



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Agenda Planning Commission

Wednesday, September 13, 2023

6:00 PM

Town Hall, 363 N. Main Street and Via Video
Conference

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PLANNING COMMISSIONERS PLEASE TAKE NOTICE

Planning Commissioners are reminded that pursuant to the Council policy regarding use of electronic devices during public meetings adopted on November 28, 2022, all cell phones are to be turned off and there shall be no electronic communications during the meeting. All e-communications such as texts or emails from members of the public received during a meeting are to be forwarded to the City Clerk after the meeting is adjourned.

ZOOM WEBINAR INVITATION

This meeting is being presented in a hybrid format, both in person at Town Hall and via Zoom.

You are invited to a Zoom webinar.

When: Sep 13, 2023 06:00 PM Pacific Time (US and Canada)

Topic: Planning Commission

Please click the link to join the webinar: <https://us06web.zoom.us/j/88045577177>

Or One tap mobile : US +16694449171 or 88045577177# or +17193594580

Or Telephone: US +1 669 444 9171 or +1 719 359 4580 or +1 720 707 2699

Webinar ID: 880 4557 7177

International numbers available: <https://us06web.zoom.us/j/kxu5TvhIB>

To speak during public comment portions of the agenda via zoom, please join the meeting and use the raise hand feature when the Chair or Acting Chair calls for public comment on the item you wish to address.

1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS

MANNER OF ADDRESSING THE COMMISSION: All remarks and questions shall be addressed to the Planning Commission; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Chair or Acting Chair. Public comments are restricted to three (3) minutes per speaker.

TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: Thirty (30) minutes shall be allotted to receiving public comments. If necessary, the Chair or Acting Chair may allot an additional 30 minutes to public comments after Conduct of Business to allow those who have not yet spoken to do so. Any citizen, after being recognized by the Chair or Acting Chair, may speak on any topic that may be a proper subject for discussion before the Planning Commission for such period of time as the Chair or Acting Chair may determine is appropriate under the circumstances of the particular meeting, including number of persons wishing to speak or the complexity of a particular topic. Time limitations shall be set without regard to a speaker's point of view or the content of the speech, as long as the speaker's comments are not disruptive of the meeting.

BROWN ACT REQUIREMENTS: The Brown Act does not allow action or discussion on items not on the agenda (subject to narrow exceptions). This will limit the Commissioners' response to questions and requests made during this comment period.

WRITTEN PUBLIC COMMENTS: Written public comments received after agenda publication are forwarded to the Commissioners as soon as possible after receipt and are available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, during normal business hours. All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, except comments that are in an unrecognized file type or too large to be uploaded to the City's agenda software application. Public comments may be emailed to CDD@fortbragg.com.

2. STAFF COMMENTS

3. MATTERS FROM COMMISSIONERS

4. CONSENT CALENDAR

All items under the Consent Calendar will be acted upon in one motion unless a Commissioner requests that an individual item be taken up under Conduct of Business.

4A. [23-211](#) Approve Minutes of the March 22, 2023 Planning Commission meeting.

Attachments: [03222023 PC Minutes](#)

5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

6. PUBLIC HEARINGS

6A. [23-283](#)

Adopt a Resolution of the Fort Bragg Planning Commission Recommending that the City Council Submit a Local Coastal Plan Amendment Application to the Coastal Commission to Amend Division 17 to the Fort Bragg Municipal Code to Amend Chapter 17.21.030(B)(C) "Residential District Allowable Land Uses and Permit Requirements" & 17.21.050 "Residential District Site Planning and Building Standards", to Repeal and Replace 17.42.170 "Second Units" and to Amend Chapter 17.71.050 "Design Review" and Chapter 17.100 "Definitions" to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law. Adopt a Resolution of the Fort Bragg Planning Commission Recommending that the City Council Amend Division 18 to the Fort Bragg Municipal Code to Amend Chapter 18.21.030(B)(C) "Residential District Allowable Land Uses and Permit Requirements" & 18.21.050 "Residential District Site Planning and Building Standards", to Repeal and Replace 18.42.170 "Second Units - Accessory Dwelling Unit and Junior Accessory Dwelling Unit" and to Amend Chapter 18.71.050 "Design Review" And Chapter 18.100 "Definitions" to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law

Attachments: [PC Report ADU Ordinance Amendments](#)

[Attachment 1 - PC Resolution - CLUDC ADU Ordinance Amendment](#)

[Attachment 2 - PC Resolution ILUDC ADU Ordinance](#)

[Attachment 3 - Consistency Analysis ADUs](#)

[Public Hearing Notice](#)

[Comment Item 6A Patterson](#)

7. CONDUCT OF BUSINESS**ADJOURNMENT**

The adjournment time for all Planning Commission meetings is no later than 9:00 p.m. If the Commission is still in session at 9:00 p.m., the Commission may continue the meeting upon majority vote.

STATE OF CALIFORNIA)
)ss.
COUNTY OF MENDOCINO)

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on September 10, 2023.

Juliana von Hacht Cherry
Director, Community Development Department

NOTICE TO THE PUBLIC

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Community Development Department at 416 North Franklin Street, Fort Bragg, California, during normal business hours. Such documents are also available on the City's website at www.fortbragg.com subject to staff's ability to post the documents before the meeting.

ADA NOTICE AND HEARING IMPAIRED PROVISIONS:

It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.

If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.

This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).



City of Fort Bragg

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Text File

File Number: 23-211

Agenda Date: 9/13/2023

Version: 1

Status: Business

In Control: Planning Commission

File Type: Minutes

Agenda Number: 4A.

Approve Minutes of the March 22, 2023 Planning Commission meeting.



City of Fort Bragg

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Phone: (707) 961-2823
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Meeting Minutes Planning Commission

Wednesday, March 22, 2023 6:00 PM

Town Hall, 363 N.Main Street and
Via Video Conference

MEETING CALLED TO ORDER

Chair Logan called the meeting to order at 6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 4 - Chair Jeremy Logan, Vice Chair Scott Deitz, Commissioner Jary Stavely, and
Commissioner David Jensen

1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS

None.

2. STAFF COMMENTS

Consultant Jones advised the Commissioners that the Grocery Outlet project would soon be brought before them. Assistant Planner Peters stated that Staff are making preparations for the recognition of Commissioner Miklose for his time on the Planning Commission.

3. MATTERS FROM COMMISSIONERS

Commissioner Deitz advised the Commission and Staff that the Ad-Hoc for Mill Site Planning had ceased all activities per the Brown Act and the Planning Commission Bylaws due to being short one commissioner.

Commissioner Stavely expressed his appreciation for those who provided Public Comment on the 2023 Planning Commission Bylaws.

4. CONSENT CALENDAR

Commissioner Jensen requested that Item 4B be removed from the Consent Calendar and moved to Conduct of Business.

4A [23-080](#) Approve Minutes of February 8, 2023 Planning Commission Meeting Minutes

A motion was made by Vice Chair Deitz, seconded by Commissioner Jensen, that these minutes be approved on the Consent Calendar. The motion carried by the following vote:

Aye: 4 - Chair Logan, Vice Chair Deitz, Commissioner Stavely and Commissioner Jensen

ITEMS REMOVED FROM CONSENT CALENDAR

- 4B** [23-072](#) Consider Adoption of a Resolution Approving the Amended City of Fort Bragg Planning Commission Bylaws

Discussion: Commissioner Jensen stated that the Planning Commission was given the amended Bylaws before the meeting and acknowledged that Public Comment was taken into consideration for the changes. Consultant Jones responded to the Commissioner's questions about City processes for public comment. She also stated that the City follows State guidelines. Consultant Jones, Assistant Planner Peters, and the City Attorney, explained the proposed changes to the Bylaws and responded to questions from the Commission.

A motion was made by Committee Member Jensen, seconded by Commissioner Stavely, that the Planning Resolution be adopted as amended. The motion carried by the following vote:

Aye: 4 - Chair Logan, Vice Chair Deitz, Commissioner Stavely and Commissioner Jensen

Enactment No: RES PC01-2023

5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None.

6. PUBLIC HEARINGS

None.

7. CONDUCT OF BUSINESS

- 7A** [23-083](#) Adopt Resolution Making the Findings That the City of Fort Bragg Acquisition of Six Parcels of Real Property is Consistent With the City's General Plan

Discussion: Public Works Director Smith and Consultant Jones responded to Commissioner questions about zoning and security measures for the six parcels.

Public Comment: None.

A motion was made by Vice Chair Deitz, seconded by Chair Logan, that the Planning Resolution be adopted. The motion carried by the following vote:

Aye: 4 - Chair Logan, Vice Chair Deitz, Commissioner Stavely and Commissioner Jensen

Enactment No: RES PC02-2023

ADJOURNMENT

Chair Logan adjourned the meeting at 6:42 P.M.

Jeremy Logan, Chair

Humberto Arellano, Administrative Assistant



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Text File

File Number: 23-283

Agenda Date: 9/13/2023

Version: 1

Status: Public Hearing

In Control: Planning Commission

File Type: Planning Resolution

Agenda Number: 6A.

Adopt a Resolution of the Fort Bragg Planning Commission Recommending that the City Council Submit a Local Coastal Plan Amendment Application to the Coastal Commission to Amend Division 17 to the Fort Bragg Municipal Code to Amend Chapter 17.21.030(B)(C) "Residential District Allowable Land Uses and Permit Requirements" & 17.21.050 "Residential District Site Planning and Building Standards", to Repeal and Replace 17.42.170 "Second Units" and to Amend Chapter 17.71.050 "Design Review" and Chapter 17.100 "Definitions" to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law. Adopt a Resolution of the Fort Bragg Planning Commission Recommending that the City Council Amend Division 18 to the Fort Bragg Municipal Code to Amend Chapter 18.21.030(B)(C) "Residential District Allowable Land Uses and Permit Requirements" & 18.21.050 "Residential District Site Planning and Building Standards", to Repeal and Replace 18.42.170 "Second Units - Accessory Dwelling Unit and Junior Accessory Dwelling Unit" and to Amend Chapter 18.71.050 "Design Review" And Chapter 18.100 "Definitions" to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law



Assessory Dwelling Units

Amendments to the ILUDC and
CLUDC

Marie Jones Consulting, August 2023

PROJECT INFORMATION

APPLICATION #:	ILUDC and CLUDC Amendments ZON 3-23 & 4-23
APPLICANT:	City of Fort Bragg
PROJECT:	Amend the Coastal Land Use and Development Code and the Inland Land Use and Development Code to comply with recent amendments to State of California housing laws related to Accessory Dwelling Units (ADU), including making ADUs a permitted use by right in many zoning districts.
LOCATION:	Residential and Commercial Zoning Districts in the Coastal Zone and the Inland Area.
APN:	Various
LOT SIZE:	Various
ZONING:	Low Density, Medium Density, High Density and Very High-Density Residential Zoning Districts and General Commercial, Highway Visitor Commercial, Neighborhood Commercial, and Commercial Office Zoning Districts, and the Central Business District.
ENVIRONMENTAL DETERMINATION:	The Coastal LUDC Amendment is Statutorily Exempt from CEQA under CEQA Guidelines 15265 Adoption of Coastal Plans and Programs and CEQA Guidelines 15282(h); the Inland LUDC amendment is statutorily exempt under CEQA Guidelines 15282(h): The adoption of an ordinance regarding second units in a single-family or multi-family residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code
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 will provide a recommendation to the City Council who will make the legislative decision on the amendments. The Coastal LUDC amendment will be submitted as an application to the California Coastal Commission for consideration and possible certification.

