



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, May 14, 2025

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.

When: May 14, 2025 06:00 PM Pacific Time (US and Canada)

Topic: Planning Commission

Join from PC, Mac, iPad, or Android: <https://us06web.zoom.us/j/86089718765>

Phone one-tap: +16694449171,,86089718765# US

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Webinar ID: 860 8971 8765

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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. [25-10](#) Approve the Minutes of the April 16, 2025 Planning Commission Meeting

Attachments: [04162025 PC Minutes](#)

4B. [25-154](#) Approve the Minutes of the April 30, 2025 Planning Commission Meeting

Attachments: [04302025 PC Minutes](#)

5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

6. PUBLIC HEARINGS

- 6A.** [25-124](#) Initial Study/Mitigated Negative Declaration - Oneka Desalination Buoy Pilot Project
- Attachments:** [Staff Report-Desal Buoy Pilot Study](#)
[City of Fort Bragg ISMND Response to Comments and Comment Letters](#)
[PC Resolution xx-2025 MND Oneka](#)
- 6B.** [25-125](#) Receive a Report, Hold a Public Hearing and Consider Adopting a Resolution Recommending that the City Council Adopt ILUDC and CLUDC Zoning Amendments to the City's Urban Lot Split and Urban Unit Development Ordinances to Comply with Comments Received from Staff of the State Housing and Community Development Department (HCD) and Staff of the California Coastal Commission; Statutorily exempt Gov Code 15265 and 66411.7
- Attachments:** [Staff Report - Urban Lot Split Ordinances 5-15-2025](#)
[Att 1 - CC CLUDC Lot Split Ordinance 5-14-2025](#)
[Att 2- CC ILUDC Lot Split Ordinance 5-14-2025](#)
[Att 3 - PC Recommendation Re Urban Lot Splits 5-14-2025](#)
[Att 4 - CC - Consistency Analysis 5-14-2025](#)
[Att 5- HCD's Feb 2025 Comment Letter](#)
- 6C.** [25-123](#) Receive a Report, Hold a Public Hearing and Consider Adopting a Resolution Recommending that the City Council Adopt Zoning Amendments (CLUDC 4-25 and ILUDC 4-25) to the Coastal and Inland Zoning Codes to Implement Changes in State Law in New and Revised Regulations Regarding Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.
- Attachments:** [Staff Report - LCP 5-25, ILUDC 5-25 Emergency Shelters Code Update](#)
[Att 1- ILUDC - HCD Ordinance 5-14-2025](#)
[Att 2 - CLUDC HCD Ordinance 5-14-2025](#)
[Att 3 - PC Recommendation Re HCD Ordinances 5-14-2025](#)
[Att 4- HCD's Feb 2025 Comment Letter](#)

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 May 8, 2025.

Maria Flynn
Administrative Assistant, 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: 25-10

Agenda Date: 5/14/2025

Version: 1

Status: Business

In Control: Planning Commission

File Type: Minutes

Agenda Number: 4A.

Approve the Minutes of the April 16, 2025 Planning Commission Meeting



City of Fort Bragg

416 N Franklin Street
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Phone: (707) 961-2823
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Meeting Minutes Planning Commission

Wednesday, April 16, 2025

6:00 PM Town Hall, 363 N. Main Street and Via Video Conference

Special Meeting

MEETING CALLED TO ORDER

Chair Jensen called the meeting to order at 6:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

- Present** 4 - Chair David Jensen, Commissioner Katie Turner, Vice Chair Richard Neils, and Commissioner Ryan Bushnell
- Absent** 1 - Commissioner Jary Stavely

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

- (1) Non-Agenda: Jary Stavely
- (2) Consent Calendar: None

2. STAFF COMMENTS

Consultant Jones gave an update regarding an appeal to the Coastal Commission of the project at 1151 S. Main St. Assistant City Engineer Huerta gave an update on upcoming construction at Town Hall.

3. MATTERS FROM COMMISSIONERS

Vice Chair Neils gave an update on Grocery Outlet and inquired about an update on 105 S. Main St. building permit.

4. CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Vice Chair Neils, seconded by Commissioner Turner, that the Consent Calendar be approved. The motion carried by the following vote:

- Aye:** 4 - Chair Jensen, Commissioner Turner, Vice Chair Neils and Commissioner Bushnell
- Absent:** 1 - Commissioner Stavely

- 4A.** [25-85](#) Approve Minutes of the March 12, 2025 Planning Commission Meeting

These Minutes were approved on the Consent Calendar.

5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None

6. PUBLIC HEARINGS

6A. [25-95](#) Memorandum Regarding a Coastal Development Permit 1-25 (CDP 1-25), Design Review 1-25 (DR 1-25), Use Permit 1-25 (UP 1-25) and Sign Permit 2-25 (SP 2-25) for a Proposed 49-Unit Senior Housing Project Located at 860 Hazelwood (APN 018-210-29). Statutorily exempt from CEQA pursuant to section 15332 - Class 32 In-Fill Development Projects and 15192 Infill Housing Development.

Consultant Jones noted the reason for the cancellation of the public hearing.
Public Comment: Jacob Patterson

6B. [25-96](#) Receive a Report, Hold a Public Hearing, and Consider Approval of a Request to Subdivide an Existing 12,000 SF Undeveloped Parcel Into Two Parcels of 6,000 SF Each. Categorically Exempt From CEQA Under Section 15315 Minor Land Divisions

Chair Jensen opened the Public Hearing at 6:11 PM
Consultant Jones and Assistant Planner Peters presented the report.
Commissioners asked clarifying questions regarding the address of the parcel and frontage improvement requirements.
Applicants Linda Jo Stern and Shannon Underhill answered Commissioners clarifying questions and gave background on their ownership of the parcel.
Public Comment: Jacob Patterson, Jonathon Webb, Marilyn Zwak
Assistant City Engineer Huerta and Consultant Jones answered Commissioners final clarifying questions regarding frontage improvements, Low Impact Development (LID) features, fencing, storm water, neighbor concerns, and code enforcement violations.
Chair Jensen closed the Public Hearing at 6:51 PM
Under deliberation, Commissioners discussed fencing the wetland (Special Condition 1); challenges of the site; neighboring property; potential to increase housing stock by creating the subdivision; Subdivision Map Act.

A motion was made by Vice Chair Neils, seconded by Commissioner Bushnell, that the Planning Resolution be adopted as amended. The motion carried by the following vote:

Aye: 4 - Chair Jensen, Commissioner Turner, Vice Chair Neils and Commissioner Bushnell

Absent: 1 - Commissioner Stavely

Enactment No: RES PC07-2025

7. CONDUCT OF BUSINESS

None

ADJOURNMENT

Chair Jensen adjourned the meeting at 7:01 PM



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Text File

File Number: 25-154

Agenda Date: 5/14/2025

Version: 1

Status: Business

In Control: Planning Commission

File Type: Minutes

Agenda Number: 4B.

Approve the Minutes of the April 30, 2025 Planning Commission Meeting



City of Fort Bragg

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Meeting Minutes Planning Commission

Wednesday, April 30, 2025

6:00 PM Town Hall, 363 N. Main Street and Via Video Conference

Special Meeting

MEETING CALLED TO ORDER

Chair Pro Tempore Neils called the meeting to order at 6:02 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

- Present** 4 - Commissioner Jary Stavely, Commissioner Katie Turner, Vice Chair Richard Neils, and Commissioner Ryan Bushnell
- Absent** 1 - Chair David Jensen

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

- (1) Non-Agenda: None
(2) Consent Calendar: None

2. STAFF COMMENTS

Assistant Planner Peters gave an update on upcoming construction at City Hall and the upcoming online permitting and plan check programs.
Administrative Assistant Flynn noted upcoming community events.
Consultant Jones noted that staff plans on holding both regularly scheduled Planning Commission meetings in May.

3. MATTERS FROM COMMISSIONERS

None

4. CONSENT CALENDAR

None

5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None

6. PUBLIC HEARINGS

- 6A.** [25-120](#) Receive a Report, Hold a Public Hearing, and Consider Adopting a Resolution

Recommending that the City Council Approve a Coastal Development Permit 1-25 (CDP 1-25), Design Review 1-25 (DR 1-25), Use Permit 1-25 (UP 1-25) and Sign Permit 2-25 (SP 2-25) for a Proposed 49-Unit Senior Housing Project Located at 860 Hazelwood (APN 018-210-29). Statutorily exempt from CEQA pursuant to section 15332 - Class 32 In-Fill Development Projects and 15192 and 15195 Infill Housing Development.

Chair ProTempore Neils opened the Public Hearing at 6:09 PM

Consultant Jones presented the report.

Commissioners asked clarifying questions regarding special conditions for traffic flow and the absence of playground facilities.

The applicant team answered clarifying questions regarding elevator height, water use, front doors facing Hazelwood, and mechanical equipment on the roof.

Public Comment: Linda Perry, Paul Clark, David Jensen

Applicant provided rebuttal regarding who the units will be rented to, parking concerns, providing a generator for emergency events, emergency vehicle access points, landscaping, solar, and the existing well.

Chair ProTempore Neils closed the Public Hearing at 7:01 PM

Discussion: Under deliberation, Commissioners discussed special conditions, the sign permit, construction hours, applications for residents, landscaping and parking.

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

Aye: 4 - Commissioner Stavely, Commissioner Turner, Vice Chair Neils and Commissioner Bushnell

Absent: 1 - Chair Jensen

Enactment No: RES PC07-2025

7. CONDUCT OF BUSINESS

None

ADJOURNMENT

Chair Pro Tempore Neils adjourned the meeting at 7:15 PM



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Text File

File Number: 25-124

Agenda Date: 5/14/2025

Version: 1

Status: Public Hearing

In Control: Planning Commission

File Type: Planning Staff Report

Agenda Number: 6A.

