

**RESOLUTION NO. PC 09-2023**

**RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION  
RECOMMENDING THAT THE CITY COUNCIL SUBMIT AN LCP  
AMENDMENT APPLICATION TO THE COASTAL COMMISSION TO  
AMEND TITLE 17 OF THE FORT BRAGG MUNICIPAL CODE TO AMEND  
CHAPTER 17.21.030(B) & 17.21.050 "RESIDENTIAL ZONING  
DISTRICTS", ADD CHAPTER 17.42.200 "URBAN UNIT DEVELOPMENT",  
ADD CHAPTER 17.84.045 "URBAN LOT SPLIT", AND AMEND CHAPTER  
17.100 "DEFINITIONS" TO ESTABLISH REGULATIONS AND  
STANDARDS FOR URBAN LOT SPLITS AND URBAN UNIT  
RESIDENTIAL DEVELOPMENT PROJECTS IN LOW-DENSITY  
RESIDENTIAL ZONING DISTRICTS PURSUANT TO SENATE BILL 9.**

**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 its sphere of influence; 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**, on September 16, 2021, California Governor Gavin Newsom signed Senate Bill 9 (SB-9) into law as part of an effort to address the State’s housing crisis by streamlining housing production; and

**WHEREAS**, the new legislation became effective on January 1, 2022, and requires local agencies to ministerially approve urban lot splits and development of up to four residential units per single family residential lot provided the projects meet certain criteria; and

**WHEREAS**, the City wishes to balance compliance with State law with the rights still preserved under the new legislation authorizing the City to establish objective zoning, subdivision and design review standards consistent with SB-9 requirements to approve urban lot splits and urban unit residential development; 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**, the Community Development Committee held a duly noticed public hearing on May 17, 2023, to discuss a memo about SB-9 implementation in Fort Bragg; and public comments were given at that time; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on October 11, 2023, to consider the Zoning Amendment, accept public testimony; 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 October 11, 2023 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 makes 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

As noted in the General Plan Consistency Analysis, which is Attachment 2 to the staff

report and incorporated by reference under the resolution statement above, the project is consistent with the Coastal General Plan as follows:

1. The proposed project is consistent with the land use designations of the Land Use Element of the Coastal General Plan (CGP) because state law does not allow local jurisdictions to include the four units allowed through an Urban Lot Split and subsequent development in their density calculations. Thus, while the amendments will allow “higher” residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
  2. 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-1.1, Policy PF-2.1, Policy CD-1.1: Policy CD-2.4 and Policy CD-2.5
  3. The proposed amendment would be consistent with the policies of the Conservation Element as a CDP is required if the project is located in an area that has the potential to effect Environmentally Sensitive Habitats, Wetlands, visual resources or on other Coastal Act resources as illustrated in the Maps of the Coastal General Plan.
- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment is mandated by State Law as such it is in the public interest to permit additional opportunities for residential housing development, which will provide for better convenience and welfare for the residents of the City of Fort Bragg as it will result in additional housing units. The proposed amendment requires conformance with all applicable building 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 CLUDC standards with the following State mandated exception.

1. **Lot Coverage:** As mandated by state law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
2. **Set Backs:** As mandated by state law, housing units developed as a consequence of this ordinance have an exception from the code requiring only 4 feet setbacks on the rear and side property lines. Additionally, front yard setbacks must be reduced if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
3. **Parking and Traffic:** Again, in compliance with State law, City Council may require

that housing units developed as a consequence of this ordinance provide off-street parking so long as that requirement does not preclude an applicant from building at least two units of 800 SF each.

**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 at the Community Development Department.

**BE IT FURTHER RESOLVED** that the Fort Bragg Planning Commission does hereby recommend that the City Council submit an LCP Amendment application to the Coastal Commission to amend Title 17 to the Fort Bragg Municipal Code to Amend Chapter 17.21.030(B) & 17.21.050 "Residential Zoning Districts" add Chapter 17.42.200 "Urban Lot Split" and add Chapter 17.84.045 "Urban Unit Residential Development" and amend Chapter 17.100 "Definitions" to establish regulations and standards for urban lot splits and urban unit residential development projects in Low-Density Residential zoning districts pursuant to Senate Bill 9.

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

The above and foregoing Resolution was introduced by Commissioner Stavely seconded by Commissioner Neils, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 11<sup>th</sup> day of October 2023, by the following vote:

**AYES:** Jensen, Neils, Stavely, Deitz

**NOES:** None

**ABSENT:** Logan

**ABSTAIN:** None

**RECUSE:** None

  
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Scott Deitz, Acting Chair

**ATTEST:**

  
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Maria Flynn, Administrative Assistant  
Community Development Department