PROJECT BACKGROUND

To increase housing production and improve housing affordability, Governor Newsom recently signed 18 bills into law. The following bills limit the City's authority to regulate Accessory Dwelling

Units (ADUs): Senate Bill 13, Assembly Bill 881, Assembly Bill 68, Assembly Bill 587 and Assembly Bill 671. Additionally, the Governor signed AB345, w h i c h allows for separate conveyance of ADUs in specific circumstances for low-income housing.

In May 2023, the Community Development Committee received a report regarding proposed changes to ADU and Tiny Home regulations. Public comment was heard. The Committee accepted the report.

In February 2020, the City Council adopted Ordinance 20-609 to amend the Inland Land Use and Development Code (ILUDC) to meet the requirements of some of the new State laws and support the City's housing goals. However, this update must be modified because there are inconsistencies between the 2020 ordinance and State law as of 2023. Additionally, a new zoning amendment is required to update ADU regulations in the Coastal Zone.

PROJECT DESCRIPTION

The proposed amendment would include changes to the Land Use Tables, a new ADU ordinance, and changes to the Design Review process to exempt ADUs from administrative Design Review. See Attachments 1 and 2, which include the Resolutions with all proposed amendments language. There are limited opportunities to provide policy direction with regard to the ADU amendments, as most changes are mandated by the State, these opportunities are noted in grey highlight with minimum correlated requirements noted in yellow highlight. For example, the maximum size for an ADU is 1,000 to 1,200 SF, where 1,000 SF is required as a maximum size for a 2-bedroom ADU by State law and 1,200 SF is permissible as a maximum if preferred by the City Council and the Planning Commission. The Planning Commission should provide a recommendation on these policy points.

The table below summarizes the changes to the CLUDC and the ILUDC ordinances. All changes are identified in the resolutions. The summary table indicates the status of the proposed change as follows:

1. **Required.** Many of the changes are **required** by State law and would bring the City's land use codes into compliance with the State's ADU housing law.
2. **Consistency.** Some changes are also recommended to create consistency between the CLUDC and the ILUDC and implement previous direction regarding ADU's from the City Council and Planning Commission in the CLUDC.
3. **Recommendation.** MJC recommends two changes to allow larger ADUs and two story ADUs.

	Proposed Change	Status
	Changes to Land Use Tables	
1	Allow at least one ADU and one JADU in all zoning districts with a primary residential unit	Required
2	Allow a duplex (in lieu of a single-family residence) as a permitted use by right on all residential zoned parcels including Low Density Residential.	Required

3	Allow existing structures that have the appearance of a single residential dwelling unit that are currently used for commercial uses in commercial districts to be used as a residential unit with a Minor Use Permit. This is not required by State law but would implement a change in the CLUDC that was previously approved by the City Council for the ILDUC.	Consistency in CLUDC.
4	Change residential component of a mixed-use project to permitted use by right in Commercial General and Highway Visitor Commercial Zoning Districts.	Consistency in CLUDC.
Revise the specific land use standards in 17.42.170 & 18.42.170 Second Units		
5	Define the various types of accessory dwelling units.	Required
6	Define the review and approval process for the ILUDC and the CLUDC. Define the conditions for Coastal Development Permit exemptions and administrative CDPs for ADUs.	Required
7	Establishes a 60-day deadline for permit processing or the planning permit is deemed approved.	Required
8	Regulations regarding the number, type and location for ADUs and JADUs, and limitations on regulations regarding density, lot size, timing, conversion of existing structure to an ADU, sale of ADUs, prohibition of short-term rentals.	Required
9	Allow Multi-Family Residential properties to convert non-living space (closets, sheds, garages, etc.) to ADUs (up to 25% number of legal units). Allow ADUs in condominiums.	Required
10	Establish development standards such as height limits, setbacks, ADU size and height limits, window placement, etc.	Required & Optional
11	Eliminate owner occupancy requirements for primary residence.	Required
12	Allow the conversion of existing accessory structures (garages, sheds, etc.) into ADU's without requiring compliance with height limits, size limits and other requirements for ADUs so long as the accessory structure is pre-existing.	Required
13	Require exemptions to zoning standards to allow at least one 800 SF unit. Establish the order of priority for exemptions.	Required Optional
14	Increase the allowable square footage for an ADU from 1,000 SF to 1,200 SF. This change is not required by law, but it is permissible by law. It would allow for more two-bedroom ADUs that are needed in our community. Alternatively, the City could retain the 1,000 SF limitation on size.	Recommend
15	Increase the allowable height for an ADU from 16 feet to 28 feet, which is the maximum height for a single-family home. This recommendation is not required by law. This would allow two story ADUs and ADUs above garages. Current regulations do not allow second-story windows to look out on the adjacent parcels. The CDC recommends deleting a requirement that windows on the ground floor of an ADU do not directly face windows of other units on the parcel or adjoining parcels (see strike out K2e of the attached ordinance).	Recommend

16	Allow ADUs on the front or back of the parcel, with limitations. Allow ADUs to be larger or smaller than the primary unit, with limitations.	Required
17	Prohibit parking requirements, except in certain areas of the Coastal Zone.	Required
18	Compliance with Coastal Resources regulations.	Required
19	Prohibit capacity and impact fees for all ADUs (See N of the attached ordinance).	Required for units of 750 SF or less.
20	Prohibit requiring off-site improvements.	Required
21	Prohibit correction of nonconforming zoning conditions.	Required
22	Require 5 years to correct non-conforming and illegal ADUs.	Required
23	Void restrictive covenants that disallow ADUs.	Required
24	Establish review process for Coastal Resources for ADUs located in the Coastal Zone.	Required
	Revise Design Review 18/17.70.050 & Definitions 18/17.100.020	
25	Update the Design Review section to make ADUs exempt from Design Review (Attachment 4)	Required
26	Update relevant definitions (Attachment 4) for the ADU Ordinances.	Required

The proposed revisions to the code include updates to the following sections.

Coastal land Use & Development Code

Article 2	Chapter 17.21	Section 17.21.030	Land Use Tables
	Chapter 17.22	Section 17.22.030	
Article 4	Chapter 17.42	Section 17.42.170	ADUs
Article 7	Chapter 17.70	Section 17.70.050	Design Review & Definitions
Article 10	Chapter 17.100	Section 17.100.020	

Inland Land Use & Development Code

Article 2	Chapter 18.21	Section 18.21.030	Land Use Tables
	Chapter 18.22	Section 18.22.030	
Article 4	Chapter 18.42	Section 18.42.170	ADUs
Article 7	Chapter 18.70	Section 18.70.050	Design Review of ADUs
Article 10	Chapter 18.100	Section 18.100.020	Relevant ADU Definitions

ENVIRONMENTAL ANALYSIS

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. Additionally, the proposed ILUDC amendment is statutorily exempt under CEQA Guidelines 15282(h): The adoption of an ordinance regarding second units in a single-family or multi-family residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.

RECOMMENDED ACTION

1. Adopt a Resolution of the Fort Bragg Planning Commission recommending that the City Council submit an LCP Amendment Application to the Coastal Commission to amend Division 17 to the Fort Bragg Municipal Code, to amend Chapter 17.21.030(B)(C) & 17.21.050 "Residential District Site Planning and Building Standards", to repeal and replace 17.42.170 "Second Units", to amend Chapter 17.71.050 "Design Review" and Chapter 17.100 "Definitions", and to establish regulations and standards for Accessory Dwelling Units pursuant to State Law.
2. Adopt a Resolution of the Fort Bragg Planning Commission recommending that the City Council amend Division 18 to the Fort Bragg Municipal Code, to amend Chapter 18.21.030(B)(C) & 18.21.050 "Residential District Site Planning and Building Standards", to repeal and replace 18.42.170 "Second Units - Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)," and to amend Chapter 18.71.050 "Design Review" and Chapter 18.100 "Definitions," and to establish regulations and standards for Accessory Dwelling Units pursuant to State Law.

Fiscal Impact

Reducing or eliminating the Capacity Fee for ADUs would result in the City investing more funds from other sources in capital improvements related to sewer and water infrastructure.

Greenhouse Gas Emissions Impact

Greenhouse gas emissions would be reduced as the amendments would increase residential density, which may reduce the miles traveled by residents to access services, jobs and community resources.

Consistency

The consistency of the proposed ADU ordinance has been analyzed as part of the ordinance adoption process. Please see the General Plan Consistency Analysis (Attachment 3).

Implementation/Timeframes

ADU regulations in the Coastal Zone must also be adopted for compliance with State law.