Initial Study/Mitigated Negative Declaration - Oneka Desalination Buoy Pilot Project



PLANNING COMMISSION STAFF REPORT

TO: Planning Commission **DATE:** May 14, 2025

PREPARED BY: Eric Miller/Miller Marine Science & Consulting, Inc. and Tim Hogan/TWB Environmental Research and Consulting, Inc.

PRESENTER: Eric Miller/Miller Marine Science & Consulting, Inc.

AGENDA TITLE: Initial Study/Mitigated Negative Declaration – Oneka Desalination Buoy Pilot Project

RECOMMENDATION

Consider the potential environmental effects of the Oneka Desalination Buoy Pilot Project as presented in the Initial Study/Mitigated Negative Declaration, as well as public testimony and Planning Commissioners' discussion during the public meeting and certify the Initial Study/Mitigated Negative Declaration; and adopt Resolution No. PC XX-2025 entitled:

“RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION FOR THE ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND THE ADOPTION OF THE INITIAL STUDY/MITIGATION AND MONITORING AND REPORTING PLAN FOR THE ONEKA DESALINATION BUOY PILOT PROJECT”

BACKGROUND

The City of Fort Bragg (City) has suffered water reliability concerns in recent years during the severe droughts California has endured. In response, the City installed portable, containerized desalination units to treat the brackish or saline waters at a diversion point approximately 4.5 miles upstream from the Noyo River mouth. To avert future challenges, the City has sought out new, reliable water supply alternatives. One promising technology is the Oneka Technologies (Oneka) wave-powered desalination system. The Oneka unit converts seawater into freshwater through reverse osmosis (RO) using only the power of ocean waves. The Oneka design will be the first of its kind in California and would therefore benefit from a pilot study to demonstrate its effectiveness and refine its operational parameters to inform a future utility-scale deployment.

In consultation with the City, Oneka identified their Iceberg class unit as the most appropriate to pilot test off the coast of the City. The Iceberg unit is the 9th generation of this technology developed over seven years in the ocean environment. The pilot study (Project) will deploy a single Iceberg class unit that will produce on average 13,200 gal/day

AGENDA ITEM NO. XX

or 0.013 million gallons/day (MGD) for a period of 12 months. Over the course of the pilot study, the operational parameters and environmental impact of the Iceberg’s operation will be monitored to support permitting of a future array of Iceberg units to provide a utility-scale water supply solution.

On May 4, 2023, the California Department of Water Resources awarded Fort Bragg Grant Number 4600015131 to support the pilot study of the Oneka Iceberg. To determine functionality, operability, and environmental effect, the pilot study will deploy a single Oneka Iceberg wave-powered seawater desalination buoy in Mill Bay offshore of the City’s existing wastewater treatment plant (WWTP). Desalinated water (permeate) will be conveyed to shore via a submerged pipeline that will be anchored on the seafloor (and on the existing WWTP concrete outfall encasement) extending through the surf zone and up the concrete stairway to the WWTP. Once on the WWTP property, the permeate will be available for testing and observation and ultimately disposed of via the existing WWTP outfall.

The Project is undergoing a full environmental review and permitting effort, beginning with an Initial Study and subsequent Mitigated Negative Declaration (together, the IS/MND, provided as Attachment 1). In August 2024, the City applied to the California State Lands Commission (CSLC) for a lease agreement for the subtidal lands of California needed for the Iceberg mooring system and conveyance pipeline to shore. It is anticipated that review of the lease will be completed in 2025. In addition to the CSLC’s jurisdiction, a Notice of Intent to comply with the terms of Order No. R1-2020-0006 General NPDES No. CA0024902 for Low-Threat Discharges to Surface Waters in the North Coast Region (Low-Threat Permit) was submitted the North Coast Regional Water Quality Control Board (RWB) on October 11, 2024. The Project is subject to the review and approval of several other federal and State entities with statutory and/or regulatory jurisdiction over various aspects of the Project as listed in Table 1 below.

The California Environmental Quality Act (CEQA) (Cal. Pub. Resources Code §21000 et seq.; see also, 14. Cal Code Regs. §15000 et seq. [State CEQA Guidelines]) requires that an agency considering approval of a discretionary project must consider the potential environmental effects and/or impacts of implementing the project before granting its approval. Approval of the Oneka Desalination Buoy Pilot Project would constitute a “Project” under CEQA, which requires the City to conduct an environmental review. In accordance with CEQA, the City, acting in the capacity of Lead Agency, undertook the preparation of an IS/MND to determine if the proposed Project would have a significant environmental impact. As set forth in Table 1, the IS/MND will also be used by responsible and trustee agencies for discretionary permits and approvals that may be required for the Project.

Table 1. Permitting agencies and the anticipated approvals, authorizations, and regulatory requirements.

Permitting Agency	Anticipated Approvals, Authorizations, and Regulatory Requirements
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Federal Agencies	
U.S. Army Corps of Engineers (USACE)	Section 10 of the Rivers and Harbors Act Authorization/Section 404 Clean Water Act
U.S. Coast Guard (USCG)	Local Notice to Mariners (LNM)
National Marine Fisheries Service (NMFS)	Essential Fish Habitat Assessment (with USACE), Marine Mammal Protection Act, Section 7 Consultation
California State Agencies	
California State Lands Commission (CSLC)	California Subtidal Lands Lease
California Coastal Commission (CCC)	Coastal Development Permit
North Coast Regional Water Quality Control Board (RWB)	CWC §13142.5(b) Determination, Low-Threat Permit, Clean Water Act Section 401 Water Quality Certification
California Department of Fish and Wildlife (CDFW)	Scientific Collecting Permit

DISCUSSION AND ANALYSIS

The Project would occupy approximately 6.3 acres of seaspace located approximately 0.5 mile offshore of the City’s existing WWTP in Mill Bay. A pipeline will convey produced freshwater from the Oneka Iceberg to the WWTP on shore. The pipeline will be placed within an area leased from the CSLC paralleling, to the extent possible, the existing wastewater treatment plant ocean outfall.

The Oneka Iceberg buoy will be moored at a site in Mill Bay using a multipoint mooring system with built in redundancy to maintain the buoy’s position should a mooring line fail. The primary mooring system for the Iceberg will consist of a main tether running between the underside of the buoy and a gravity anchor placed on the seafloor. The tether will be part of the heave compensation system built into the Iceberg that will accommodate the vertical movement of the Iceberg with wave swells. The gravity anchor will consist of a structural steel frame that will hold removable concrete blocks which will be set in place after landing the frame on the seafloor. This main mooring system integrates into the proprietary system used by the Oneka Buoy to convert the wave energy to mechanical energy used to operate the buoy’s desalination system.

The secondary mooring system for the Oneka Iceberg buoy will consist of four traditional anchors, ground legs and mooring line spreads. Each spread will consist of a gravity anchor (comprised of either concrete or chain) connected to a marker buoy via a synthetic riser line running to the surface; a ground leg laying on the seafloor consisting of studlink chain; a synthetic riser line connected to the ground leg and running up to a surface buoy; and a surface mooring line running between the buoy and the Oneka Iceberg unit. The four secondary mooring spreads will be placed to best accommodate the prevailing swells and will remain within the seafloor footprint limitations. The design of these spreads, with a single riser between the ground leg on the seafloor and the buoy, will minimize the potential for interference with marine animals.

The Oneka Iceberg unit will withdraw up to 66,000 gallons of seawater per day (0.066 million gallons per day or MGD) through an ultra-fine mesh (60-micrometer mesh)

screen near the sea's surface. The Oneka Iceberg's proprietary system will pressurize the water and force it through reverse osmosis membranes using mechanical energy captured from the vertical movement of the buoy on the waves. The produced freshwater (up to 13,200 gallons/day or 0.013 MGD) will be conveyed to shore while the rejected brine (up to 52,800 gallons/day or 0.053 MGD) will be discharged back through the ultra-fine mesh intake screen. The discharge process helps keep the screen clear of fouling material. Upon discharge, the brine is diluted to near ambient salinity within approximately nine feet of the discharge point.

A High-Density Polyethylene (HDPE) pipe will be used to transfer the produced water from the Oneka Iceberg buoy to shore. HDPE is commonly used for marine pipeline installations due to its flexibility, corrosion resistance, and compatibility with fresh water. The three-inch diameter pipe will have an approximate total length of 3,600 feet, of which 2,900 feet will be below sea and the remaining 700 feet floating at the surface. The umbilical connection of the pipeline to the buoy will feature a standard lazy wave configuration used in most pipeline-to-floating-structure connections to reduce strain on the pipeline and avoid damage. The umbilical will use buoy supports and mid-water weights to lift and bend the pipeline before connecting to the Oneka Iceberg's produced water outtake. The connection of the pipeline to the outtake will feature a breakaway link which would disconnect the pipeline from the buoy for entanglement prevention and to prevent damage to either the Oneka Iceberg or the pipeline.

The onshore end of the produced water pipeline will terminate within the WWTP property. The pipeline will connect to a City-supplied water pipe through a valve and meter connection near the top of the bluff. From that point heading towards the ocean, the produced water pipeline will be attached to the existing concrete slab and deck using u-clamps and fasteners. At the edge of the bluff, the produced water pipeline will turn vertical and run down the face of the bluff, again being connected to the existing concrete bluff face using u-clamps and fasteners. At the bottom of the cliff the produced water pipeline will turn horizontal and run out across the shoreline to connect with the offshore portion of the produced water pipeline.

