



24-678 - Tiny Homes Staff Report 4-10- 2024

Amendments to the CLUDC and
ILUDC, City of Fort Bragg

Legistar

PROJECT INFORMATION

- APPLICATION #:** Tiny Homes ILUDC Amendment (ILUDC 4-23) and LCP Amendment (LCP 4-23)
- APPLICANT:** City of Fort Bragg
- PROJECT:** Provide Recommendation to City Council Regarding Proposed Amendments to the Inland and Coastal Land Use and Development Codes to 1) Amend the Tiny Homes Ordinance in the ILUDC, and 2) Prepare a Tiny Homes LCP amendment for the Local Coastal Program.
- LOCATION:** Residential and commercial zoning districts in the Coastal Zone and the Inland Area.
- APN:** Various
- LOT SIZE:** Various
- ZONING:** RS, (Suburban Residential), RL (Low Density Residential). RM (Medium Density Residential), RH (High Density Residential); RVH (Very High Density Residential), CN (Neighborhood Commercial), CG (General Commercial).
- ENVIRONMENTAL DETERMINATION:** A CEQA document will be prepared for this project.
- APPROVALS:** This project constitutes a change to the City of Fort Bragg Local Coastal Program and the City’s Inland Land Use and Development Code.
- The Planning Commission may adopt a Resolution of the Fort Bragg Planning Commission Recommending that the City Council Amend Chapter 18.42.175 “Tiny Homes”, of Division 18 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.
 - The Planning Commission may Adopt 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.

PROJECT BACKGROUND

The Planning Commission held a public hearing on March 27, 2024 and all changes to this staff report and ordinances from the direction provided by the Planning Commission are noted in purple font.

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.).

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, specifically: by allowing up to three tiny homes on a lot, it conflicts with state regulations regarding Mobilehome parks as any parcel with two or more mobile homes is considered a Mobilehome park by the State. Additionally, the proposed ordinance revision would regulate both Tiny Homes and Park Model RVs as equivalent housing types subject to the same requirements, which have been updated as well.



Tiny Home



Park Model RV

The Community Development Committee heard this item on May 17, 2023. The CDC did not provide recommendations regarding the proposed revised Tiny Home Ordinance.

On March 27, 2024, the Planning Commission held a public hearing and provided the direction regarding the Tiny Home Ordinance. The table below provides a brief description of both the direction and how it was implemented in the revised ordinance.

Recommendation	Implementation
<p>1. Allowable Zoning Districts: Allow a Tiny Home as a permitted use in the CN and CG zoning districts on a parcel with a single-family home or duplex. Allow a Tiny Home on the CH zoning district with a Use Permit on a parcel with a single-family home or duplex. Don't allow Tiny Homes in the CBD or the CO zoning districts.</p>	<p>Implemented as directed in the Use Tables.</p>
<p>2. Revise section 17.42.174 C1 to allow a Tiny Home before or after construction of the primary unit. Allow a Tiny Home as an alternative to an ADU for a multifamily project.</p>	<p>Implemented as suggested. Additionally, language was added to clarify that if a Tiny Home was built prior to the primary unit it should be located on the back half of the property. MJC also determined that additional clarity was required to define if Tiny Homes and PMRVs should be allowed as an alternative to the two detached ADUs that are allowed as part of ADU law with regard to multi-family projects. C1b was added to clarify that Tiny Homes could be substituted for the two allowable detached ADUs in a multi-family project.</p>
<p>3. Revise Section 17.42.174C2c to change the rear and side setbacks for a Tiny Home to 4 feet. Revise Section 17.42.175C2i to allow a Tiny Home in addition to an ADU. Require a minimum setback of ten feet between a Tiny Home and any other structure on a parcel.</p>	<p>Implemented as requested.</p>
<p>4. Complete additional research to determine if it is possible to require a fire inspection prior to occupancy of the Tiny Home.</p>	<p>MJC reached out to the Fire Marshal who confirmed that he can inspect a Tiny Home to ensure that it has a smoke detector and a fire extinguisher. C1f was added to the ordinance.</p>
<p>5. Confirm with the Building Department the requirement for conformance with Appendix Q to put a Tiny Home on a foundation.</p>	<p>MJC confirmed that to install a Tiny Home on a foundation it must comply with the Appendix Q of the UBC, which is included as Attachment 5 to this staff report.</p>
<p>6. Revise section 17.42.1743b. to delete b requirements regarding roof pitch.</p>	<p>This section has been deleted.</p>
<p>7. Request that City Council consider either not changing Capacity Fees for Tiny Homes or to require a prorated capacity fee based on the square feet of the Tiny Home.</p>	<p>This has been included in the staff report and resolution that will go forward to City Council.</p>

Additionally, MJC provided clarification under C23a that a paved pad is only required if the unit is not on a permanent foundation.

PROJECT DESCRIPTION

This section summarizes various changes to the CLUDC and the ILUDC for the Planning Commission and City Council’s consideration. This amendment is voluntary as it is not required by the State, therefore the City Council has total decision-making authority as to if or how to amend the zoning codes to allow Tiny Homes and Park Model RVs on residential zoned parcels and possibly commercial zoned parcels.

