

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN ORDINANCE AMENDING DIVISION 17 OF
THE FORT BRAGG MUNICIPAL CODE
(CLUDC 5-25) TO AMEND CHAPTER
17.71.050 - DESIGN REVIEW TO MAKE
DESIGN REVIEW FOR MULTIFAMILY
PROJECTS A MINISTERIAL PROCESS
SUBJECT TO OBJECTIVE REQUIREMENTS
PER THE HOUSING ACCOUNTABILITY ACT**

ORDINANCE NO. 1016-2025

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

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

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

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

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

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

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

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

WHEREAS the 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, City Council’s 2024-2028 Strategic Plan includes the goal of adding 200+ housing units by 2026; and

WHEREAS, Housing affordability has become a significant challenge, and many residents find it increasingly difficult to purchase and/or rent a home; and

WHEREAS, The community faces a shortage of both rental and for-sale properties, driven in part by Fort Bragg's growing appeal as a place to live, retire, and work; and

WHEREAS, On October 15, 2024, City Council directed staff to obtain Pro-Housing Designation from the State and the City Council directed staff to implement the following Pro-Housing policy "Replace subjective development and design standards with objective development and design standards that simplify zoning clearance and improve approval certainty and timing; and

WHEREAS, 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; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 28, 2025, to consider the Zoning Amendment, accept public testimony; and adopted a resolution recommending a zoning amendment to make multifamily design review a ministerial process; and

WHEREAS, the City Council held a duly noticed public hearing on June 9, 2025, to consider the Zoning Amendment, accept public testimony; and

NOW, THEREFORE, BE IT RESOLVED that the Fort Bragg City Council, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Inland General Plan; the Inland Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the City Council meeting of June 9, 2025 and City Council deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Fort Bragg City Council does hereby make the following findings and determinations:

SECTION 1: LEGISLATIVE FINDINGS

1. The foregoing recitals are true and correct and made a part of this Ordinance.
2. On May 28, 2025, the Planning Commission held a properly noticed public hearing to consider recommending the proposed minor amendment to the Inland Land Use and Development Code to the Fort Bragg City Council for adoption and adopted a resolution in support of the City Council's adoption of the amendment to the CLUDC pursuant to Gov. Code Section 65589.5.
3. On June 9, 2025 the City Council held a properly noticed public hearing to consider adoption of the minor amendment to the Inland Land Use and Development Code.
4. The proposed **CLUDC 5-25** 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

5. The proposed amendment is consistent with the General Plan and any applicable specific plan.
6. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
7. The proposed amendment is internally consistent with other applicable provisions of this Development Code.
8. The project is exempt from CEQA under the “Common Sense Exemption” (Section 15061b3); and
9. The documents and other material constituting the record for these proceedings are located at the Community Development Department, and

SECTION 2. Based on the foregoing, the City Council does hereby:

Amend 17.71.050 Design Review as follows:

17.71.050 - Design Review

A. Purpose. Design Review is intended to ensure that the design of proposed development and new land uses assists in maintaining and enhancing the small-town, coastal, historic, and rural character of the community.

B. Applicability. All new structures, any relocation, exterior addition(s), or changes of or to existing structures, and any other physical improvements shall be subject to Design Review, whether or not a Building Permit is required, unless exempt in compliance with Subsection (B)(3) of this Section (Improvements exempt from Design Review). Design Review shall be required in addition to all other planning permit or approval requirements of this Development Code and the Municipal Code.

1. Improvements subject to Design Review by the Commission.

a. The following improvements shall always require Design Review by the Commission:

- ~~i) A project resulting in 3 or more residential dwelling units on a single parcel, including apartments, condominiums, townhouses, and other multifamily residential development projects.~~
- ii) All nonresidential development projects, including commercial, office, and industrial structures or additions of more than 250 square feet;
- iii) The aesthetic impact of grading or filling of land.

b. The following improvements shall require Design Review by the Commission only if in conjunction with a development project:

- i) Removal of natural ground cover, trees, or vegetation.

- ii) Installation of a fence, wall, or retaining wall visible from a public right-of-way.
- iii) Landscaping including vegetation, irrigation systems, and low-level lighting.
- iv) Signs included with plans for any project listed above.
- v) Exterior lighting.

2 Improvements subject to Design Review by the Director.

- a. The following improvements shall be subject to Ministerial Design Review by the Director:
 - I. A project resulting in 3 or more residential dwelling units on a single parcel, including apartments, condominiums, townhouses, the residential component of a mixed-use project, and other multifamily residential development projects; and
 - II. The construction or rehabilitation/remodeling/addition of any detached accessory structure or garage that exceeds 16 feet in height **if approved by Minor Use Permit.**
- b. The following improvements shall be subject to Design Review by the Director, ~~except when in~~ when not in conjunction with a new development project. ~~If in conjunction with a development project, each of the following shall be subject to review and approval by the Commission:~~
 - I. Removal of natural ground cover, trees, or vegetation;
 - II. Installation of a fence, wall, or retaining wall visible from a public right-of-way;
 - III. Landscaping including vegetation, irrigation systems, and low-level lighting;
 - IV. Signs included with plans for any project listed above, and that do not require Commission review; or
 - V. 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 **and landscaping**;
- c. Structural improvements not visible from a public right-of-way;
- d. Signs in compliance with Chapter [18.38](#) (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.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence,

clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 4. Effective Date and Publication. This Ordinance shall become effective upon its certification by the Coastal Commission. Within fifteen (15) days after the passage of this Ordinance by the Coastal Commission, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember Albin-Smith at a regular meeting of the City Council of the City of Fort Bragg held July 14, 2025, and adopted at a regular meeting of the City of Fort Bragg held on August 11, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Jason Godeke
Mayor

ATTEST:

Diana Paoli
City Clerk

PUBLISH: July 31, 2025 and August 21, 2025 (by summary).

EFFECTIVE DATE: 15 days after Certification by the California Coastal Commission.