Changes to the Coastal Land Use Development Code are part of the Local Coastal Plan and require Coastal Commission certification and a separate review and approval process. For the CLUDC amendment the City is the applicant, and the Coastal Commission is the deciding body. Here is a brief timeline for how both amendments will move through the process:

Inland LUDC Zoning Code Amendment	Potential Timeline
Planning Commission Public Hearing and Recommendation to City Council	Sept 2023
City Council – Public Hearing and 1st Reading of Ordinance	Oct 2023
City Council – 2 nd Reading of Ordinance	Nov 2023
Ordinance become effective	Dec 2023

Coastal LUDC Zoning Code Amendment	Potential Timeline
Planning Commission Public Hearing and Recommendation to City Council	Sept 2023
City Council – Public Hearing and Adoption of Resolution Transmitting Zoning Amendment to Coastal Commission	Oct 2023
Coastal Commission Review and Friendly Modifications Due	May 2024
City Council acceptance of Friendly Modifications	August 2024

NOTIFICATION

1. “Notify Me” subscriber lists

ATTACHMENTS

1. Resolution of the Fort Bragg Planning Commission Recommending that the City Council Submit An LCP Amendment Application to the Coastal Commission to Amend Division 17 to the Fort Bragg Municipal Code, to amend Chapter 17.21.030(B)(C) & 17.21.050 "Residential District Site Planning and Building Standards," to repeal and replace 17.42.170 "Second Units," to amend Chapter 17.71.050 "Design Review" and Chapter 17.100 "Definitions," and to establish regulations and standards for Accessory Dwelling Units pursuant to State Law.
2. Resolution of the Fort Bragg Planning Commission Recommending that the City Council Amend Division 18 to the Fort Bragg Municipal Code, to amend Chapter 18.21.030(B)(C) & 18.21.050 "Residential District Site Planning and Building Standards," to repeal and replace 18.42.170 "Second Units - Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)," and to amend Chapter 18.71.050 "Design Review" and Chapter 18.100 "Definitions," and to establish regulations and standards for Accessory Dwelling Units pursuant to State Law.
3. General Plan Consistency Analysis

RESOLUTION NO. PC -2023

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL SUBMIT AN LOCAL COASTAL PLAN AMENDMENT APPLICATION (ZON 3-23) TO THE COASTAL COMMISSION AMENDING DIVISION 17 OF THE FORT BRAGG MUNICIPAL CODE TO BE CONSISTENT WITH STATE LAWS RELATING TO ACCESSORY DWELLING UNITS.

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 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, accessory dwelling units ("ADUs") offer lower cost housing to meet the needs of the existing and future residents while ensuring that they remain compatible with the existing neighborhood; and

WHEREAS, the 2009, 2014 and 2019 Housing Element updates included policies and programs to support and create affordable housing, a diverse range of housing types and provisions for accessory Dwelling Units; 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, the City of Fort Bragg Local Coastal Program policy H-2.5 intends that the City governance continue to facilitate the construction of secondary dwelling units on residential properties consistent with Chapter 17.42.170 (Second Units) of the Coastal Land Use and Development Code; and

WHEREAS, Coastal General Plan Housing Element Section F.7.c lists siting and design criteria for second dwelling units to ensure neighborhood compatibility; and

WHEREAS, Assembly Bills 68, 587, 671, 345 and 881 and Senate Bill 13 pertain to accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"). These bills were approved by the California Legislature and signed by the Governor in 2019, and became effective on January 1, 2020. Codified primarily in California Government Code sections 65952.2 and 65952.22, this legislation requires local ADU ordinances to include specified requirements; and

WHEREAS, The project is exempt from CEQA, under Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), adoption of an ordinance regarding second units in areas zoned to allow single-family or multifamily dwelling

residential use by a city or county; and

WHEREAS, the Community Development Committee held a duly noticed public hearing on May 17, 2023, to receive a report regarding proposed changes to ADU and Tiny Home regulations in Fort Bragg; and public comments were given at that time; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 13, 2023, to consider the LCP Amendment, accept public testimony; and

WHEREAS, Section 17.94.040 states that the Planning Commission shall forward a written recommendation, and reasons for the recommendation, to the City Council based on the findings identified in Section 17.94.060; and Resolution Appendix A represents the Planning Commission's recommendations; and

NOW, THEREFORE, BE IT RESOLVED pursuant to Fort Bragg Municipal Code Section 17.94.040 and Section 17.94.060 the following findings are the Planning Commissions reasons for recommending amendments to the Fort Bragg Coastal Land Use and Development Code:

- a. The proposed amendment is consistent with the General Plan, Coastal Element 9 Housing Element, including Coastal Element Policy H-2.5, and any applicable specific plan; and
- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City and seeks to be consistent with recently adopted State Laws, including Assembly Bills 68, 587, 671, 345 and 881 and Senate Bill 13; and
- c. The proposed amendment is internally consistent with other applicable provisions of Division 17 and the Fort Bragg Coastal Land Use and Development Codes; and
- d. The foregoing recitals are true and correct and made a part of this Resolution; and
- e. The documents and other material constituting the record for these proceedings are located at the Community Development Department.

BE IT FURTHER 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 State 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; State law; all reports and public testimony submitted as part of the Planning Commission meeting of September 13, 2023 and Planning Commission deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2);

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend the City Council submit an Local Coastal Plan Amendment (Zon 3-23) Application to the California Coastal Commission intended to establish Coastal Land Use and Development Code regulations and standards for accessory dwelling units consistent

with State Law by amending Division 17 of the Fort Bragg Municipal Code as delineated in Resolution Appendix A; and

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 13th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Jeremy Logan, Chair

ATTEST:

Maria Flynn, Administrative Assistant

PLANNING COMMISSION RESOLUTION PC __- 2023

APPENDIX A – ZON 3-2023

17.21.030 & 17.21.050 LAND USE TABLE AMENDMENTS

Amend 17.21.030(B) Table 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts to include the following additional uses.

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	P	Permitted Use, Zoning Clearance required Minor Use Permit required (see Section 17.71.060) MUP UP Use Permit required (see Section 17.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed					
		PERMIT REQUIRED BY DISTRICT					
LAND USE (1)	RR	RS	RL	RM	RH	RVH	Specific Use Regulation ns
RESIDENTIAL USES							
Duplex	P	P	P	P	P	P	17.42.170
Single-family Primary dwelling Unit	P	P	P	P	P	P	
Two Primary Units and Two JADUs	p	p	p	-	-	-	17.42.175
Primary Unit and One ADU	P	P	P	-	-	-	17.42.175 & 17.84.045

Amend 17.21.050 Residential District Site Planning and Building Standards by revising Table 2-4 to clarify that a duplex would be allowed in lieu of a single-family residential unit (and not in addition to a single-family residential unit).

TABLE 2-4 - RR, RS, AND RL DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	RR Rural Residential	RS Suburban Residential	RL Low Density Residential
Density	Maximum number of dwelling units allowed on a single parcel. 1 dwelling unit or one duplex per parcel; or 1 dwelling unit and one second unit and one JADU where allowed by 17.42.170 .		

17.22.030(C) LAND USE TABLE AMENDMENTS

Amend 17.22.030(C) Table 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts to include the following additional uses and table notes.

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				
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulation ns
	CN	CO	CBD	CG	CH	
RESIDENTIAL USES						
Residential component mixed use project	P	UP	P(2)	UP	UP	17.42.100
Single Residential Unit	MUP(3)	--	MUP(4)	MUP(4)	—	
Second unit – ADU/JADU	P(5)	P(5)	P(5)	P(5)	P(5)	17.42.170

Notes:

(1) See Article [10](#) for land use definitions.

(2) Use allowed only on second or upper floors, in compliance with Section [17.22.060](#).B (Limitation on Location of Allowable Uses).

(3) Use permitted only for lots in the CN zone that do not front a major collector, as defined in the General Plan.

(4) Use permitted only for existing structures that have the appearance of a single residential dwelling unit, per the Citywide Design Guidelines.

(5) Use permitted only on parcels with existing single residential unit or existing/proposed multifamily development, and only in compliance with § 17.42.170.

17.42.170 ACCESSORY DWELLING UNIT (ADU) AND JUNIOR ACCESSORY DWELLING UNIT (JADU) AMENDMENTS

Purpose. This Section establishes standards for two types of residential second units: accessory dwelling units (ADU); and junior accessory dwelling units (JADU), where allowed by Article 2 (Zoning Districts and Allowable Land Uses) and in compliance with California Government Code 65852-65853.13.

- “Accessory Dwelling Unit” means an attached, detached or converted residential dwelling unit that provides complete independent living facilities for one or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single residential unit or multifamily dwelling structure. An “Accessory Dwelling Unit” also includes an efficiency unit or a manufactured home, as defined in Section 18007 of the Health and Safety Code.
- “Junior accessory dwelling unit” means a living space not more than 500 square feet in size and contained entirely within the walls of a single residential unit. A JADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation (sanitation facilities may be separate, or may be shared with the primary unit).

A second unit that does not comply with this section is subject to the standards of 17.42.175 - Two Unit Development.

A. Coastal Development Review & Permit Requirements.

1. **ADUs.** ADUs that require new construction and/or the conversion of an accessory structure or uninhabited space into a habitable living space shall require an administrative CDP. No public hearing is required for the approval of an administrative CDP for an ADU within the Coastal Zone.
2. **JADUs.** The conversion of an existing, legally established habitable space to a JADU within an existing residence is exempt from the requirement to obtain a CDP if the following requirements are met:
 - a. The Junior ADU incorporates an existing bedroom of the primary residence into the structure or eliminates an existing bedroom as part of the ADU conversion.
 - b. The construction of the Junior ADU will not include the removal or replacement of major structural components (e.g., roofs, exterior walls, foundations, etc.).
 - c. The construction of the JADU does not result in an increase in habitable floor spaces on the parcel.
 - d. The JADU will not change the intensity of use of the structure (total occupiable bedrooms).
 - e. The JADU does not constitute development within the definition in the Coastal Act.
 - f. The JADU will have no impact on Coastal Resources.

If the JADU conversion does not comply with all of the above requirements of subsection 17.42.170(A)(2), an administrative Coastal Development Permit shall be required.

