code) as a second unit, so long as the residence looks like a house (e.g., external siding that is compatible with the residential neighborhood, skirted if the wheels would otherwise be visible from the public right of way, etc.); and*

WHEREAS, The project is exempt from CEQA, as a zoning amendment to implement the provisions of Sections 65852.1 and Section 66411.7 of the Government Code is exempt from CEQA by those code sections; and

WHEREAS, the “activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long range development plan” pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption “shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c)); and

WHEREAS, On April 22, 2022, the City Council adopted Ordinance 980 establishing a Tiny Home Ordinance, but the ordinance was subsequently found to have some conflicts with State law; and

WHEREAS, on May 17 of 2023, the Community Development Committee received a Tiny Home presentation from Marie Jones Consulting and discussed this item without providing recommendations regarding ordinance revisions; and

WHEREAS the Planning Commission held a duly noticed public hearing on March 27, 2024, to consider the zoning amendment, accept public testimony and **provided direction to the consultant to revise the resolution and ordinance language and the Planning Commission continued the Public Hearing to April 10, 2024 to review and consider the final resolutions and ordinance language;** and

NOW, THEREFORE, BE IT RESOLVED that the City of Fort Bragg Planning Commission, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the Planning Commission meeting of March 27, 2024 and Planning Commission deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of Fort Bragg does hereby make the following findings and determinations:

SECTION 1: COASTAL LAND USE AND DEVELOPMENT CODE AMENDMENT FINDINGS

Pursuant to Fort Bragg Municipal Code Section 17.94.060, the Planning Commission recommends that the City Council make the following findings for adoption of the proposed amendments to the Fort Bragg Coastal Land Use and Development Code:

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and

The proposed amendment is consistent with the following applicable General Plan policies: Policy LU-10.2, Policy LU-10.4, Policy LU-10.6, Policy LU-5.7, Policy LU-10.1, Policy PF-1.2, Policy PF-2.1, Policy CD-1.1, CD-2.5, Program H-1.3.5, Program H-2.3.2, Policy H-1.6, Program H-3.2

- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment is in the public interest to permit alternative opportunities for housing, which will provide for better convenience and welfare for the residents of the City of Fort Bragg as it will result in additional housing. The proposed amendment requires conformance with applicable building and vehicle codes which will ensure healthy and safe housing.

- c. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The proposed amendment is consistent with ILUDC standards for setbacks, parking, height, lot coverage, and density limits as illustrated in the attached consistency analysis.

SECTION 2: GENERAL FINDINGS:

- a. The foregoing recitals are true and correct and made a part of this Resolution; and
- b. The documents and other material constituting the record for these proceedings are located in the Community Development Department.

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend that the City Council approve an LCP Amendment to the Coastal Commission to Amend Chapter 17.42.175 “Tiny Homes”, of Division 17 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend that the City Council update the Fee Schedule to either exempt Tiny Homes from the payment of capacity fees or that it requires the payment of capacity fees for Tiny Homes on a per square foot prorated share.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

The above and foregoing Resolution was introduced by _____ seconded by _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 10th day of April 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Scott Deitz, Chair

ATTEST:

**Maria Flynn, Administrative Assistant
Community Development Department**

Attachment 2 - Draft Ordinance

Amends Title 17.21.030 & 17.21.050 Land Use Tables as follows:

Amends 17.21.030(B) Table 2-1 Allowable Land Uses and Permit Requirements for Residential Zoning Districts:

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	P Permitted Use, Zoning Clearance required MUP Minor Use Permit required (see Section 17.71.060) UP Use Permit required (see Section 17.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed						
	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
LAND USE (1)	RR	RS	RL	RM	RH	RVH	
RESIDENTIAL USES							
Tiny Home	P	P	P	P	P	P	17.42.175

Amend 17.22.030(C) Table 2-6 Allowable Land Uses and Permit Requirements for Commercial Zoning Districts:

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P Permitted Use, Zoning Clearance required MUP Minor Use Permit required (see Section 17.71.060) UP Use Permit required (see Section 17.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed					
	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
LAND USE (1)	CN	CO	CBD	CG	CH	
RESIDENTIAL USES						
Primary Residential Unit	P(3)	--	P(4)	P(4)	--	
Tiny Home	P(6)	—	—	P(6)	UP(6)	17.42.175

(6) Use permitted only on parcels with existing single residential unit or existing/proposed multifamily development, and only in compliance with § 17.42.175.