Once connected to the beach flange, the offshore section of the produced water pipeline will be aligned over the top of the existing WWTP ocean outfall which is encased in a concrete overpour. The produced water pipeline will be secured using a combination of concrete collars, mooring chain and articulated concrete mats as ballast. Where mooring chain is used, it will be draped over the pipeline, providing a continuous ballast along its length. Pipeline ballasting and stability will be augmented by concrete collars and articulated concrete mats as required. The ballast will be placed over the pipe on top of the existing WWTP ocean outfall concrete encasement. No mechanical attachments will be made to the concrete encasement, submerged surrounding rock, or seabed.

Once commissioned, the Oneka Iceberg will be deployed and operated for 12 consecutive months to collect data on its operations, maintenance needs, production rate, produced water quality, environmental effects, and other ancillary elements that would inform a future utility-scale installation. At the end of the 12-month deployment,

the Oneka Iceberg buoy, mooring systems, and produced water pipeline will be removed from the ocean in compliance with all permits and authorizations.

FISCAL IMPACT/FUNDING SOURCE

Once all regulatory permits and authorizations are granted by their respective agencies, the California Department of Water Resources Grant Number 4600015131 will be released to reimburse the City for all of its expenses. Oneka Technologies will be funding additional data collection not covered by Grant Number 4600015131.

ENVIRONMENTAL ANALYSIS

An Initial Study (IS) using the CEQA checklist was completed for the Project. The Project is expected to result in either No Impact or a Less than Significant Impact to 18 of the 21 categories included on the CEQA checklist. Mitigation was proposed that would reduce the impacts to Biological Resources, Cultural Resources, and Tribal Cultural Resources to less than significant.

Two subcategories under Biological Resources benefitted from mitigation to render the impacts less than significant. In both cases, the impact was almost less than significant without mitigation, but mitigation was proposed out of an abundance of caution. Each is described in more detail below.

Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

The Project infrastructure was proposed to be installed on areas surveyed and documented to be free of sensitive habitats. Any potential impacts to sensitive habitats will be reduced to less than significant with the proposed pre-construction survey to reaffirm that the proposed areas where all mooring anchors will be placed and where the produced water pipeline will be aligned are free of sensitive habitats.

The Oneka Iceberg will withdraw seawater near the surface of California's coastal waters. This will result in the entrainment of marine life with the seawater into the buoy's desalination system. The ultra-fine, 60-micrometer mesh intake screen and low through-screen intake velocity (0.22 feet/second) will presumably reduce the amount of marine life impacted by the seawater intake, but the actual loss of marine life cannot be accurately determined at this time. Mitigation negotiated with the North Coast Regional Water Quality Control Board will reduce this impact to less than significant.

Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The Oneka Iceberg installation, removal, and operation could impact the marine mammals and marine birds in the area. The noise and movement of large equipment and materials could harass marine mammals during construction and removal. A Marine Wildlife Monitoring Plan was developed and proposed as mitigation to protect marine mammals during the construction and removal phases. Execution of this mitigation plan will reduce

this impact to less than significant. The presence of multiple mooring lines in the coastal waters during the operational phase presents entanglement potential for marine mammals and other large forms of marine life. An Entanglement Mitigation Plan was developed to reduce this impact to less than significant with its execution. Lastly, several protected marine birds nest in the overall area. To prevent upsetting the nesting pairs, mitigation was proposed wherein all construction of the landside segments will be completed outside of the nesting season or, if the work must occur during nesting season, include nest monitoring by a qualified biologist. Implementation of this mitigation will render this impact less than significant.

The potential impacts to Cultural Resources and Tribal Cultural Resources would result from the same pathway, the unexpected discovery of culturally-significant resources during construction and removal of equipment. A careful review of all available information suggests no culturally-significant resources should be uncovered by the Project's construction and removal phases. Nevertheless, a Tribal Monitor will be employed during all earth moving activities. If cultural resources, tribal or not, are uncovered during the Project, all work shall be temporarily halted within 50 feet of the discovery. This work stoppage will remain in place until a qualified professional archaeologist and Tribal Monitor has evaluated the situation and provided their recommendations. Work will resume when the recommendations have been received and implemented.

STRATEGIC PLAN/COUNCIL PRIORITIES/GENERAL PLAN CONSISTENCY

Goals 1A and 7A of the City's 2024-2028+ Strategic Plan specifically identify reference supporting the project.

Goal 1A. Enliven Fort Bragg through local jobs and business success and develop a Business and Economic Plan that benchmarks and attracts diverse businesses to support our community through enduring blue and green industries and elevates our City as an independent economy that serves local, regional, national, and international sectors.

Nurture regional focus on blue economy initiatives for economic growth, sustainable job creation, and improved livelihoods that support healthy ocean ecosystems.

Support innovation and inspire solutions to climate related challenges.

» Demonstrate Fort Bragg's leadership in alternative water supply (e.g., Oneka wave powered desalination buoy).

Goal 7A. Promote the City and highlight key accomplishments (e.g., Oneka Wave System desalination, broadband infrastructure) across multiple forms of multi-lingual media.

COMMUNITY OUTREACH

Multiple workshops and outreach efforts have occurred in relation to this project. These efforts are catalogued on the following websites.

[City of Fort Bragg Public Works Projects](#)

[City of Fort Bragg Community Development Projects](#)
[Noyo Ocean Collective- Oneka Technologies](#)

One comment letter, California Department of Fish and Wildlife, was received during the March 20, 2025, to April 21, 2025 public comment period. All of the comments were responded to in the Response to Comments (Attachment 2).

ALTERNATIVES:

An alternative location at the mouth of Noyo Harbor was initially evaluated but determined to be infeasible due to its potential impact on Noyo Harbor activities.

ATTACHMENTS:

Attachment 1: Initial Study/Mitigated Negative Declaration: Oneka Desalination Buoy Pilot Project

Attachment 2: Public Comment Letter Response to Comments Matrix and Comment Letter.

Attachment 3: Resolution No. PC XX-2025 Resolution of the Fort Bragg Planning Commission for the adoption of the Mitigated Negative Declaration and the adoption of the Mitigation and Monitoring and Reporting Plan for the Oneka Desalination Buoy Pilot Project.

City of Fort Bragg Responses to Comments on the Initial Study/Mitigated Negative Declaration – Oneka Desalination Buoy Pilot Project.

Comment Number	Comment Text	City of Fort Bragg Response
1	<p>The Department understands that this is a pilot scale project intended to gain data and information for future commercial scale buildout. With that understanding the Department is concerned that some aspects and data from the Project may not inform a commercial scale buildout of multiple Icebergs. Questions remain about the cumulative impacts from multiple clustered Iceberg units, such as impacts from brine discharge, shading, and entanglement of marine life. For example, one Iceberg will have minimal shading impacts, but the shading impacts of multiple Iceberg units in close proximity will have to be evaluated before commercial scale buildout and permitting.</p> <p>Additionally, the anchor lines and pipeline for multiple units for any large-scale buildout will pose a risk marine life entanglement, including marine mammals. These impacts from scaling up the pilot will need to be evaluated, and</p>	<p>Thank you for the comment. The City agrees that the intent of the pilot project is to partially inform a potential future utility-scale installation of Oneka's wave powered desalination buoys. The concerns raised relevant to a potential future larger deployment are noted and will factor into that future project impact analysis.</p>
2	<p>The Department has engaged in early coordination with the City regarding the plankton sampling and monitoring plan and recommends continued collaboration to ensure that all monitoring and mitigation activities are conducted in compliance with applicable state laws and permitting requirements. The Department has determined that a Department issued Scientific Collecting Permit (SCP) will be required to authorize the Project's proposed plankton monitoring and sampling activities. The Department recommends submitting a complete SCP application at least 3 months prior to the Project start date to avoid delays to</p>	<p>Thank you for your comment and active, early engagement during the planning process for this pilot study. It is in our permitting plan to apply for a SCP within the next 45 days.</p>
3	<p>The Department appreciates the continued collaboration to ensure that all monitoring and mitigation activities are conducted in compliance with applicable state laws and permitting requirements. The Department recommends a complete SCP application, including but not limited to, detailed methodologies for plankton sampling/monitoring activities, as well as qualifications of personnel involved in these activities. This will facilitate timely review and issuance of the required SCP and help avoid delays in the Project's schedule. For more information on submitting the SCP application, please visit: Scientific Collecting Permits.</p>	<p>Thank you for your comment and active, early engagement during the planning process for this pilot study. It is in our permitting plan to apply for a SCP within the next 45 days.</p>
4	<p>CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, section 21003, subd. (e)). Please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data. The types of information reported to CNDDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-</p>	<p>Thank you for your comment. The City commits to reporting an and all special status species and natural communities to the CNDDDB.</p>
5	<p>The Project, as proposed, could have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by the Department. Payment of the environmental document filing fee is required for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, section 753.5; Fish & G. Code, section 711.4; Pub. Resources Code, section 21089.).</p>	<p>Thank you for your comment. The City is planning to pay all applicable fees upon filing the Notice of Determination.</p>



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Marine Region
 1933 Cliff Drive, Suite 9
 Santa Barbara, CA 93109
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 21, 2025

Ms. Maria Flynn
 City of Fort Bragg
 Community Development Department
 416 N. Franklin St.
 Fort Bragg, CA 94537
mflynn@fortbragg.com

CITY OF FORT BRAGG ONEKA DESALINATION BUOY (ICEBERG) PILOT PROJECT, INITIAL STUDY/MITIGATED NEGATIVE DECLARATION SCH #2025030927

Dear Ms. Maria Flynn:

The California Department of Fish and Wildlife (Department) received an Initial Study/Mitigated Negative Declaration (IS/MND) from the City of Fort Bragg (City) for the Oneka Desalination Buoy (Iceberg) Pilot Project (Project), pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife resources. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

DEPARTMENT ROLE

The Department is California’s Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state [Fish & G. Code, section 711.7, subd. (a) & 1802; Pub. Resources Code, Section 21070; CEQA Guidelines Section 15386, subd. (a).]. The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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(*Id.*, section 1802.). Similarly, for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. The Department is also responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine waters of California and ensuring fisheries are sustainably managed under the Marine Life Management Act. Pursuant to our jurisdiction, the Department has the following comments and recommendations regarding the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Fort Bragg

Objective: The primary objective of the proposed Project is to conduct a pilot test to determine functionality, operability, and environmental effect by deploying a single desalination buoy (Iceberg) in Mill Bay offshore of the City's wastewater treatment plant (WWTP) in Fort Bragg, Mendocino County. The Project will deploy the Iceberg and test its new technology to produce and deliver desalinated water using wave generated power, without the need for any additional electricity from shore. Project activities include conveying desalinated water generated by the Iceberg to shore via a submerged 3-inch pipeline that will be anchored on the seafloor, and on the existing WWTP concrete outfall encasement, extending through the surf zone and up the concrete stairway to the WWTP. When operational, the Iceberg will intake seawater at a rate of 13,200 gal/day and discharge brine at the rate of 5,800 gal/day. The desalinated water will undergo testing once on the WWTP property and will be ultimately disposed of via the existing WWTP outfall. The Project's purpose is to gather data over the course of a 12-month timeframe to inform design and permitting of a future, utility scale deployment to meet the City's water needs.

Location: The Iceberg and its mooring infrastructure will be placed within a 6.3 acre soft-bottom area located off the coast of Mendocino County, 0.5 miles due west of the City of Fort Bragg's wastewater treatment plant at: Latitude: 39.44° Longitude: -123.82°.

BIOLOGICAL SIGNIFICANCE

The nearshore coastal waters off Fort Bragg in Mendocino County, California, are ecologically rich and biologically significant, supporting a wide range of sensitive marine habitats such as rocky reefs, kelp forests, sandy bottoms, and estuarine environments. These diverse habitats provide critical ecosystem functions and serve as vital foraging,

breeding, and nursery grounds for numerous marine species, such as abalone, halibut, rockfish (*Sebastes sp.*), and salmonids.

COMMENTS AND RECOMMENDATIONS

The Department offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife resources.

Comment 1. Pilot Study to Commercial Scale

Comments: The Department understands that this is a pilot scale project intended to gain data and information for future commercial scale buildout. With that understanding the Department is concerned that some aspects and data from the Project may not inform a commercial scale buildout of multiple Icebergs. Questions remain about the cumulative impacts from multiple clustered Iceberg units, such as impacts from brine discharge, shading, and entanglement of marine life. For example, one Iceberg will have minimal shading impacts, but the shading impacts of multiple Iceberg units in close proximity will have to be evaluated before commercial scale buildout and permitting. Additionally, the anchor lines and pipeline for multiple units for any large-scale buildout will pose a risk marine life entanglement, including marine mammals. These impacts from scaling up the pilot will need to be evaluated, and avoidance and mitigation measures will need to be identified.

Intake Screen

The Iceberg system has the potential to harm or kill marine organisms through entrainment and impingement, as 0.013 MGD of seawater is drawn into the system and desalinated. Entrainment typically harms or kills smaller organisms that can be pulled through intake screens such as algae, plankton, fish and invertebrate larvae, and eggs. Impingement impacts occur when organisms become trapped against intake screen or reverse osmosis membranes. The design of the intake structure described in Section 8.2.2 of the IS/MND, which includes "a 16.5 in diameter and 10.3 in long, 60-micron (0.06 mm) mesh screen on the intake, with a maximum through-screen velocity of 0.22 ft/sec," is consistent with the Department's recommendations for intake screens. Additionally, the IS/MND states, "The presence of groundfish adult habitat suggests larvae produced by resident adults would be exposed to the operation of the Iceberg. The 60-µm mesh intake screen and low intake velocity will minimize the potential impact on groundfish larvae." A plankton monitoring program will be initiated after deployment of the Iceberg to monitor and quantify impingement and entrainment.

Comment 2. Recommendation: The Department has engaged in early coordination with the City regarding the plankton sampling and monitoring plan and recommends continued collaboration to ensure that all monitoring and mitigation activities are conducted in compliance with applicable state laws and permitting requirements. The Department has determined that a Department issued Scientific Collecting Permit (SCP) will be required to authorize the Project's proposed plankton monitoring and sampling activities. The Department recommends submitting a complete SCP application at least 3 months prior to the Project start date to avoid delays to the projected Project timeline.

SCIENTIFIC COLLECTING PERMIT

Comments: The Department has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). The Department has determined that the Project requires a SCP issued by the Department to authorize the Project's proposed plankton monitoring and sampling activities. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocated wildlife to avoid harm or mortality in connection with Project-related activities.

Comment 3. Recommendations: The Department appreciates the continued collaboration to ensure that all monitoring and mitigation activities are conducted in compliance with applicable state laws and permitting requirements. The Department recommends a complete SCP application, including but not limited to, detailed methodologies for plankton sampling/monitoring activities, as well as qualifications of personnel involved in these activities. This will facilitate timely review and issuance of the required SCP and help avoid delays in the Project's schedule. For more information on submitting the SCP application, please visit: [Scientific Collecting Permits](#).

Comment 4. ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, section 21003, subd. (e)). Please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link:

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<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

Comment 5. ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, could have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by the Department. Payment of the environmental document filing fee is required for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, section 753.5; Fish & G. Code, section 711.4; Pub. Resources Code, section 21089.).

CONCLUSION

The Department appreciates the opportunity to comment on the IS/MND to assist the City of Fort Bragg in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Heidi Carpenter, Environmental Scientist at R7CEQA@wildlife.ca.gov.

Sincerely,



Craig Shuman, D. Env.
Marine Regional Manager

ec: Claire Waggoner, Environmental Program Manager
California Department of Fish and Wildlife

Eric Wilkins, Senior Environmental Scientist
California Department of Fish and Wildlife

Heidi Carpenter, Environmental Scientist
California Department of Fish and Wildlife

Office of Planning and Research,
State Clearinghouse state.clearinghouse@opr.ca.gov

RESOLUTION NO. PC XX-2025

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION FOR THE ADOPTION OF THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND THE ADOPTION OF THE MITIGATION AND MONITORING AND REPORTING PLAN FOR THE ONEKA DESALINATION BUOY PILOT PROJECT

WHEREAS, the City of Fort Bragg Department of Public Works (“Applicant”) proposes to conduct a pilot study (Project) of an Oneka Wave-Powered Seawater Desalination Buoy in Mill Bay; and

WHEREAS, Fort Bragg has suffered severe water shortages in recent droughts and seeks to diversify its water supply portfolio; and

WHEREAS, the Cobey-Porter Saline Water Conversion Law (Cobey-Porter) declares that the State has a “primary interest” in the development of economical desalination projects which could “eliminate the necessity for additional facilities to transport water over long distances, or supplement the services to be provided by such facilities, and provide a direct and easily managed water supply to assist in meeting the future water requirements of the state.” (Water Code § 12946). Furthermore, Executive Order N-10-19 (signed by Governor Gavin Newsom on April 29, 2019) confirms that “water is a human right, and is central to California’s strength and vitality . . .” and requires the California Natural Resources Agency, the California Environmental Protection Agency and the California Department of Food and Agriculture to prepare a water resilience portfolio; and

WHEREAS, Fort Bragg is developing a Blue Economy Initiative; and

WHEREAS, the Oneka Wave-Powered Seawater Desalination Buoy presents a novel method to diversify the City’s water supply portfolio with locally supplied and controlled drought-proof water without creating an additional electrical power demand; and

WHEREAS, the California Environmental Quality Act (CEQA), together with State guidelines and City environmental regulations, require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration (IS/MND), pursuant to Section 15074 of the CEQA Guidelines, for the proposed Project contained in Attachment 1 to the Staff Report; and

WHEREAS, a Mitigation and Monitoring Program, as required by CEQA, is contained in the IS/MND as Attachment 1 to the Staff Report; and

NOW, THEREFORE, BE IT RESOLVED that the City of Fort Bragg Planning Commission, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Inland General Plan; the Fort Bragg Inland Land Use and Development Code; the Project applications; all site plans, and all reports and public testimony submitted as part of the Planning Commission meeting of May 14, 2025 and Planning Commission deliberations; and any other evidence

(within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of Fort Bragg does hereby make the following findings and determinations:

1. For the purposes of the CEQA, an IS/MND was prepared for the Project, circulated for public review, and presented to the public and Planning Commission prior to acting on the Pilot Study of an Oneka Wave-Powered Seawater Desalination Buoy in Mill Bay in Fort Bragg. The conclusion of the IS/MND is that all potentially significant impacts can be mitigated.

Environmental review for the proposed Project included preparation of an IS/MND pursuant to the CEQA Statute (Public Resources Code 21000 - 21189) and Guidelines (California Code of Regulations Title 14, Division 6, Chapter 3, Sections 15000 -15387). The IS/MND was circulated from March 20, 2025, to April 21, 2025, to relevant resource agencies and was posted at the State Clearinghouse. One comment letter was received and responded to in the Response to Comments. The IS/MND included mitigation measures which have been incorporated into a Mitigation Monitoring and Reporting Plan, which is being adopted as a part of the Project.