B. Location, Number & Size of Units. Two ADUs in compliance with this section or California Government Code 65852-65853.13 shall be allowed as follows:

1. On a lot with an existing or proposed single family residential unit:
 - a. One JADU constructed within an existing or proposed single residential unit, which complies with the requirements of 17.42.170 (K)(3); and/or
 - b. One ADU, that complies with the requirements of 17.42.170 (K) (1 or 2);
2. On a lot with an existing multifamily dwelling:
 - a. **Interior ADUs.** ADUs may be constructed in areas that are not used as livable space within an existing multifamily attached or detached structure (i.e., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior ADUs permitted on the lot shall not exceed 25% of the current number of units of the multifamily complex on the lot and at least 1 such unit shall be allowed. Units constructed

pursuant to this Subsection shall not exceed 1,000 - 1,200 square feet in floor area each; and

- b. **Detached ADUs.** Up to 2 additional detached ADUs may be constructed, provided they are no taller than 16 feet, and they have at least 4 feet of side and rear yard setbacks. Units constructed pursuant to this Subsection shall not exceed 1,000 - 1,200 square feet in floor area.
 - c. **Condominiums.** ADU and JADUs are permitted within condominiums as rentals or homeowner occupied units, however no less than 25% of all ADUs in condominiums must be rented.
- C. **Conversion of Accessory Structures to ADUs.** The conversion of an existing accessory structure (garage, barn, shed, etc.) or portion of an existing accessory structure to an ADU is not subject to size limits, setback or height limitations of this ordinance. ADUs proposed for accessory structures that are expanded in size by more than 150 SF are subject to the size limitations of this ordinance.
 - D. **Density.** Both ADUs and JADUs shall be exempted from the calculation of the maximum allowable density for the lot on which it is located and shall be deemed to be a residential use that is consistent with the existing General Plan and zoning designation for the lot.
 - E. **Lot Size.** There is no minimum lot size for ADUs and JADUs.
 - F. **Lot Coverage.** Projects are required to conform with lot coverage requirements for their zoning district, unless lot coverage requirements do not allow at least one 800 square foot second unit, in which case the lot coverage requirement shall be waived.
 - G. **Timing.** An ADU may be constructed before, with or after the primary dwelling unit(s). In addition, an existing dwelling that complies with the standards for second units in Subsection (K) of this Section may be considered a second unit, and a new primary unit may be constructed.
 - H. **Sale of ADUs JADUs.** The separate sale or conveyance of an ADU as a tenancy in common (TIC) is only permitted if: 1) both the primary unit and the ADU were built or developed by a qualified non-profit whose mission is to provide housing units to low-income households; 2) an enforceable restriction is placed on the property between the low income buyer and the non-profit that satisfies the requirements of Section 402,1 of the Revenue and tax code; and 3) the entire property is subject to affordability restrictions to assure that the ADU and the primary dwelling unit are preserved for low-income housing for 45 years.
 - I. **Short-term rentals prohibited.** Accessory dwelling units and JADUs shall not be rented for periods of less than 31 days.
 - J. **Deed restriction.** Prior to the issuance of a building permit for a ADU, the owner shall record a deed restriction in a form approved by the City that includes: 1) a prohibition on the sale of the ADU separate from the sale of the primary residential unit (except in the case of H above or through the Urban Lot Split Section 17. 84.045); 2) a prohibition on short-term rentals, and: 3) in the case of a JADU restricts the size and attributes of the JADU to conformance with this section.
 - K. **Second Unit Standards.**
 1. **Exceptions to Accommodate at least one 800 SF ADU and one JADU.** The Community Development Director shall modify or eliminate objective development standards if they prevent the construction of a JADU and/or an ADU of at least 800 square feet in size and 16 feet in height with 4-foot setbacks on any

lot. Objective development standards shall be modified in the following priority order: lot coverage, parking requirement, rear setback, side setback, front setback, height limit.

2. **Accessory Dwelling Unit.** An ADU shall comply with the following standards:
 - a. **Location.** An ADU may be located on the front, the back or the side of a parcel and it may be larger or smaller than the primary single family residential unit so long as it complies with the size limitations of this code. An ADU can be: (i) a remodeled portion of a primary dwelling unit; (ii) attached to a primary dwelling unit; (iii) one of the units of a duplex (iv) a detached unit or located in a converted Accessory Structure such as a shop or garage.
 - b. **Height limit.** A detached ADU shall be limited to a maximum height of 16-28 feet.
 - c. **Setbacks.** An ADU shall have a minimum rear and side setback of 4 feet, unless the second unit is located in a nonconforming structure as defined by § 17.90.020. Notwithstanding the foregoing, no setbacks are required for ADUs that are conversions of existing living areas or existing accessory structures, or for any new structures in the same location and to the same dimensions as an existing structure, or for expansions of existing structures that have less than a four-foot rear or side yard setback. Front yard setbacks are defined in 17.22, however a reduced front setback is required if the applicant is precluded by the strict application of the setback requirements from building at least one 800 SF ADU on the property.
 - d. **Maximum floor area.** The maximum floor area of a detached ADU shall not exceed 1,000- 1,200 square feet and the maximum floor area for an attached ADU shall be 50% of the existing primary dwelling unit or 850- 1,200 SF whichever is more. The conversion of an existing structure to an ADU shall not be limited in size so long as it is enclosed within the existing structure.
 - e. **Separate entrance required.** An attached ADU shall have an entrance separate from the entrance to the primary dwelling.
 - f. **Window & Balcony Placement.** ~~An ADU that is placed 20 feet or less from a residential unit on the same parcel or an adjacent parcel shall not have windows that directly face windows in the other unit. Transom windows and skylights are allowed even when ADU windows directly face windows in the other unit.~~ An ADU that is located over a residential accessory structure shall not have windows or balconies that directly face a neighboring yard. This limitation applies only to side yards, not to windows facing alleys.
 - g. **Building code compliance.** All new ADUs must satisfy the requirements contained in the building code and fire code as currently adopted by the City, including applicable energy efficiency standards associated with Title 24 of the California Code of Regulations. However, fire sprinklers shall not be required if they are not required for the primary residence.
3. **Junior Accessory Dwelling Unit.** A JADU shall comply with the following standards:
 - a. **Location.** JADUs may be located in an attached garage or within the walls of the primary dwelling. JADUs are allowed to share bathroom facilities with the primary dwelling. JADUs are not permitted in detached accessory structures or ADUs.
 - b. **Maximum floor area.** The living space shall not exceed 500 square feet in size and shall be contained entirely within the walls of an existing or proposed single residential unit.
 - c. **Separate entrance required.** A JADU shall have a separate entrance from the main entrance to the primary residence.
 - d. **Efficiency kitchen.** A JADU shall include an efficiency kitchen with cooking appliances, a food preparation counter, and storage cabinets reasonably sized in relation to unit.
 - e. **Fire protection.** No separate connection between the junior accessory dwelling unit and the utility shall be required for units created within a single residential unit, unless the junior accessory dwelling unit is being constructed in connection with a new single residential unit.

- f. **Utility service.** For the purpose of providing service for water, sewer, or power, a JADU unit shall not be considered a separate or new unit, unless the JADU was constructed in conjunction with a new single residential unit.
- L. **Parking Requirements**
1. **ADU/JADU Parking Exemptions & Requirements:** No parking is required unless the ADU is located in a neighborhood which provides public parking and public access to the coast. In Fort Bragg this includes all residential parcels that directly abut Glass Beach Drive. All other parcels are not required to provide parking.
 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 or converted in conjunction with the construction of an ADU.
- M. **Solar Requirements.** New, non-manufactured, detached ADUs shall install solar in compliance with the California Building Code. No other ADUs are subject to the Building Code's solar requirements.
- N. **No Capacity Fees.** ADUs and JADUs of 750 SF are exempt from paying Capacity Fees and Impact Fees.
- O. **No off-site Improvements.** No physical improvements, such as installation of sidewalks or off-site drainage improvements, shall be required for the creation or conversion of an ADU or JADU.
- P. **No Correction of Nonconforming Zoning Conditions.** No applicant shall be required to correct existing non-conforming zoning conditions as part of the creation or conversion of an ADU or JADU.
- Q. **Non-Conforming ADUs.** An existing substandard ADU or JADU shall have five years to correct a violation so long as the violation is not a health and safety issue as determined by the Building Department.
- R. **Restrictive Covenants Void.** ADUs and JADUs shall be allowed on all parcels regardless of any covenants, conditions or restrictions that have been placed on a lot; such restrictions are void and unenforceable. (Civ Code 4751).
- S. **ADU's Proposed for Sensitive Habitats, Scenic Areas, and areas subject to Sea Level Rise**
1. **Visual Resources.** ADUs 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.** ADUs 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.** JADUs 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.

17.71.050 DESIGN REVIEW AMENDMENT

Delete from 17.71.050 the requirement for Design Review for a second unit and add ADUs to the list of improvements exempt from Design Review.

2. Improvements subject to Design Review by the Director. The following improvements shall be subject to Design Review by the Director, except when in conjunction with a development project. If in conjunction with a development project, each of the following shall be subject to review and approval by the Commission:

- a. ~~The construction or rehabilitation/remodeling of a secondary dwelling unit or duplex;~~
- b. The construction or rehabilitation/remodeling/addition of any detached accessory structure or garage that exceeds 16 feet in height.
- c. Removal of natural ground cover, trees, or vegetation;
- d. Installation of a fence, wall, or retaining wall visible from a public right-of-way;
- e. Landscaping including vegetation, irrigation systems, and low level lighting;
- f. Signs included with plans for any project listed above, and that do not require Commission review; or
- g. Exterior lighting.

3. Improvements exempt from Design Review. The following improvements are exempt from Design Review:

- a. ~~The construction or rehabilitation/remodeling of any ADU, JADU or duplex;~~
- b. One single-family dwelling on a single parcel, including any related accessory structures;
- c. Structural improvements not visible from a public right-of-way;
- d. Signs in compliance with Chapter [17.38](#) (Signs), and which are to be located on an existing structure, or as approved under another development permit;
- e. Work determined by the Director to be minor or incidental within the intent and objectives of this Section; and
- f. Ordinary maintenance and repair of structures.

17.100 DEFINITIONS AMENDMENTS

In order to support the required code updates, the following modifications to the definitions in CLUDC Section 17.100.020 are recommended:

Add the following definitions:

Accessory Dwelling Unit. Can be an attached, detached or converted residential dwelling unit of less than 1,200 sf that provides complete independent living facilities for 1 or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single residential unit or multifamily dwelling structure is or will be situated. An “accessory dwelling unit” also includes the following: (A) an efficiency unit; and (B) a manufactured home, as defined in Section 18007 of the Health and Safety Code, and (C) a tiny home as defined in 17.42.175.

Junior accessory dwelling unit. Is a living space of not more than 500 square feet in size and contained

entirely within the walls of a primary residential unit. A JADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation; sanitation facilities may be separate, or may be shared with the primary unit.