17.42.175 Tiny Homes & Model Park RVs

- A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), Tiny Homes and Park Model RVs shall obtain an administrative Coastal Development Permit and comply with the standards of this section and

B. **Definitions.**

A Tiny Home. A Tiny Home is a small towable residential unit (on wheels) that is not on a permanent foundation, and that meets the design and construction criteria listed in C below. Tiny homes shall meet either the provisions of ANSI 119.5 or NFPA 1192. It shall be the burden of the applicant to show compliance with these standards. Tiny homes shall be licensed and registered with the California Department of Motor Vehicles and may only be transported upon the public highway with permit issued pursuant to Vehicle Code Section 35780.

Park Model RV. As defined in Health and Safety Code Section 18009.3, a Park Model RV is a trailer designed for human habitation that meets the following requirements:

1. It contains 400 square feet or less of gross floor area, excluding loft area space if that loft area space meets the requirements of subdivision (b) and Section 18033; and
2. It may not exceed 14 feet in width at the maximum horizontal projection; and
3. It is built upon a single chassis; and
4. It may only be transported upon public highways with a permit issued pursuant to Section 35780 of the Vehicle Code. Park Model RVs shall be licensed and registered with the California Department of Motor Vehicles.

A Park Model RV is not a self-propelled recreational vehicle.

- C. **Tiny Home and Park Model RV Standards.** Tiny Homes and Park Model RVs shall be subject to all of the following additional criteria:

1. **Limitations on Location, Timing & Permit Requirements**

- a. **Accessory to a Primary Residence.** A Tiny home or Park Model RV is allowed as an accessory residential use to a Primary Residential Unit and may be constructed/installed before, during or after the Primary Residential Unit.
 - i. If installed prior to the primary residential unit, the Tiny Home or PMRV must be installed in the back half of the parcel.
 - ii. If installed concurrently or after the primary residential unit, the Tiny Home or PMRV must be installed behind or to the side of the primary residential unit.
- b. **As an ADU Equivalent in Multifamily.** Tiny homes and Park Model RVs are permitted in Multifamily Residential Zoning Districts as a type of detached ADU under Section 18.42.170 or as part of a Tiny Home Community under Section 18.42.110.
- c. **Permit Requirements.** A Tiny Home shall be subject to a Coastal Development Permit if it is located on a permanent foundation or if site improvements are required to establish it.

2. **Development Standards.** Tiny Homes and Park Model RVs (Unit) shall conform with the following requirements:

- a. **Height.** The unit shall have a maximum height of 13' 6" to comply with Department of Motor Vehicles (DMV) towing requirements.

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 in conjunction with the construction of a Tiny Home.

E. Tiny Homes and Park Model RV's Proposed for Sensitive Habitats, Scenic Areas, and areas subject to Sea Level Rise.

1. Visual Resources. Tiny Homes and Park Model RVs shall be reviewed for impacts to visually resources in visually sensitive areas as designated in Map CD-1 of the Coastal General Plan.
2. Sensitive Habitat. Tiny Homes and Park Model RVs shall be reviewed for impacts to sensitive habitats in areas as designated in Map OS-1 of the Coastal General Plan.
3. Areas Sensitive to Sea Level Rise. Tiny Homes and Park Model RVs that are proposed for areas that are vulnerable to sea level rise and other coastal hazards shall meet all LCP requirements for new development to be safe from such hazards, but that also addresses the need for future sea level rise adaptations including future removal and risk disclosure.