2. The Project was found to have no impact or less than significant impacts for which mitigation is not required to reduce project-related impacts: Agriculture and Forestry, Air Quality, Aesthetics, Energy, Greenhouse Gas Emissions, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Noise, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, Utilities and Services, Mandatory Findings of Significance, and Wildfire.

There is no evidence of an impact or less than significant impacts on any of the above referenced potential impact areas based on the Project as proposed at this location. The IS/MND is dated March 2025 and was circulated for public review from March 20, 2025, to April 21, 2025.

3. The IS/MND identified potentially significant impacts to Biological Resources, Cultural Resources, and Tribal Cultural Resources which could result from the Project as originally submitted. Mitigation Measures are included to ensure potential impacts are reduced to a less than significant level. These Mitigation Measures are incorporated by reference in the IS/MND for the Project.
4. Agency and public comments have been received on the Project and the IS/MND. These comments were considered and IS/MND was revised as needed.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF FORT BRAGG FINDS, DETERMINES, AND RESOLVES, the IS/MND adequately describes the Project, impacts, and mitigation measures, and hereby makes the following environmental determinations regarding the pilot study of an Oneka Wave-Powered Seawater Desalination Buoy in Mill Bay considered on May 14, 2025:

1. The Recitals set forth above are true and correct and incorporated herein as findings of fact.
2. An IS/MND was prepared for this Project pursuant to the provisions of CEQA.
3. Mitigation measures have been made a condition of the approval of the project.

4. A Mitigation Reporting and Monitoring Plan was prepared and included in the IS/MND for this project.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Fort Bragg Planning Commission adopts the IS/MND as set forth in **Attachment 1** to the Staff Report and adopts the Mitigation and Monitoring and Reporting Plan for the proposed pilot study of an Oneka Wave-Powered Seawater Desalination Buoy in Mill Bay, subject to the mitigations included herein as outlined in the IS/MND.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the 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 14th day of May 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

David Jensen, Chair

ATTEST:

Maria Flynn, Administrative Assistant



City of Fort Bragg

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

Text File

File Number: 25-125

Agenda Date: 5/14/2025

Version: 1

Status: Public Hearing

In Control: Planning Commission

File Type: Planning Staff Report

Agenda Number: 6B.

Receive a Report, Hold a Public Hearing and Consider Adopting a Resolution Recommending that the City Council Adopt ILUDC and CLUDC Zoning Amendments to the City's Urban Lot Split and Urban Unit Development Ordinances to Comply with Comments Received from Staff of the State Housing and Community Development Department (HCD) and Staff of the California Coastal Commission; Statutorily exempt Gov Code 15265 and 66411.7



Planning Commission Staff Report

TO: Planning Commission **DATE:** May 14, 2025

DEPARTMENT: Community Development Department

PREPARED BY: Marie Jones Consulting

PRESENTER: Marie Jones

AGENDA TITLE: Receive Report; Hold a Public Hearing and Consider Adopting a Resolution Recommending that the City Council Adopt ILUDC and CLUDC Zoning Amendments to the City’s Urban Lot Split and Urban Unit Development Ordinances to Comply with Comments Received from staff of the State Housing and Community Development Department (HCD) and staff of the California Coastal Commission.

RECOMMENDED ACTION

Adopt a Resolution of the Fort Bragg Planning Commission Recommending that the City Council Adopt:

1. An Ordinance Amending Division 17 of the Fort Bragg Municipal Code (CLUDC 4-25) to Amend Chapter 17.42.200 “Urban Unit Development” and Chapter 17.84.045 “Urban Lot Split” to Incorporate Comments From HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9; and
2. An Ordinance Amending Division 18 of the Fort Bragg Municipal Code (ILUDC 4-25) to Amend Chapter 18.42.200 “Urban Unit Development” and Chapter 18.84.045 “Urban Lot Split” To Incorporate Comments from HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Residential Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9.

BACKGROUND

Senate Bill 9 (SB-9) was the product of a multi-year effort to develop solutions to address the State’s housing crisis. The goals of SB-9 are to:

- Provide options for homeowners to: 1) build intergenerational wealth to improve equity and create social mobility; and 2) increase the supply of affordable rental opportunities and home ownership.
- Benefit homeowners NOT institutional investors. By requiring owner occupancy, the program is not available to speculators and developers generally. The program requires a homeowner to submit an affidavit of owner occupancy for three years.
- Requires a roughly equal (no more than a 40/60 percent) lot split, with a minimum resulting lot size of 1,200 SF.
- Only permissible in single family zoning districts.
- Establishes a maximum number of four (4) units, including two primary homes with two additional units (ADU/JADUs) for any lot which has not been split through an urban lot split. Allows up to two units maximum per parcel created through an urban lot split (two primary units, or one primary and one ADU/JADU).
- Requires development standard exceptions to accommodate at least two units of 800 sf each on each subsequent lot.
- Prohibits urban lot splits and urban unit development in a variety of circumstances including: on parcels in environmentally sensitive habitat areas, historic neighborhoods, wetlands, hazardous waste sites, flood zones and tidelands, areas vulnerable to sea level rise, and areas with an earthquake fault among other prohibitions.

DISCUSSION AND ANALYSIS

After the City Council approved the City 2023 ordinances, MJC submitted the draft ordinances to HCD and the Coastal Commission in April of 2023 for comment and review as required by these State agencies.

- The City received HCD review letters on February 19, 2025 (Attachments 4). The changes required to make the ordinances compliant with state law are noted in red text in the attached draft ordinances (attachments 2 and 3).
- The Coastal Commission provided comments in the fall of 2024 and requested that the City include any comments from HCD into the LCP submittal and resubmit the CLUDC ordinance as an ordinance for the Coastal Commission's consideration.

HCD's requested revisions include only one substantive changes, namely: the City may not require any design standards related to multifamily development for Urban Unit development projects and therefore the entirety of section 18.42.200.G was struck from the attached draft ordinance. The remainder of the changes clarified legal definitions for factors that limit lot splits (18.84.045.A.4) and urban unit development (18.42.200.C).

FISCAL IMPACT

Eliminating the Capacity Fee for units of 750 SF or less, as required by state law, will result in the City investing more funds from other sources on capital improvements related to sewer and water infrastructure.

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 amendment to the ILUDC is statutorily exempt Sections 66411.7(n) of the California Government Code.

COMMUNITY OUTREACH

These ordinances have been discussed at all housing forums at the City of Fort Bragg at the prior Planning Commission and City Council hearing on this topic. Generally, the community is mixed on the relaxation of the code to allow construction of four units per single family home and lot splits in Single family residential zoning districts.

ALTERNATIVES

The City could decide not to adopt City specific ordinances and could instead implement State law by referencing State law in the City's zoning code.

CONSISTENCY

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

ATTACHMENTS

1. An Ordinance Amending Division 17 of the Fort Bragg Municipal Code (CLUDC 2-25) to Amend Chapter 17.42.200 "Urban Unit Development" and Chapter 17.84.045 "Urban Lot Split" to Incorporate Comments From HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9; and
2. An Ordinance Amending Division 18 of the Fort Bragg Municipal Code (ILUDC 3-25) to Amend Chapter 18.42.200 "Urban Unit Development" and Chapter 18.84.045

“Urban Lot Split” To Incorporate Comments from HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Residential Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9.

3. Resolution of the Fort Bragg Planning Commission Recommending that the City Council Amend: 1) An Ordinance Amending Division 17 of the Fort Bragg Municipal Code (CLUDC 2-25) to Amend Chapter 17.42.200 “Urban Unit Development” and Chapter 17.84.045 “Urban Lot Split” to Incorporate Comments From HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9; and 2) An Ordinance Amending Division 18 of the Fort Bragg Municipal Code (ILUDC 3-25) to Amend Chapter 18.42.200 “Urban Unit Development” and Chapter 18.84.045 “Urban Lot Split” To Incorporate Comments from HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Residential Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9.
4. City Council Consistency Analysis
5. HCD’s February 19, 2025, Comment Letter
6. Notice of Public Hearing

NOTIFICATION

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

AN ORDINANCE AMENDING DIVISION 17 OF THE FORT BRAGG MUNICIPAL CODE (CLUDC 4-25) TO AMEND CHAPTER 17.42.200 “URBAN UNIT DEVELOPMENT,” AND CHAPTER 17.84.045 “URBAN LOT SPLIT,” TO INCORPORATE COMMENTS FROM HCD INTO REGULATIONS AND STANDARDS FOR URBAN LOT SPLITS AND URBAN UNIT RESIDENTIAL DEVELOPMENT PROJECTS IN LOW DENSITY RESIDENTIAL ZONING DISTRICTS PURSUANT TO SENATE BILL 9

ORDINANCE NO. XXX-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 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 availability of housing is a substantial concern for individuals of all demographics, ages, and economic backgrounds in communities throughout the State of California; and

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

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

WHEREAS, the City wishes to balance compliance with State law with the rights still preserved under the new legislation authorizing the City to establish objective zoning, subdivision and design review standards consistent with SB-9 requirements to approve urban lot splits and urban unit residential development; and

WHEREAS, the project is exempt from CEQA, as a zoning amendment to implement the provisions of Sections 65852.1 and Section 66411.7 of the Government Code is exempt from CEQA by those code sections; and

WHEREAS, the “activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long range development plan” pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption “shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c)); and

WHEREAS, the Community Development Committee held a duly noticed public hearing on May 17, 2023, to discuss a memo about SB-9 implementation in Fort Bragg; and public comments were given at that time; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 15, 2025, to consider the Zoning Amendment, accept public testimony; and adopted a resolution recommending a zoning amendment to add Chapter 17.42.200 “Urban Unit Development”, and Chapter 17.84.045 “Urban Lot Split” to the CLUDC.