Remove the following definitions:

Carriage House. See “**Second Unit** or Carriage House.”

Small secondary unit. ~~A small secondary residential dwelling unit is a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facility, which is an attached or detached extension to a single family structure that has no more than one bedroom and that is no greater than 600 square feet in size. Any loft area, regardless of ceiling height, is counted when calculating maximum square feet. No more than one loft area is permitted in a small secondary unit.~~

Second Unit or Carriage House. ~~A second permanent dwelling that is accessory to a primary dwelling on the same site. A second unit that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking, and does not meet the criteria for an Accessory Dwelling Unit.~~

Revise the following definitions:

Duplex. See “**Multi-Family Housing.**” ~~A duplex consists of two attached dwelling units typically sharing a wall, but may also be attached vertically. A duplex may be considered a primary dwelling unit with an attached Accessory Dwelling Unit (ADU) if one of the units is less than 1,200 square feet.~~

Coastal Development Permit. A discretionary land use permit that may be granted in compliance with Section ~~17.71.040~~ 17.71.045 (Coastal Development Permit) required pursuant to this Development Code and subdivision (a) of the Coastal Act Section 30600, which authorizes development in the coastal zone subject to compliance with any conditions of approval imposed on the permit.

Multi-Family Housing. A dwelling unit that is part of a structure containing ~~one~~ three or more other dwelling units, ~~or a non-residential use. An example of the latter is a mixed-use project where, for example, one or more dwelling units are part of a structure that also contains one or more commercial uses (retail, office, etc.).~~ Multi-family dwellings include: ~~duplexes, triplexes, fourplexes~~ (buildings under one ownership with ~~two~~, three or more dwelling units in the same structure); apartments (five or more units under one ownership in a single building); and townhouse development (three or more attached dwellings where no unit is located over another unit), and other building types containing multiple dwelling units (for example, courtyard housing, rowhouses, stacked flats, etc.).

Residential Accessory Use or Structure. Any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property. See also “Agricultural Accessory Structure.”

garages	studios
gazebos	swimming pools
greenhouses (non-commercial)	tennis and other on-site sport courts
spas and hot tubs	workshops
storage sheds	

Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include: second units, **Tiny Homes or Accessory Dwelling Units**, which are separately defined; guest houses, ~~which are included under the definition of second units~~; or home satellite dish and other receiving antennas for earth-based TV and radio broadcasts (see “Telecommunications Facilities”).

Second Unit/Carriage House/Duplex. See Accessory Dwelling Unit.

Single-Family Primary Dwelling Unit. A building designed for and/or occupied exclusively by one family. Also includes factory built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.

Single-Family Dwelling. See Primary Dwelling Unit. ~~A building designed for and/or occupied exclusively by one family. Also includes factory built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.~~

RESOLUTION NO. PC -2023

**RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION RECOMMENDING
THAT THE CITY COUNCIL AMEND DIVISION 18 OF THE FORT BRAGG MUNICIPAL
CODE (ZON 4-23) TO BE CONSISTENT WITH STATE LAWS RELATING TO
ACCESSORY DWELLING UNITS.**

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 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, Accessory Dwelling Units (“ADUs”) offer lower cost housing to meet the needs of the existing and future residents while ensuring that they remain compatible with the existing neighborhood; and

WHEREAS, the 2009, 2014 and 2019 Housing Element updates include policies and programs that support and create affordable housing, a diverse range of housing types and provisions for Accessory Dwelling Units; 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, Assembly Bills 68, 587, 671, 345 and 881 and Senate Bill 13 pertain to Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”). These bills were approved by the California Legislature and signed by the Governor in 2019, and became effective on January 1, 2020. Codified primarily in California Government Code sections 65952.2 and 65952.22, this legislation requires local ADU ordinances to include specified requirements; and

WHEREAS, the City of Fort Bragg General Plan establishes zoning for a variety of housing types including Accessory Dwelling Units and General Plan Table 6.2 lists Accessory Dwelling Units as permitted land uses in in all residential districts; and

WHEREAS, the City of Fort Bragg General Plan Policy H-1.3 facilitates the construction of secondary dwelling units on residential properties and this adopted policy includes six program goals (see Programs H-1.3.1 through H-1.3.6); and

WHEREAS, The project is exempt from CEQA, under Public Resources Code Section 21080.17 and State CEQA Guidelines Section 15282(h), adoption of an ordinance regarding second units in areas zoned to allow single-family or multifamily

dwelling residential use by a city or county; and

WHEREAS, the Community Development Committee held a duly noticed public hearing on May 17, 2023, to receive a report regarding proposed changes to ADU and Tiny Home regulations in Fort Bragg; and public comments were given at that time; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 13, 2023, to consider the Zoning Amendment, accept public testimony; and

WHEREAS, Section 18.94.040 states that the Planning Commission shall forward a written recommendation, and reasons for the recommendations, to the Council based on the findings identified in Section 18.94.060; and

NOW, THEREFORE, BE IT RESOLVED pursuant to Fort Bragg Municipal Code Section 18.94.060, the Planning Commission recommends that the City Council amend the Fort Bragg Inland Land Use and Development Code as described in Appendix A; and

BE IT FURTHER 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 State CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Inland General Plan; the Fort Bragg Inland Land Use and Development Code; State law; all reports and public testimony submitted as part of the Planning Commission meeting of September 13, 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 find:

- a. The proposed amendment is consistent with the General Plan Policies and Programs, including Policy H-1.3 Secondary Dwelling Units; and any applicable specific plan; and
- b. The proposed ZON 4-23 amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City as it intends amendments to be consistent with recently adopted State laws; and
- c. The proposed amendment ZON 4-23 is internally consistent with other applicable provisions of the Inland Land Use Development Code, including its Chapters 18.42, 18.71, 18.100, and others; and
- d. The foregoing recitals are true and correct and made a part of this Resolution; and
- e. 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 adopt Zoning Amendment 4-2023 to amend Division 18 to the Fort Bragg Municipal Code (as described in Appendix A) and modify Section 18.42.170 and Section 18.71.050 and Chapter 18.100 "Definitions" to establish regulations and standards for Accessory Dwelling Units consistent with State Law.

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 13th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Jeremy Logan, Chair

ATTEST:

Maria Flynn, Administrative Assistant

PLANNING COMMISSION RESOLUTION PC__-2023

APPENDIX A – ZON 4-2023

18.21.030 & 18.21.050 LAND USE TABLE AMENDMENTS

Revise 18.21.030(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 Minor Use Permit required (see Section 18.71.060) MUP UP Use Permit required (see Section 18.71.060) 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							
Duplex	P	P	P	P	P	P	18.42.170
Single-family Primary dwelling Unit	P	P	P	P	P	P	

Revise Table 2-4 to clarify that a duplex would be allowed in lieu of a single-family residential unit (and not in addition to), the following update is proposed to 18.21.050 Residential District Site Planning and Building Standards:

TABLE 2-4 - RR, RS, AND RL DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	RR Rural Residential	RS Suburban Residential	RL Low Density Residential
Density	Maximum number of dwelling units allowed on a single parcel. 1 dwelling unit or one duplex per parcel; or 1 dwelling Unit and one second unit and one JADU where allowed by 18.42.170 .		

18.22.030(C) LAND USE TABLE 2-6 AMENDMENTS

Revise the following portions of 18.22.030(C) Table 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts:

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	Permitted Use, Zoning Clearance required Minor Use Permit required (see Section 18.71.060) Use Permit required (see Section 18.71.060) Permit requirement set by Specific Use S Regulations Use not allowed					
	P	MUP	UP	—		
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	

RESIDENTIAL USES

Residential component mixed use project	P	UP	P(2)	UP	UP	18.42.100
Second unit – ADU/JADU	P(5)	P(5)	P(5)	P(5)	P(5)	18.42.170

(5) Use permitted only on parcels with existing single residential unit or existing/proposed multifamily development, and only in compliance with § 18.42.170.

18.42.170 SECOND UNITS - ACCESSORY DWELLING UNIT (ADU) AND JUNIOR ACCESSORY DWELLING UNIT (JADU) AMENDMENTS

Purpose. This Section establishes standards for two types of residential second units: Accessory Dwelling Units (ADU); and Junior Accessory Dwelling Units (JADU), where allowed by Article 2 (Zoning Districts and Allowable Land Uses) and in compliance with California Government Code 65852-65853.13.

- “Accessory Dwelling Unit” means an attached, detached or converted residential dwelling unit that provides complete independent living facilities for one or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single residential unit or multifamily dwelling structure. An “Accessory Dwelling Unit” also includes the following: an efficiency unit or a manufactured home, as defined in Section 18007 of the Health and Safety Code.
- “Junior Accessory Dwelling Unit” means a living space not more than 500 square feet in size and contained entirely within the walls of a single residential unit. A JADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation (sanitation facilities may be separate, or may be shared with the primary unit).

A second unit that does not comply with this section is subject to the standards of 18.42.185 - Two Unit Development or the Zoning District or Article 3 Site Planning and Project Design Standards.

A. Review & Approval Process.

1. **Deemed Approved.** An application for the creation of an ADU or JADU shall be deemed approved (not just subject to Ministerial Approval) if the City has not acted on the completed application within 60 days. (65852.2a3).
2. **Ministerial Approval.** Ministerial approval is required for an ADU and/or JADU on parcels located in all residential and commercial zoning districts.

