

## RESOLUTION NO. *PC XX-2020*

### RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION RECOMMENDING THAT THE FORT BRAGG CITY COUNCIL ADOPT INLAND LAND USE AND DEVELOPMENT CODE AMENDMENT 1-20

**WHEREAS**, the City of Fort Bragg (“City”) adopted an Inland General Plan and certified an Environmental Impact Report Addendum for the General Plan on December 2, 2012; and

**WHEREAS**, the City adopted an Inland Land Use and Development Code (ILUDC) and Negative Declaration on June 12, 2017; and

**WHEREAS**, the adoption of an Inland Land Use and Development Code is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new state planning and land use requirements; and 3) update zoning regulations in accordance with the City Council policy direction; and

**WHEREAS**, Senate Bill (SB) SB-13 and Assembly Bills (AB) AB 881, AB 68, AB 587, and AB 671 became effective on January 1, 2020, which modified the State law regarding requirements for second units, referred to herein as accessory dwelling units (ADU) and junior accessory dwelling units (JADU); and

**WHEREAS**, the City of Fort Bragg Inland Land Use and Development Code Article 2 (Zoning Districts and Allowable Land Uses), allows for the establishment of second units in all residential zoning districts subject to certain standards; and

**WHEREAS**, the City of Fort Bragg Inland Land Use and Development Code Article 4 (Standards for Specific Land Uses) further regulates second units with specific standards for accessory dwelling units (ADU) and junior accessory dwelling units (JADU); and

**WHEREAS**, the City of Fort Bragg Inland Land Use and Development Code Article 9 (Inland Land Use and Development Code Administration) provides provisions for nonconforming land uses and structures that could be applicable to accessory dwelling units (ADU) and junior accessory dwelling units (JADU); and

**WHEREAS**, the City of Fort Bragg Inland Land Use and Development Code Article 10 (Definitions) further defines terms and phrases that are technical or specialized, or may not reflect common usage; and

**WHEREAS**, the above referenced Articles of Title 18 (Inland Land Use and Development Code) of the City of Fort Bragg Municipal Code are amended to comply with State law and clarify regulations for accessory dwelling units and junior accessory dwelling units; and

**WHEREAS**, the Planning Commission held a properly noticed public hearing on January 8, 2020, during which all interested persons were heard,

**WHEREAS**, the Planning Commission did hear and consider all said reports, recommendations and testimony herein above set forth and used independent judgement to evaluate the project.

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Fort Bragg does hereby find that the foregoing recitals are true and correct and made a part of this resolution; and the Planning Commission hereby recommends that the City Council adopt Inland Land Use and Development Code Amendment 1-20 based on the following findings as required by Section 18.94.060(B):

18.94.060(B)(1)(a) – The proposed amendment is consistent with the General Plan and any applicable specific plan, because the proposed amendments are consistent with applicable land use designations and comply with State law. Furthermore, the City’s Housing Element promotes a variety of housing types accessible to all income levels, including accessory dwelling units and multifamily developments, as illustrated in the following policies and programs:

Policy H-1.3 Secondary Dwelling Units. Continue to facilitate the construction of secondary dwelling units on residential properties.

Program H-1.3.1 Secondary Dwelling Unit Design. Continue to implement the City’s free secondary unit program to provide affordable and aesthetically pleasing second unit designs for the development of secondary units in Fort Bragg.

Program H-1.3.2 No Development Impact Fees for Secondary Units. Continue to refrain from charging Capacity Fees for second units.

Program H-1.3.3 Junior Accessory Dwelling Units. Consider revising the zoning ordinance to allow junior accessory dwelling units (units no more than 500 SF and contained entirely within an existing single-family structure) in single-family residential and multifamily zoning. The Junior Accessory units would be in addition to a second unit, allowing up to 3 units per parcel by right.

Policy H-1.7 Workforce Housing. Encourage multi-unit housing developments in order to encourage market rate rental housing, affordable housing and lower cost ownership opportunities such as townhomes and condominiums.

Program H-2.4.5 Prioritize City Services for Housing Developments. Continue to implement procedures to grant priority service for sewer and water services to residential developments.

19.94.060(B)(1)(b) – The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because accessory dwelling units and junior accessory dwelling units can be an invaluable tool for providing much needed affordable and/or available housing stock in our community. All existing and proposed residential units are constructed in compliance with the CA Building Code and City development standards.

19.94.060(B)(2) – The proposed amendment is internally consistent with other applicable provisions of the Development Code because all sections pertaining to Second Units have been included in one comprehensive amendment. ILUDC 1-20 also includes minor revisions for internal consistency, such as changing the word “Section” to the section symbol “§” throughout all tables of Article 2.

The above and foregoing Resolution was introduced by Planning Commissioner \_\_\_\_\_, seconded by Planning Commissioner \_\_\_\_\_, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 8th day of January 2020, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**RECUSE:**

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**Planning Commission Chair**

**ATTEST:**

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**Joanna Gonzalez**  
**Administrative Assistant**