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 Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the City Council meeting of December 11, 2023 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: COASTAL LAND USE AND DEVELOPMENT CODE AMENDMENT FINDINGS

Pursuant to Fort Bragg Municipal Code Section 17.94.060, City Council makes the following findings for adoption of the proposed amendments to the Fort Bragg Coastal Land Use and Development Code:

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and

As noted in the General Plan Consistency Analysis, which is Attachment 5 to the staff report and incorporated by reference under the resolution statement above, the project is consistent with the Coastal General Plan as follows:

- 1. The proposed project is consistent with the land use designations of the Land Use Element of the Coastal General Plan (CGP) because state law does not allow local jurisdictions to include the four units allowed through an Urban Lot Split and

subsequent development in their density calculations. Thus, while the amendments will allow “higher” residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

2. The proposed amendment is consistent with the following applicable General Plan policies: Policy LU-10.2, Policy LU-10.4, Policy LU-10.6, Policy LU-5.7, Policy LU-10.1, Policy PF-1.1, Policy PF-2.1, Policy CD-1.1: Policy CD-2.4 and Policy CD-2.5
 3. The proposed amendment would be consistent with the policies of the Open Space and Conservation Element as a CDP is required if the project is located in an area that has the potential to effect Environmentally Sensitive Habitats, wetlands, visual resources or on other Coastal Act resources as illustrated in the Maps of the Coastal General Plan.
- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

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

- c. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The Proposed Amendment is consistent with CLUDC standards with the following State mandated exception.

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

SECTION 2. LEGISLATIVE FINDINGS.

The City Council hereby finds as follows:

1. The foregoing recitals are true and correct and are made a part of this Ordinance.
2. On October 11, 2023, the Planning Commission held a properly noticed public hearing to

consider recommending the proposed minor amendment to the Coastal 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 minor amendment to the CLUDC pursuant to Gov. Code Section 65355.

3. On December 11, 2023 the City Council held a properly noticed public hearing to consider adoption of the amendment to the Coastal Land Use and Development Code.
4. 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
5. The proposed amendment is internally consistent with other applicable provisions of the Coastal Land Use Development Code, including Chapters 17.42, 17.71, 17.100, and others; and the LCP Amendment is consistent with the California Coastal Act; and
6. The California Environmental Quality Act ("CEQA") does not apply to activities and approvals of a local coastal program that are undertaken by a local government pursuant to Public Resources Code Section 21080.9) and CEQA Guidelines Section 15265(a), and
7. Pursuant to Coastal Act Section 30510(a), the City of Fort Bragg will carry out the Local Coastal Program as amended in a manner fully in conformity with the California Coastal Act; and
8. The documents and other material constituting the record for these proceedings are located at the Community Development Department.
9. The amendments to the Local Coastal Program shall take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

SECTION 3. BASED ON THE FOREGOING, CITY COUNCIL DOES HEREBY:

Amend 17.84.045 Urban Lot Splits as follows:

17.84.045 URBAN LOT SPLITS

Purpose. This Section establishes standards to implement California Government Code Section 66411.7 and Government Code 65852.21 which requires approval of the subdivision of a residential lot in RR, RS, and RL Zoning Districts into two parcels with up to two units of housing on each subsequent parcel per 17.42.200.

Coastal Development Permit required. An application for an Urban Lot Split shall be approved with an administrative Coastal Development Permit. While a public hearing shall not be held, public notice is required for both the Pending Action and the Final Action.

Definitions. These definitions are intended for the narrow purpose of implementing 17.84.045.

- **Unit.** Unit means a primary dwelling unit or one unit of a duplex an ADU or a JADU.
- **Urban Lot Split.** A lot split authorized through 66411.7 and regulated by this Section 17.84.045.
- **Front Parcel.** A parcel, created by an Urban Lot Split, which includes at least 50% of the

original parcel's street-facing frontage.

- **Back Parcel.** A parcel, created by an Urban Lot Split, which includes more than 50% of the original parcel's alley-facing frontage or back parcel line.
- **Front of the Parcel.** The "front of the parcel" is defined as 1) the street side of the Front Parcel or 2) the alley side of an alley fronting Back Parcel, or 3) the newly created parcel line for a Back Parcel that does not abut an alley.
- **Residential Use.** Residential Use includes primary units, ADUs, a duplex, and associated accessory residential structures (per Land Use Table 2-1 Residential Uses).

A. Limitation on Location.

1. The parcel must be in a Low-Density Residential zone (RR, RS, RL zones). Parcels in multifamily residential zoning districts and commercial zoning districts are not eligible for Urban Lot Splits.
2. The applicant shall undertake proper mitigation if the parcel is in a Fire, Flood, or Earthquake Hazard Zone per the appropriate section of this code.
3. Both resulting parcels shall have access to, provide access to, or adjoin the public right-of-way.
4. Urban Lot Splits are not permitted, under any of the following conditions **described in Gov Code 65913.4 A.6. B to K, the relevant sections of which are described below:**
 - a. On a parcel adjacent to another parcel that was split via the Urban Lot Split under ownership by the same person or a person working in concert with the property owner of the adjacent parcel
 - b. On a parcel that was created through a **previous Urban Lot Split.**
 - c. On a parcel located in a **historic site or district**, listed on the State Historic Resources Inventory or designated as a Historic Landmark.
 - d. On a parcel located on prime **farmland** or farmland of statewide importance.
 - e. On a parcel that includes a **wetland, as defined in Section 30121 of the Public Resources Code** or habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.
 - f. **A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:**
 - (i) The site is an underground storage tank site that received a uniform closure letter issued by the State Water Resources Control Board for residential use or residential mixed uses.
 - (ii) The State Water Resources Control Board or other agency has made a determination that the site is suitable for residential use or residential mixed uses.
 - g. Within a **special flood hazard** area subject to inundation by the 1 percent annual chance flood (100-year flood) or within a **regulatory floodway** as determined by the Federal Emergency Management Agency.
 - h. On a parcel located on lands under a **conservation easement** or any natural resources protection plan.
 - i. Land that contain **habitat for protected species** identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec.

1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

- j. On a parcel where the Urban Lot Split would **require demolition or alteration** of affordable or rental housing that: 1) is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; (2) is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) has been occupied by a tenant in the last three years.
- k. On a parcel located within areas mapped in the Coastal General Plan on any of the following Coastal General Plan maps: Map OS-1 Open Space and Environmentally Sensitive Habitat Areas; Map OS-2 Special Review and Runoff Sensitive Areas; and/or Map SF-2 Flood Hazards.
- l. **The project site should comply with Government Code section 65913.4 Housing Development Approvals, including but not limited to the following:**
 - I. Lot splits are not permitted on parcels in the coastal zone that are vulnerable to five feet of sea level rise (as defined by Gov Code section 65913(a)(6)(aiii)).
 - II. Lot splits are not permitted on parcels between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
 - III. Lot splits are not permitted on parcels on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
 - IV. Urban Lot Splits are not permissible within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist. This restriction does not apply if the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

B. Lot Size, Lot Split Size, Setbacks

- 1. No parcel of less than 2,400 SF may be subdivided through the Urban Lot Split process.
- 2. The resulting lots must be near equal in size; each lot must be at least 40 percent of the existing lot size, but no smaller than 1,200 sf.
- 3. The new lot line may be approved even if the line divides pre-existing adjacent or connected structures, so long as the structures meet building code safety standards and are sufficient to allow for separate conveyance.

C. Urban Lot Split Access & Public Improvements.

- 1. Created parcels shall have access to, provide access to, or adjoin the public right-of-way. Flag Lots or easements are permissible if there is no alley access to the back parcel. As feasible, no more than one curb cut is permitted per original parcel, shared street access is required where street access is necessary for both parcels.

2. Easements shall be required for the provision of public services and facilities.
3. The City shall not require the dedication of rights-of-way or the construction of offsite improvements.

D. Use Limitation and Deed Restriction.

1. **Deed Restriction.** As part of the recordation of the Lot Split, the owner shall record a deed restriction on both resultant lots in a form approved by the City that includes all items enumerated in D2 below.
2. **Use Limitations.** The following restrictions apply to all lots created through an Urban Lot Split.
 - a. **Sale.** The sale of an ADU unit separate from the sale of the primary unit on the same parcel is prohibited.
 - b. **Short-term Rentals.** Units shall not be rented for periods of less than 31 days.
 - c. **Future Lot Splits.** Future Urban Lot Splits of either resulting parcel is prohibited.
 - d. **Prohibition of non-residential uses.** Non-residential uses are not permitted. Only residential uses are permitted, (per Use Table 2-1 Residential Uses)
3. **Owner Occupancy Affidavit.** The property owner shall sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.
 - a. The owner-occupancy requirement does not apply to parcels under ownership of a community land trust, as defined in Section 402.1 of the Revenue and Taxation Code, or a qualified nonprofit corporation as described in 214.15 of the Revenue and Taxation Code.

E. Subdivision Map Act & General Plan Conformance. This Section overrides any conflicting provisions of the Subdivision Map Act. General Plan conformance is not required if it would preclude urban lot-splits mandated by this Section.

F. Exceptions to Development Standards for Lot Splits with Existing Development.

1. **The Community Development Director shall modify or eliminate objective development standards if they prevent the construction of up to two units of at least 800 square feet on each lot.**
2. **Side & Rear Yard Setbacks.** No setbacks are required for existing structures.
3. **Non-Conforming Structures and Land Uses.** All existing nonconforming zoning conditions (use, development standards, parking standards, etc.) may continue with an Urban Lot Split.