Policy Considerations for Tiny Homes

Please review the attached ordinances and consider providing a recommendation to City Council on the following key policy points and changes to the existing ordinance.

Section	Proposed change and discussion
B. Definitions.	Refines the Tiny Home definitions to clarify that: 1) Tiny Homes must comply with relevant vehicle code standards and 2) Park Model RV’s are also included in the Tiny Home regulations.
C1. Limitations on Location.	Clarify if a Tiny Home should be an accessory use to a primary residence in any zoning ordinance. The exiting ordinance would appear to allow Tiny Homes on parcels with primary residences in both residential and commercial zoning districts. As written, the 2022 ordinance would allow Tiny Homes in a commercial zoning district with a pre-existing residential home. The Planning Commission should clarify if: <ol style="list-style-type: none"> The City should allow a Tiny Home as an accessory residential use in commercial zoning districts and/or high-density residential zoning districts or only in low density zoning districts Please review the use tables and provide a recommendation on these questions.
C2b. Location.	Please provide a recommendation if Tiny Homes should comply with existing setback requirements (5 feet at the side and 10 feet at the back property line) or with the more generous setback requirements of ADUs and Urban Unit Development (4 feet). Please provide a recommendation if you agree that Tiny Homes should be placed to the side or behind a Primary Residential Unit, but not in front of one.
C2d. Number of Units Allowed.	The existing ordinance allows up to three Tiny Homes per residential parcel. However, the State considers any parcel with two or more mobile homes or Tiny Homes as a Mobilehome park, and as such they are required to conform with State Mobilehome park regulations. Therefore, if two or more Tiny Homes are allowed on a residential lot it would have to comply with the City’s requirements in the proposed Tiny Home Community ordinance. <ul style="list-style-type: none"> MJC recommends that the Tiny Home ordinance be modified to allow only one Tiny Home on a parcel with a primary residential unit. MJC further recommends that a Tiny Home not be allowed on a parcel that already has a detached ADU. Please provide direction if you agree with this approach.

C2e. Foundation.	This section clarifies that a Tiny Home may <u>not</u> be placed on a permanent foundation unless it complies with Appendix Q of the UBC which includes specific standards for Tiny Homes (see https://up.codes/viewer/california/irc-2018/chapter/Q/tiny-houses#Q to review UBC code for Tiny Homes).
C. Design Standards.	This section clarifies preferred materials and utility connection requirements. Please provide a recommendation regarding the listed design standards and/or if you want any additional standards.
D. Parking.	This section adds parking requirements for the Coastal Zone.
E. Sensitive Habitats	This section adds resource protection requirements for the Coastal Zone.

RECOMMENDED ACTION

1. Adopt a Resolution of the Fort Bragg Planning Commission Recommending that the City Council Amend Chapter 18.42.175 “Tiny Homes”, of Division 18 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.
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ALTERNATIVE ACTION(S)

Provide alternative direction to staff and the consultant.

ENVIRONMENTAL ANALYSIS

- **ILUDC Amendment.** The proposed project is subject to CEQA and an MND has been prepared and is presented to the Council for approval concurrent with this item.
- **CLUDC Amendment.** The proposed amendment to the Coastal Land Use and Development Code is part of the City’s Local Coastal Program and will be submitted to the California Coastal Commission for certification. Therefore, the proposed project is statutorily exempt from further environmental review under CEQA Guidelines 15265 Adoption of Coastal Plans and Programs.

Fiscal Impact

No impact. The proposed ordinance does not propose to eliminate capacity fees for tiny homes.

Greenhouse Gas Emissions Impact

Greenhouse gas emissions would be reduced as residential density is added to the City as it reduces the miles traveled for residents to access services, jobs and community activities.

Consistency

The consistency of the proposed ordinance amendments with the Coastal General Plan and Inland General Plan has been analyzed in Attachments 3 of this report.

Implementation/Timeframes

This effort includes two amendments, which are processed differently as the CLUDC amendment will be a Local Coastal Program application to the Coastal Commission which will be approved by the Coastal Commission, while the ILUDC amendment will be approved as an ordinance by the City Council. While the two amendments are similar, they are not identical, as Tiny Home Communities in the Coastal Zone would be subject to the Coastal Development Permit process.

- October– Prepared and circulated CEQA document.
- March – Recommendation from Planning Commission.
- April – First reading of the ordinance by City Council.
- May – Second reading of the ordinance and adoption by City Council.
- June – Ordinance goes into effect.

NOTIFICATION

1. “Notify Me” subscriber lists: Fort Bragg Downtown Businesses; and Economic Development Planning.

ATTACHMENTS

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2. Resolution of the Fort Bragg Planning Commission Recommending that the City Council Amend Chapter 17.42.175 “Tiny Homes”, of Division 17 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.
3. Tiny Home General Plan Consistency Analysis
4. Track Changes Compare of the Original and Revised Ordinance
5. Appendix Q of the UBC