B. Location, Number & Size of Units. Two ADUs in compliance with this section or California Government Code 65852-65853.13 shall be allowed as follows:

1. On a lot with an existing or proposed single family residential unit:
 - a. One JADU constructed within an existing or proposed single residential unit, which complies with the requirements of 18.42.170 (K)(3); and/or
 - b. One ADU, that complies with the requirements of 18.42.170 (K) (1 or 2);
2. On a lot with an existing multifamily dwelling:
 - a. **Interior ADUs.** ADUs may be constructed in areas that are not used as livable space within an existing multifamily attached or detached structure (i.e., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior ADUs permitted on the lot shall not exceed 25% of the current number of units of the multifamily complex on the lot and at least 1 such unit shall be allowed. Units constructed pursuant to this Subsection shall not exceed 1,000 - 1,200 square feet in floor area; and

- b. **Detached ADUs.** Up to 2 additional detached ADUs may be constructed, provided they are no taller than 16 feet, and they have at least 4 feet of side and rear yard setbacks. Units constructed pursuant to this Subsection shall not exceed 1,000 - 1,200 square feet in floor area.
 - c. **Condominiums.** ADU and JADUs are permitted within condominiums as rentals or homeowner occupied units, however no less than 25% of all ADUs in condominiums must be rented.
- C. **Conversion of Accessory Structures to ADUs.** The conversion of an existing accessory structure (garage, barn, shed, etc.) or portion of an existing accessory structure to an ADU is not subject to size limits, setback or height limitations of this ordinance. ADUs proposed for accessory structures that are expanded in size by more than 150 SF are subject to the size limitations of this ordinance.
- D. **Density.** Both ADUs and JADUs shall be exempted from the calculation of the maximum allowable density for the lot on which it is located and shall be deemed to be a residential use that is consistent with the existing General Plan and zoning designation for the lot.
- E. **Lot Size.** There is no minimum lot size for ADUs and JADUs.
- F. **Lot Coverage.** Projects are required to conform with Lot Coverage requirements for their zoning district, unless lot coverage requirements do not allow at least one 800 square foot second unit, in which case the lot coverage requirement shall be waived.
- G. **Timing.** An ADU may be constructed before, with or after the primary dwelling unit(s). In addition, an existing dwelling that complies with the standards for second units in Subsection (K) of this Section may be considered a second unit, and a new primary unit may be constructed.
- H. **Sale of ADUs JADUs.** The separate sale or conveyance of an ADU as a tenancy in common (TIC) is only permitted if: 1) both the primary unit and the ADU were built or developed by a qualified non-profit whose mission is to provide housing units to low-income households; 2) an enforceable restriction is placed on the property between the low income buyer and the non-profit that satisfies the requirements of Section 402,1 of the Revenue and tax code; and 3) the entire property is subject to affordability restrictions to assure that the ADU and the primary dwelling unit are preserved for low-income housing for 45 years.
- I. **Short-term Rentals Prohibited.** Accessory dwelling units and JADUs shall not be rented for periods of less than 31 days.
- J. **Deed Restriction.** Prior to the issuance of a building permit for a ADU, the owner shall record a deed restriction in a form approved by the City that includes: 1) a prohibition on the sale of the ADU separate from the sale of the primary residential unit (except in the case of H above or Urban Lot Split (18.84.045); 2) a prohibition on short- term rentals, and; 3) in the case of a JADU restricts the size and attributes of the JADU to conformance with this section.
- K. **Second Unit Standards.**
 - 1. **Exceptions to Accommodate at least one 800 SF ADU and one JADU.** The Community Development Director shall modify or eliminate objective development standards if they prevent the construction of a JADU and/or an ADU of at least 800 square feet in size, and 16 feet in height with 4-foot setbacks on any lot. Objective development standards shall be modified in the following priority order: lot coverage, parking requirement, rear setback, side setback, front setback, height limit.

2. **Accessory Dwelling Unit.** An ADU shall comply with the following standards:

- a. **Location.** An ADU may be located on the front, the back or the side of a parcel and it may be larger or smaller than the primary single family residential unit so long as it complies with the size limitations of this code. An ADU can be: (i) a remodeled portion of a primary dwelling unit; (ii) attached to a primary dwelling unit; (iii) one of the units of a duplex (iv) a detached unit or located in a converted Accessory Structure such as a shop or garage.
- b. **Height limit.** A detached ADU shall be limited to a maximum height of 16-28 feet.
- c. **Setbacks.** An ADU shall have a minimum rear and side setback of 4 feet, unless the second unit is located in a nonconforming structure as defined by § 18.90.020. Notwithstanding the foregoing, no setbacks are required for ADUs that are conversions of existing living areas or existing accessory structures, or for any new structures in the same location and to the same dimensions as an existing structure, or for expansions of existing structures that have less than a four-foot rear or side yard setback. Front yard setbacks are defined in 18.22, however a reduced front setback is required if the applicant is precluded by the strict application of the setback requirements from building at least one 800 SF ADU on the property.
- d. **Maximum floor area.** The maximum floor area of a detached ADU shall not exceed 1,000- 1,200 square feet and the maximum floor area for an attached ADU shall be 50% of the existing primary dwelling unit or 850- 1,200 SF whichever is more. The conversion of an existing structure to an ADU shall not be limited in size so long as it is enclosed within the existing structure.
- e. **Separate entrance required.** An attached ADU shall have an entrance separate from the entrance to the primary dwelling.
- f. **Window & Balcony Placement.** ~~An ADU that is placed 20 feet or less from a residential unit on the same parcel or an adjacent parcel shall not have windows that directly face windows in the other unit. Transom windows and skylights are allowed even when ADU windows directly face windows in the other unit.~~ An ADU that is located over a residential accessory structure shall not have windows or balconies that directly face a neighboring yard. This limitation applies only to side yards, not to windows facing alleys.
- g. **Building code compliance.** All new ADUs must satisfy the requirements contained in the building code and fire code as currently adopted by the City, including applicable energy efficiency standards associated with Title 24 of the California Code of Regulations. However, fire sprinklers shall not be required if they are not required for the primary residence.

3. **Junior Accessory Dwelling Unit.** A JADU shall comply with the following standards:

- a. **Location.** JADUs may be located in an attached garage or within the walls of the primary dwelling. JADUs are allowed to share bathroom facilities with the primary dwelling. JADUs are not permitted in detached accessory structures or ADUs.
- b. **Maximum floor area.** The living space shall not exceed 500 square feet in size and shall be contained entirely within the walls of an existing or proposed single residential unit.
- c. **Separate entrance required.** A JADU shall have a separate entrance from the main entrance to the primary residence.

- d. **Efficiency kitchen.** A JADU shall include an efficiency kitchen with cooking appliances, a food preparation counter, and storage cabinets reasonably sized in relation to unit.
- e. **Fire protection.** No separate connection between the Junior Accessory Dwelling Unit and the utility shall be required for units created within a single residential unit, unless the Junior Accessory Dwelling Unit is being constructed in connection with a new single residential unit.
- f. **Utility service.** For the purpose of providing service for water, sewer, or power, a JADU unit shall not be considered a separate or new unit, unless the JADU was constructed in conjunction with a new single residential unit.

L. Parking Requirements

- 1. **ADU/JADU Parking Exemptions & Requirements:** No parking is required.
 - 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 or converted in conjunction with the construction of an ADU.
- M. **Solar Requirements.** New, non-manufactured, detached ADUs shall install solar in compliance with the California Building Code. No other ADUs are subject to the Building Code's solar requirements.
- N. **No Capacity Fees.** ADUs and JADUs **of 750 SF** are exempt from paying Capacity Fees and Impact Fees.
- O. **No off-site Improvements.** No physical improvements, such as installation of sidewalks or off-site drainage improvements, shall be required for the creation or conversion of an ADU or JADU.
- P. **No Correction of Nonconforming Zoning Conditions.** No applicant shall be required to correct existing non-conforming zoning conditions as part of the creation or conversion of an ADU or JAUD.
- Q. **Non-Conforming ADUs.** An existing substandard ADU or JADU shall have five years to correct a violation so long as the violation is not a health and safety issue as determined by the Building Department.
- R. **Restrictive Covenants Void.** ADUs and JADUs shall be allowed on all parcels regardless of any covenants, conditions or restrictions that have been placed on a lot; such restrictions are void and unenforceable. (Civ Code 4751).

18.100 DEFINITIONS AMENDMENTS

In order to support the required code updates, the following modifications to the definitions in CLUDC Section 18.100.020 are recommended:

Add the following definitions:

Accessory Dwelling Unit. Can be an attached, detached or converted residential dwelling unit of less than 1,200 sf that provides complete independent living facilities for 1 or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single residential unit or multifamily dwelling structure is or will be situated. An "Accessory Dwelling Unit" also includes the following: (A) an efficiency unit; and (B) a manufactured home, as defined in Section 18007 of the Health and Safety Code, and (C) a tiny home as defined in 18.42.175.

Junior Accessory Dwelling Unit. Is a living space of not more than 500 square feet in size and contained entirely within the walls of a primary residential unit. A JADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation; sanitation facilities may be separate, or may be shared with the primary unit.

Remove the following definitions:

~~**Carriage House.** See "Second Unit or Carriage House."~~

~~**Small secondary unit.** A small secondary residential dwelling unit is a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facility, which is an attached or detached extension to a single-family structure that has no more than one bedroom and that is no greater than 600 square feet in size. Any loft area, regardless of ceiling height, is counted when calculating maximum square feet. No more than one loft area is permitted in a small secondary unit.~~

Revise the following definitions:

~~**Duplex.** See "Multi-Family Housing."~~ A duplex consists of two attached dwelling units typically sharing a wall, but may also be attached vertically. A duplex may be considered a primary dwelling unit with an attached Accessory Dwelling Unit (ADU) if one of the units is less than 1,200 square feet.

~~**Multi-Family Housing.** A dwelling unit that is part of a structure containing one three or more other dwelling units, or a non-residential use. An example of the latter is a mixed-use project where, for example, one or more dwelling units are part of a structure that also contains one or more commercial uses (retail, office, etc.).~~ Multi-family dwellings include: duplexes, triplexes, fourplexes (buildings under one ownership with two, three or more dwelling units in the same structure); apartments (five or more units under one ownership in a single building); and townhouse development (three or more attached dwellings where no unit is located over another unit), and other building types containing multiple dwelling units (for example, courtyard housing, rowhouses, stacked flats, etc.).

Residential Accessory Use or Structure. Any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property. See also “Agricultural Accessory Structure.”

- garages
- gazebos
- greenhouses (noncommercial)
- spas and hot tubs
- storage sheds
- studios
- chicken coops
- sport courts
- workshops

Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include: second units, **or Accessory Dwelling Units**, which are separately defined; guest houses, ~~which are included under the definition of second units~~; or home satellite dish and other receiving antennas for earth-based TV and radio broadcasts (see “Telecommunications Facilities”).

Second Unit/~~Carriage House/Duplex~~. See Accessory Dwelling Unit.

Single-Family Primary Dwelling Unit. A building designed for and/or occupied exclusively by a single housekeeping unit in a permanent living arrangement. Also includes factory built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.