G. Urban Lot Split Application Requirements. An application for an Urban Lot Split under this Section shall include the following materials.

1. Tentative Map.
2. Boundary survey.
3. Parcel Map with legal descriptions for both parcels.
4. Deed restriction.

H. Allowable Development. Development of parcels created through an Urban Lot Split shall be regulated by Section 17.42.200.

I. Required Findings for Denial. The denial of a proposed Urban Lot Split requires the Building Official to make the following finding:

- a. Based upon a preponderance of the evidence, the proposed housing development would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- b. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

J. Required Findings for Approval in the Coastal Zone. The approval of a proposed Urban Lot Split requires the Review Authority to make the following findings for Urban Lot Splits in the Coastal Zone:

1. New parcels will minimize risks to life and property in areas of geologic and flood hazard.
2. New parcels will assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area; and not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
3. New parcels are consistent with relevant LCP policies requiring that parcels be sited and designed to prevent significant degradation of adjacent sensitive habitats and recreation areas and to allow the continuance of those areas into the future.
4. New parcels are consistent with LCP policies protecting public access, recreational opportunities, marine habitats, water quality, and visual resources.
5. New parcels are served with adequate public services.
6. New parcels will not be directly or indirectly impacted by sea level rise under the "medium-high risk aversion" scenarios prepared by the Coastal Commission for a period of 101 years.

SECTION 4.

Chapter 17.42.200 is hereby adopted is amended as follows:

17.42.200 URBAN UNIT DEVELOPMENT

Purpose. This Section establishes standards to implement California Government Code Section 66411.7 and section 65852.21 which requires ministerial approval up to two units of housing (see A-2) on a parcel created through an Urban Lot Split and up to four Units (see A-1) on a single parcel that was not created through an urban lot split.

Coastal Development Permit required. An application for residential development that complies with the standards of this Section shall be approved with an administrative Coastal Development Permit. While a public hearing shall not be held, public notice is required for both the Pending Action and the Final Action.

Definitions. These definitions are intended for the narrow purpose of implementing 17.42.200

- **Unit.** "Unit means a primary dwelling unit, one unit of a duplex, an ADU or a JADU.
- **Urban Lot Split.** A lot split authorized through 66411.7 and regulated by this Section 17.84.045.
- **Front Parcel.** A parcel, created by an Urban Lot Split, which includes at least 50% of the

original parcel's street-facing frontage.

- **Back Parcel.** A parcel, created by an Urban Lot Split, which includes more than 50% of the original parcel's alley-facing frontage or back parcel line.
- **Front of the Parcel.** The front of the parcel shall be the street side of the Front Parcel, the alley side of an alley fronting Back Parcel I, or the newly created parcel line for a Back Parcel that does not abut an alley.
- **Residential Use.** Residential Use includes primary units, ADUs, a duplex, and associated accessory residential structures (per Land Use Table 2-1 Residential Uses).

A. Density, Size & Number of Units Allowed.

1. A Maximum of four units (two units and two J/ADUs) are permissible on lots which do not go through an Urban Lot Split. There is no size limit for primary units; **second units attached and detached accessory dwelling units** must be **800 for a studio apartment or 1,000 SF or less for a 1+ bedroom unit.**
2. A maximum of two units is permissible on each lot created by an Urban Lot Split as follows:
 - a. Two Primary Units of 1,200 SF or less each, or
 - b. One Duplex of 2,200 SF or less, or
 - c. One Primary Unit of any size & One ADU of 800 SF **or less for a studio or 1,000 SF or less for a 1+ bedroom unit,** or
 - d. One Primary Unit of any size & One Junior ADU of 500 SF or less, or
 - e. Lots created through an Urban Lot Split are not eligible for the maximum of three units (primary, ADU, JADU) specified under 17.42.170.
3. Units permissible under this section are exempt from the calculation of the maximum allowable density and shall be deemed to be a residential use that is consistent with the General Plan and zoning designation for the lot(s).

B. Setbacks For New Units.

1. Rear and side yard setbacks for new units shall be 4 feet.
2. The minimum front yard setback for the back parcel shall be:
 - a. 10 feet when facing the alley, and
 - b. 5 feet when facing the new property line (see definitions).
3. The minimum front yard setback for the front parcel shall comply with the development standards of Section 17.21.050.

C. Limitation on Location.

1. The Urban Unit Development must be on a parcel in a Low-Density Residential zone (RR, RS, RL zones). Parcels in multifamily residential zoning districts and commercial zoning districts are not eligible for Urban Lot Splits.
2. The applicant shall undertake proper mitigation if the parcel is in a Fire, Flood, or Earthquake Hazard Zone per the appropriate section of this code.
3. Urban Unit Developments are not permitted, under any of the following conditions.
4. Under any of the following conditions described in Gov Code 65913.4 A.6. B to K, the relevant sections of which are described below:
 - a. On a parcel located in a **historic site or district**, listed on the State Historic Resources Inventory or designated as a Historic Landmark.
 - b. On a parcel located on prime **farmland** or farmland of statewide importance.
 - c. On a parcel that includes a **wetland**, as defined in Section 30121 of the Public Resources Code or habitat for protected species identified as candidate, sensitive,

- or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.
- d. A **hazardous waste site** that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:
 - (iii) The site is an underground storage tank site that received a uniform closure letter issued by the State Water Resources Control Board for residential use or residential mixed uses.
 - (iv) The State Water Resources Control Board or other agency has made a determination that the site is suitable for residential use or residential mixed uses.
 - e. Within a **special flood hazard** area subject to inundation by the 1 percent annual chance flood (100-year flood) or within a **regulatory floodway** as determined by the Federal Emergency Management Agency.
 - f. On a parcel located on lands under a **conservation easement** or any natural resources protection plan.
 - g. Land that contain **habitat for protected species** identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 - h. On a parcel where the Urban Lot Split would **require demolition or alteration of affordable or rental housing** that: 1) is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; (2) is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) has been occupied by a tenant in the last three years.
 - i. On a parcel located within areas mapped in the Coastal General Plan on any of the following Coastal General Plan maps: Map OS-1 Open Space and Environmentally Sensitive Habitat Areas; Map OS-2 Special Review and Runoff Sensitive Areas; and/or Map SF-2 Flood Hazards.
 - j. The project site should comply with Government Code section 65913.4 Housing Development Approvals, including but not limited to the following:
 - I. Lot splits are not permitted on parcels in the coastal zone that are vulnerable to five feet of sea level rise (as defined by Gov Code section 65913(a)(6)(aiii)).
 - II. Lot splits are not permitted on parcels between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
 - III. Lot splits are not permitted on parcels on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
 - IV. Urban Lot Splits are not permissible within a delineated earthquake fault zone as determined by the State Geologist in any official maps published

by the State Geologist. This restriction does not apply if the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

D. Off-street parking. One off-street parking space is required for each unit unless the unit is located half a mile from a bus stop or there is a car share on the same block. Where feasible, parking access shall be provided from the alley for both parcels via an easement or parcel configuration. In no case will parking be accommodated within the alley setback. In no case will more than one curb cut be permitted per original parcel. Shared street access is required where street access is necessary for both parcels. Parking shall be provided onsite in areas with coastal access that have constrained public parking.

E. Timing. Units may be constructed simultaneously or at different times.

F. Exceptions to Development Standards

- 1. Exceptions to Accommodate at least two 800 SF Units.** The Community Development Director shall modify or eliminate objective development standards if they prevent the construction of up to two units of at least 800 square feet on each lot. ~~The following objective development standards shall be modified last (and only if no other combination of modified standards permits at least two 800 SF Units): parking requirement, front setback, height limit.~~
- 2. Non-conforming Setbacks.** The non-conforming setbacks of an existing structure may be retained for a new unit that is located in the same footprint.

~~**G. Objective Design Review Standards**~~

- ~~**1. Private open space and storage space.** Each unit must include 100 SF of private open space. Private open space shall be at the same elevation as and immediately accessible from within the unit. Each private open space area shall have a minimum dimension of 8 feet; except for upper floor balconies where the private open space is provided as a balcony. Each unit must include 100 cubic feet of outdoor accessible storage space as part of the unit.~~
- ~~**2. Building facades adjacent to streets.** Dwelling units shall be sited and designed so that at least 75% of the facade of each building adjacent to a public street is occupied by habitable space with windows. Each facade adjacent to a street shall have at least one pedestrian entry into the structure.~~

~~**G. Separate Connections.** The project shall include separate gas, electric and water utility connection directly between each dwelling unit and the utility.~~ **Capacity fees.** Units of less than 750 SF shall be exempt from paying capacity fees, and units of more than 750 SF shall pay a prorated share of the capacity fee.

~~**H. Vacation Rentals Prohibited.** Urban Unit Development rentals must be for a period longer than 30 days.~~

I. Application Requirements. An application for development of allowable units under this

section shall include the following materials.

- a. Site Plan – existing conditions,
- b. Site Plan – proposed project,
- c. Floor Plans, and
- d. Elevations and Finishes.

K. Required Findings for Denial. The denial of a proposed Urban Unit Development requires the Review Authority to make the following findings:

- c. Based upon a preponderance of the evidence, the proposed housing development would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- d. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

J. Required Findings for Approval in the Coastal Zone. The approval of a proposed Urban Unit Development requires the Review Authority to make the following findings in the Coastal Zone:

3. New units will minimize risks to life and property in areas of geologic and flood hazard.
4. New units will assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area; and not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
5. New units are consistent with relevant LCP policies requiring that units be sited and designed to prevent significant degradation of adjacent sensitive habitats and recreation areas and to allow the continuance of those areas into the future.
6. New units are consistent with LCP policies protecting public access, recreational opportunities, marine habitats, water quality, and visual resources.
7. New parcels/units are served with adequate public services.
8. New parcels/units will not be directly or indirectly impacted by sea level rise under the “medium-high risk aversion” scenarios prepared by the Coastal Commission for a period of 101 years.