Single-Family Dwelling. See Primary Dwelling Unit. ~~A building designed for and/or occupied exclusively by a single housekeeping unit in a permanent living arrangement. Also includes factory built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.~~

ATTACHMENT 3 - CONSISTENCY ANALYSIS

This attachment analyzes the Accessory Dwelling Unit code amendments consistency with their respective Inland or Coastal General Plan policies and the implementation regulations found in the City of Fort Bragg Inland Land Use and Development Code (ILUDC) and Coastal Land Use and Development Code (CLUDC).

1. COASTAL GENERAL PLAN & CLUDC CONSISTENCY ANALYSIS

The CLUDC 17.95.060(B) states than an amendment to the Development Code may be approved if the following findings are made:

1. The proposed amendment is consistent with the Coastal General Plan and any applicable specific plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
3. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

As analyzed below, the Accessory Dwelling Unit code amendments are consistent with relevant policies of the City's Coastal General Plan.

Coastal Land Use Element

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 ADUs and JADUs in their density calculations. Thus, while the CLUDC 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 to the CLUDC is **consistent** with the following Coastal General Plan Policies in the Land Use Element.

Policy	Analysis
Policy LU-10.2: Locating New Development. New residential, commercial, or industrial development, except as otherwise provided in the LCP, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects,	The Accessory Dwelling Units ordinance will result in increased infill development by allowing two ADUs on lots where previously only one primary unit was allowed and by allowing two ADU's on parcels with multi-family development.

Policy	Analysis
either individually or cumulatively, on coastal resources.	
Policy LU-10.4: Ensure Adequate Services and Infrastructure for New Development. Development shall only be approved when it has been demonstrated that the development will be served with adequate water and wastewater treatment. Lack of adequate services to serve the proposed development shall be grounds for denial of the development.	ADUs and JADUs are permitted on parcels that are already served by infrastructure and services. The City recently upgraded its Sewer Treatment Facility and has plans to develop additional water storage which together ensures adequate sewer and water services throughout Fort Bragg.
Policy LU-10.6: Protect Special Communities. New Development shall, where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.	In the proposed CLUDC amendment, an applicant for an ADU must provide onsite parking where visitor-serving parking is constrained
Policy LU-5.7: Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.	The proposed amendment requires off-street parking for ADUs in neighborhoods that provide coastal recreational access
Policy LU-10.1: Preserve Neighborhoods: Preserve and enhance the character of the City's existing residential neighborhoods.	ADUs have a long history in Fort Bragg and contribute to inclusive and affordable neighborhoods.

There are no other applicable policies in the land use element.

Coastal Public Facilities Element

Relevant policies in the Public Facilities Element are analyzed below:

Policy PF-1.1: All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses
Analysis: The City of Fort Bragg continues to rely on three surface water sources: Waterfall Gulch (tributary to Hare Creek), Newman Gulch (tributary to Noyo River), and the Noyo River (intake is at Madsen Hole). The water treatment plant was originally constructed in the 1950's, and upgraded in the 1980's, and has a capacity of

2.2 million gallons per day (MGD). While the water supply has not changed, the City has made significant progress in amplifying storage capacity:

- It added an additional 1.5 million gallon finished water storage tank and the Summers Lane Reservoir with a raw water capacity of 14.7 million gallons, creating a total water storage capacity to 22.6 million gallons.
- It installed a desalination batch plant to allow effective use of water from the Noyo during low flow conditions.
- It purchased the “gulf course” property with plans to build new water storage capacity on the site.

While there is more than sufficient capacity, the City is also exploring long term sustainable water strategies that include “purple pipe” transmission of treated recycled waste water and desalinization. The City’s potable water system has sufficient capacity to support future development that could occur as a result of the proposed code revision while still accommodating other planned growth in the City.

The City’s Water Treatment Plant (WWTP) provides sewage treatment and disposal through the Fort Bragg Municipal Improvement District No. 1 (MID). The MID is somewhat larger than the City as it includes part of the Sphere of Influence. The Wastewater Treatment Plant (WWTP) was constructed in 1971 and underwent a substantial upgrade in 2020. It has a secondary treatment level capacity of 0.8 million gallons per day (MGD) for average dry weather flow (ADWF) and 4.9 MGD Peak Hydraulic Flow. The WWTF also has sufficient capacity to handle additional wastewater that may result from development of housing related to the proposed code revisions

Policy PF-2.1 Development Pays Its Share: Require that new development pay its share of capital improvements and the cost of public services to maintain adequate levels of service

Analysis: The ordinance exempts ADU’s from paying capacity fees per State law.

There are no other coastal policies applicable to the proposed CLUDC updates.

Coastal Conservation. Open Space. Energy. and Parks Element

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 have Environmentally Sensitive Habitat, Wetlands, visual resources or on other Coastal Act resources as illustrated in the Maps of the Coastal General Plan.

Coastal Circulation Element

The proposed amendment to the CLUDC is **consistent** with the following General Plan policy as the changes are mandated by State law:

Policy	Analysis
Policy C-9.2: Require Sidewalks. Require a sidewalk on both sides of all collector and arterial streets and on at least one side of local streets as a condition of approval for new development.	All multi-family and mixed-use projects are required to construct public improvements. However, State law prohibits local jurisdictions from requiring public improvements as a condition of approval for ADUs. There are a small number of single-family residential units that do not currently have sidewalks, and they would not be required to add sidewalks as part of the ADU permitting process.

There are no other applicable coastal circulation policies that would affect the CLUDC's consistency with the CGP.

Coastal Community Design, Safety, and Noise Elements

The proposed project is in conformance with any goals, policies, and programs in this element and does not conflict with anything in the element.

Policy	Analysis
Policy CD-1.1: Visual Resources. Permitted development shall be designed and sited to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance scenic views in visually degraded areas.	As amended, new development would be required to apply for a CDP which would necessitate a visual analysis if visual resources would be impacted by a proposed project.
Policy CD-2.5: Scenic Views and Resource Areas. Ensure that development does not adversely impact scenic views and resources as seen from a road and other public rights-of-way.	As amended, new development would be required to apply for a CDP which would Necessitate a visual analysis if visual resources would be impacted by a proposed project.

Coastal Housing Element

The City's Housing Element was updated in 2019 and adopted by the City Council for both Inland and Coastal Fort Bragg, however the 2019 Housing Element has not been certified by Coastal Commission as part of the Local Coastal Program. Nevertheless, this consistency review for the amendments to the CLUDC uses the goals, policies, and programs from the 2019 Housing Element as it has been updated per State Law. The last certified Housing Element (2008) in the Coastal General Plan does not include most State mandated goals, policies and programs.

The proposed amendments to the CLUDC **are consistent** with the following applicable policies of the 2019 Housing Element:

Policy	Analysis
Policy H-1.3 Secondary Dwelling Units: Continue to facilitate the construction of secondary dwelling units on residential properties.	The proposed CLUDC amendment will allow accessory dwelling units to be constructed on any parcel where there are existing residential units (single-family and multifamily).
Program H-1.3.2 No Development Impact Fees for Secondary Units: Continue to refrain from charging Capacity Fees for second units.	The proposed CLUDC amendment includes implementing State law which prohibits charging capacity fees for ADUs of more than 750 SF.
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.	The proposed amendment includes definitions and provisions for Junior Accessory Dwelling Units in Section 17.42.170.
Policy H-1.6 Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure.	The proposed code will allow the development of ADUs on all parcels with sufficient space that are already developed for residential uses. By adding the ADU on the site, this is a denser and more efficient use of space to increase housing rather than building new housing on vacant sites.
Policy H-3.2 Improve Accessibility to Housing: Make it easier to develop housing for seniors and persons with disabilities.	The proposed zoning code amendment would result in housing small units for rent, which would increase affordability for seniors and people with disabilities.

The proposed project does not conflict with any goals, policies, or programs of the 2019 Housing Element.

CONSISTENCY WITH EXISTING CLUDC SITE PLANNING AND PROJECT DESIGN STANDARDS

The proposed amendment to the implementation measures of the Local Coastal Program is consistent with coastal site planning and project design standards, with the following State mandated exceptions:

- **Lot Coverage:** As mandated by State law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if one 800 SF ADU cannot otherwise be constructed.
- **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-foot setbacks on the rear and side property lines. Additionally, front yard setbacks must be reduced when one 800 SF ADU cannot otherwise be constructed on a lot.
- **Parking and Traffic:** Again, in compliance with State law, City Council may not require off-street parking for an ADU. Furthermore, in the case of a garage conversion to an ADU, the removed parking spaces do not have to be replaced.
- **Public Improvement Requirements.** Under the amended code per State law, the City would not be able to require new sidewalks or other improvements required in Section 17.30.090 for ADUs.

COASTAL RESOURCES ANALYSIS

With the possible exception of the conversion of an existing structure to an ADU or a portion of an existing house to a JADU, all projects will require an administrative Coastal Development Permit. The Coastal Commission's staff has reviewed a draft of the ordinance and found it to be compatible with the Coastal Act, with suggested modifications.

2. INLAND GENERAL PLAN & ILUDC CONSISTENCY ANALYSIS

ILUDC Section 18.95.060(B) requires that the following findings be made for the amendments to the Inland Land Use and Development Code:

1. The proposed amendment is consistent with the Inland General Plan and any applicable specific plan.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
3. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The amendment is consistent with relevant policies of the City's Inland General Plan as analyzed below.

Inland Land Use Element

The proposed project is consistent with the land use designations of the Land Use Element of the Inland General Plan (CGP) because State law does not allow local jurisdictions to include ADUs and JADUs in their density calculations. Thus, while the ILUDC 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 to the ILUDC is consistent with the following General Plan Policies in the Land Use Element.

Policy	Analysis
Policy LU-6.1: Preserve Neighborhoods: Preserve and enhance the character of the City's existing residential neighborhoods.	The Accessory Dwelling Units ordinance will result in increased development by allowing two ADUs on lots where previously only one primary unit was allowed and by allowing two ADU's on parcels with multi-family development.

There are no other applicable policies in the land use element.

Inland Public Facilities Element

Relevant policies in the Public Facilities Element are analyzed below:

Policy PF-1.1: All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses.

Analysis: The City of Fort Bragg continues to rely on three surface water sources: Waterfall Gulch (tributary to Hare Creek), Newman Gulch (tributary to Noyo River), and the Noyo River (intake is at Madsen Hole). The water treatment plant was originally constructed in the 1950's, and upgraded in the 1980's, and has a capacity of 2.2 million gallons per day (MGD). While the water supply has not changed, the City has made significant progress in amplifying storage capacity:

It added an additional 1.5 million gallon finished water storage tank and the Summers Lane Reservoir with a raw water capacity of 14.7 million gallons, creating a total water storage capacity to 22.6 million gallons.

It installed a desalination batch plant to allow effective use of water from the Noyo during low flow conditions.

It purchased the "gulf course" property with plans to build new water storage capacity on the site.

While there is more than sufficient capacity, the City is also exploring long-term sustainable water strategies that include "purple pipe" transmission of treated recycled waste water and desalinization. The City's potable water system has sufficient capacity to support future development that could occur as a result of the proposed code revision while still accommodating other planned growth in the City.

The City's Water Treatment Plant (WWTP) provides sewage treatment and disposal through the Fort Bragg Municipal Improvement District No. 1 (MID). The MID is somewhat larger than the City as it includes part of the Sphere of Influence. The Wastewater Treatment Plant (WWTP) was constructed in 1971 and underwent a substantial upgrade in 2020. It has a secondary treatment level capacity of 0.8 million gallons per day (MGD) for average dry weather flow (ADWF) and 4.9 MGD Peak Hydraulic Flow. The WWTF also has sufficient capacity to handle additional wastewater that may result from development of housing related to the proposed code revisions

Policy PF-2.1 Development Pays Its Share: Require that new development pay its share of capital improvements and the cost of public services to maintain adequate levels of service.

There are no other Public Facilities Policies applicable to the proposed ILUDC update.

Inland Conservation, Open Space, Energy, and Parks Element

The proposed amendment is consistent with the policies of Inland Element 4.

Inland Circulation Element

The proposed amendment to the ILUDC is consistent with the following General Plan circulation policy, as the changes are mandated by State law:

Policy	Analysis
Policy C-9.2: Require Sidewalks. Require a sidewalk on both sides of all collector and arterial streets and on at least one side of local streets as a condition of approval for new development.	State law prohibits local jurisdictions from requiring public improvements as a condition of approval for ADUs. There are a small number of single-family residential units that do not currently have sidewalks, and they would not be required to add sidewalks as part of the ADU permitting process.

There are no other applicable circulation policies that would affect the amendment's consistency with the Inland General Plan.

Inland Community Design, Safety, and Noise Elements

The proposed project is in conformance with any goals, policies, and programs in this element and does not conflict with anything in the element.

Inland Housing Element 2019

The City's Housing Element was updated in 2019 and adopted by the City Council. The proposed amendments to the ILUDC are consistent with 2019 Housing Element, including the following relevant policies:

Policy	Analysis
Policy H-1.3 Secondary Dwelling Units: Continue to facilitate the construction of secondary dwelling units on residential properties.	The proposed ILUDC amendment will continue to allow accessory dwelling units to be constructed on any parcel where there are existing residential units (single-family and multifamily).
Program H-1.3.2 No Development Impact Fees for Secondary Units: Continue to refrain from charging Capacity Fees for second units.	The proposed ILUDC amendment includes implementing State law which prohibits charging capacity fees for ADUs of more than 750 SF.
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.	The proposed amendment includes definitions and provisions for Junior Accessory Dwelling Units in Section 18.42.170.

Policy	Analysis
Policy H-1.6 Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure.	The proposed code will allow the development of ADUs on all parcels with sufficient space that are already developed for residential uses. By adding the ADU on the site, this is a denser and more efficient use of space to increase housing rather than building new housing on vacant sites.
Policy H-3.2 Improve Accessibility to Housing: Make it easier to develop housing for seniors and persons with disabilities.	The proposed zoning code amendment would result in housing small units for rent, which would increase affordability for seniors and people with disabilities.

The proposed project does not conflict with any goals, policies, or programs of the 2019 Housing Element.

CONSISTENCY WITH ILUDC SITE PLANNING AND PROJECT DESIGN STANDARDS

The proposed amendment is consistent with ILUDC standards, with the following State mandated exceptions:

- a. **Lot Coverage:** As mandated by State law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if one 800 SF ADU cannot otherwise be constructed.
- b. **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-foot setbacks on the rear and side property lines. Additionally, front yard setbacks must be reduced if one 800 SF ADU cannot otherwise be constructed on a lot.
- c. **Parking and Traffic:** In compliance with State law, City Council may not require off-street parking for an ADU. In the case of a garage conversion to an ADU, the converted parking spaces do not have to be replaced.
- d. **Public Improvement Requirements.** Under the amended code per State law, the City would not be able to require new sidewalks or other improvements required in Section 18.30.090 for ADUs.



CITY OF FORT BRAGG

Incorporated August 5, 1889

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Fort Bragg Planning Commission will conduct a public hearing on Zoning Amendment 4-23 (ZON 4-23) and Zoning Amendment 3-23 (ZON 3-23) to make a recommendation to City Council regarding an ordinance for Accessory Dwelling Units at a regularly scheduled meeting on Wednesday, September 13, 2023 at 6:00 PM or as soon thereafter as the matter may be heard at Town Hall, at the corner of Main and Laurel Streets (363 North Main Street), Fort Bragg, California. The public hearing will concern the following item:

APPLICATION:	Zoning Amendment 3-23, 4-23 (ZON 3-23; ZON 4-23)
FILING DATE:	1/1/2023
APPLICANT:	City of Fort Bragg
PROJECT:	Zoning Amendments to the Inland and Coastal Land Use and Development Codes to Comply with Recent Changes in State of California Housing Law Related Accessory Dwelling Units.
LOCATION:	Residential and Commercial Zoning Districts in the Coastal Zone and the Inland Area.
APN:	Various
LOT SIZE:	Various
ZONING:	RR,RS,RL,RM,RH,RVH
PROJECT DESCRIPTION:	Adopt a Resolution of the Fort Bragg Planning Commission Recommending that the City Council Submit a Local Coastal Plan Amendment Application to the Coastal Commission to Amend Division 17 to the Fort Bragg Municipal Code to Amend Chapter 17.21.030(B)(C) "Residential District Allowable Land Uses and Permit Requirements" & 17.21.050 "Residential District Site Planning and Building Standards", to Repeal and Replace 17.42.170 "Second Units" and to Amend Chapter 17.71.050 "Design Review" and Chapter 17.100 "Definitions" to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law. Adopt a Resolution of the Fort Bragg Planning Commission Recommending that the City Council Amend Division 18 to the Fort Bragg Municipal Code to Amend Chapter 18.21.030(B)(C) "Residential District Allowable Land Uses and Permit Requirements" & 18.21.050 "Residential District Site Planning and Building Standards", to Repeal and Replace 18.42.170 "Second Units - Accessory Dwelling Unit and Junior Accessory Dwelling Unit" and to Amend Chapter 18.71.050 "Design Review" And Chapter 18.100 "Definitions" to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law.

Public Comment regarding this Public Hearing may be made in any of the following ways: (1) Emailed to the Community Development Department, at CDD@fortbragg.com (2) Written comments delivered to City Hall, 416 N. Franklin Street before 3:00 PM on the day of the meeting; or (3) Verbal comments made during the meeting, either in person at Town Hall or virtually using Zoom if a Zoom link is provided at the time of agenda publication.

Staff reports and other documents that will be considered by Planning Commissioners will be made available for review on the City's website: <https://cityfortbragg.legistar.com/Calendar.aspx>, at least 72 hours prior to the Planning Commission meeting, and are also available for review and/or copying during normal office hours at Fort Bragg City Hall, 416 N. Franklin Street. To obtain application materials or for more information, please contact Sarah Peters, Associate Planner, via email at speters@fortbragg.com. At the conclusion of the public hearing, the Planning Commission will consider a decision on the above matter.

Appeal process and fee schedule: Decisions of the Planning Commission shall be final unless appealed to the City Council in writing within ten (10) days thereafter with a filing fee of \$1,000 to be filed with the City Clerk. If you challenge the above case in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Community Development Department at, or prior to, the public hearing.


Juliana von Hacht Cherry, Director
Community Development

POSTING/MAILING ON OR BEFORE: August 25, 2023

PUBLICATION DATE: August 31, 2023

[illegible]

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg in the Community Development Department; and that I caused this notice to be posted in the City Hall Notice case on or before August 31, 2023.

Juliana von Hacht Cherry
Juliana von Hacht Cherry, Director
Community Development

cc: Property owners within 300' radius
Planning Commission
Owner/Applicant/Agent
Fort Bragg Planning Commission
'Notify Me' Subscriber Lists

From: [Jacob Patterson](#)
To: [cdd](#)
Cc: [Ducey, Peggy](#)
Subject: Public Comment -- 9/13/23 PC Mtg., Item No. 6A
Date: Monday, September 11, 2023 12:58:50 PM

Planning Commission & City Staff,

I see that there was a public hearing notice for this agenda item, albeit one that used the wrong template because advisory legislative actions like code amendments are not appealable items, but why was the public hearing notice not included on the City's webpage for public hearing notices (i.e., www.city.fortbragg.com/government/public-hearing-notices)? That is where many of us look to read official notices about upcoming items. Even the public hearing for Monday's City Council meeting concerning CDBG grant closeout reports was published there and it isn't even a land use matter like most public hearings. This is a significant update to our zoning codes and yet it wasn't deemed important enough to notice in a meaningful way?

On that note, I recommend that you only begin the conversation tonight and continue your discussion to the next Planning Commission meeting, which hopefully won't be six months from now, so this can be properly vetted with meaningful public and Commission input. This was barely published by the City in time--on a Sunday no less--so there has not been sufficient time to review the recommendations. In addition, I believe that at least one commissioner will be absent from the meeting on Wednesday and I'd like to hear from him as well.

As probably the most diligent member of the public to participate in these types of agenda items, I certainly haven't had the opportunity to review the agenda materials, let alone in detail, and I would like to be able to share my observations and recommendations as well. There is no reason why this significant item was only made available for Commission and public review on the Sunday prior to a Wednesday meeting and the Commission should--again because you have actually done it before--direct staff to provide more adequate notice by publishing agenda materials further in advance of the scheduled meeting so everyone can have sufficient time to review and consider the recommendations. I find this late publication to be disrespectful to the public because it hinders meaningful participation.

Best regards,

--Jacob