SECTION 6. 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.

SECTION 7. Fort Bragg City Council does hereby approve LCP 4-25 to Amend Chapter 17.42.200 “Urban Unit Development,” and Chapter 17.84.045 “Urban Lot Split,” to Incorporate Comments From HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Residential Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9.

The foregoing Ordinance was introduced by Councilmember _____ at a regular meeting of the City Council of the City of Fort Bragg held _____, and adopted at a regular meeting of the City of Fort Bragg held on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

Jason Godeke, Mayor

ATTEST:

Diana Paoli, City Clerk

PUBLISH: Date, 2025 and Date, 2025 (by summary).
EFFECTIVE DATE: 15 Day after Certification by the California Coastal Commission

**BEFORE THE CITY COUNCIL OF THE CITY OF FORT
BRAGG**

AN ORDINANCE AMENDING DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE (ILUDC 2-25) TO AMEND CHAPTER 18.42.200 “URBAN UNIT DEVELOPMENT,” AND CHAPTER 18.84.045 “URBAN LOT SPLIT,” TO INCORPORATE COMMENTS FROM HCD INTO REGULATIONS AND STANDARDS FOR URBAN LOT SPLITS AND URBAN UNIT RESIDENTIAL DEVELOPMENT PROJECTS IN LOW DENSITY RESIDENTIAL ZONING DISTRICTS PURSUANT TO SENATE BILL 9.

ORDINANCE NO. XXX-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 of Fort Bragg (“City”) adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014; and

WHEREAS, the adoption of an Inland Land Use and Development Code is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new state planning and land use requirements; and 3) update zoning regulations in accordance with City Council policy direction; 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, on September 16, 2021, California Governor Gavin Newsom signed Senate Bill 9 (SB-9) into law as part of an effort to address the State’s housing crisis by streamlining housing production; and

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

WHEREAS the City wishes to balance compliance with State law with the rights still preserved under the new legislation authorizing the City to establish objective zoning, subdivision and design review standards consistent with SB-9 requirements to approve urban lot splits and urban unit residential development; and

WHEREAS, the project is exempt from CEQA, as a zoning amendment to implement the provisions of Sections 65852.1 and Section 66411.7 of the Government Code is exempt from CEQA by those code sections; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 15, 2025, to consider the Zoning Amendment, accept public testimony; and adopted a resolution recommending a zoning amendment to add Chapter 18.42.200 “Urban Unit Development”, and Chapter 18.84.045 “Urban Lot Split” to the ILUDC.

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 December 11, 2023 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 October 11, 2023, 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 ILUDC pursuant to Gov. Code Section 65355.
3. On December 11, 2023 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 ILUDC 2-23 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

5. The proposed amendment is consistent with the General Plan and any applicable specific plan.

- i. The proposed project is consistent with the land use designations of the Land Use Element of the General Plan because state law does not allow local jurisdictions to include the four units allowed through an Urban Lot Split and subsequent development in their density calculations. Thus, while the amendments will allow “higher” residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element.
- ii. The proposed amendment is consistent with and implements the following applicable General Plan policies: Policy LU-6.1, Policy PF-1.2, Policy PF-2.1, Policy CD-1.2, Policy H-1.6, Policy H-2.9, Policy H-3.2, and Program H-4.1.2.

6. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

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

7. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The Proposed Amendment is consistent with ILUDC standards with the following State mandated exceptions.

- i. Lot Coverage: As mandated by state law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
- ii. Set Backs: As mandated by state law, housing units developed as a consequence of this ordinance have an exception from the code requiring only 4 feet setbacks on the rear and side property lines. Additionally, front yard setbacks must be reduced if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
- iii. Parking and Traffic: Again, in compliance with State law, City Council may require that housing units developed as a consequence of this ordinance provide off-street parking so long as that requirement does not preclude an applicant from building at least two units of 800 SF each.

8. The project is exempt from CEQA, as a zoning amendment to implement the

provisions of Sections 65852.1 and Section 66411.7 of the Government Code is exempt from CEQA by those code sections; and

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 18.84.045 Urban Lot Splits

18.84.045 Urban Lot Splits

Purpose. This Section establishes standards to implement California Government Code Section 66411.7 and Government Code 65852.21 which requires ministerial approval of the subdivision of a residential lot in in RR, RS, and RL Zoning Districts into two parcels with up to two units of housing on each subsequent parcel per 18.42.200.

Ministerial Approval. An application for an Urban Lot Split and/or the associated residential development that complies with the standards of this Section shall be approved ministerially.

Definitions. These definitions are intended for the narrow purpose of implementing 18.84.045.

- **Unit.** Unit means a primary dwelling unit or one unit of a duplex an ADU or a JADU.
- **Urban Lot Split.** A lot split authorized through 66411.7 and regulated by this Section 18.84.045.
- **Front Parcel.** A parcel created by an Urban Lot Split that includes at least 50% of the original parcel's street-facing frontage.
- **Back Parcel.** A parcel, created by an Urban Lot Split, which includes more than 50% of the original parcel's alley-facing frontage or back parcel line.
- **Front of the Parcel.** The "front of the parcel" is defined as 1) the street side of the Front Parcel or 2) the alley side of an alley fronting Back Parcel, or 3) the newly created parcel line for a Back Parcel that does not abut an alley.
- **Residential Use.** Residential Use includes primary units, ADUs, a duplex, and associated accessory residential structures (per Land Use Table 2-1 Residential Uses).

A. Limitation on Location.

1. The parcel must be in a Low-Density Residential zone (RR, RS, RL zones). Parcels in multifamily residential zoning districts and commercial zoning districts are not eligible for Urban Lot Splits.
2. The applicant shall undertake proper mitigation if the parcel is in a Fire, Flood, or Earthquake Hazard Zone per the appropriate section of this code.
3. Both resulting parcels shall have access to, provide access to, or adjoin the public right-of-way.
4. Urban Lot Splits are not permitted under any of the following conditions described in Gov Code 65913.4 A.6. B to K, the relevant sections of which are described below:
 - a. On a parcel adjacent to another parcel that was split via the Urban Lot Split under ownership by the same person or a person working in concert with

- the property owner of the adjacent parcel
- b. On a parcel that was created through a **previous Urban Lot Split**.
 - c. On a parcel located in a **historic site or district**, listed on the State Historic Resources Inventory or designated as a Historic Landmark.
 - d. On a parcel located on prime **farmland** or farmland of statewide importance.
 - e. On a parcel that includes a **wetland**, as defined in Section 30121 of the **Public Resources Code** or habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.
 - f. A **hazardous waste** site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:
 - (i) The site is an underground storage tank site that received a uniform closure letter issued by the State Water Resources Control Board for residential use or residential mixed uses.
 - (ii) The State Water Resources Control Board or other agency has made a determination that the site is suitable for residential use or residential mixed uses.
 - g. Within a **special flood hazard** area subject to inundation by the 1 percent annual chance flood (100-year flood) or within a **regulatory floodway** as determined by the Federal Emergency Management Agency.
 - h. On a parcel located on lands under a **conservation easement** or any natural resources protection plan.
 - i. Land that contain **habitat for protected species** identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 - j. On a parcel where the Urban Lot Split would **require demolition or alteration** of affordable or rental housing that: 1) is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; (2) is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) has been occupied by a tenant in the last three years.
 - k. On a parcel located within areas mapped in the Coastal General Plan on any of the following Coastal General Plan maps: Map OS-1 Open Space and Environmentally Sensitive Habitat Areas; Map OS-2 Special Review and Runoff Sensitive Areas; and/or Map SF-2 Flood Hazards.
 - l. The project site is not within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist. This restriction does not apply if the development complies with applicable seismic protection building code standards adopted by the

California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

B. Lot Size, Lot Split Size, Setbacks

1. No parcel of less than 2,400 SF may be subdivided through the Urban Lot Split process.
2. The resulting lots must be near equal in size; each lot must be at least 40 percent of the existing lot size, but no smaller than 1,200 SF.
3. The new lot line may be approved even if the line divides pre-existing adjacent or connected structures, so long as the structures meet building code safety standards and are sufficient to allow for separate conveyance.

C. Urban Lot Split Access & Public Improvements.

1. Created parcels shall have access to, provide access to, or adjoin the public right-of-way. Flag Lots or easements are permissible if there is no alley access to the back parcel. As feasible, no more than one curb cut is permitted per original parcel, shared street access is required where street access is necessary for both parcels.
2. Easements shall be required for the provision of public services and facilities.
3. The City shall not require the dedication of rights-of-way or the construction of offsite improvements.

D. Use Limitation and Deed Restriction.

1. **Deed Restriction.** As part of the recordation of the Lot Split, the owner shall record a deed restriction on both resultant lots in a form approved by the City that includes all items enumerated in D2 below.
2. **Use Limitations.** The following restrictions apply to all lots created through an Urban Lot Split.
 - a. **Sale.** The sale of an ADU unit separate from the sale of the primary unit on the same parcel is prohibited.
 - b. **Short-term Rentals.** Units shall not be rented for periods of less than 31 days.
 - c. **Future Lot Splits.** Future Urban Lot Splits of either resulting parcel is prohibited.
 - d. **Prohibition of non-residential uses.** Non-residential uses are not permitted. Only residential uses are permitted, (per Use Table 2-1 Residential Uses)
3. **Owner Occupancy Affidavit.** The property owner shall sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.
 - a. The owner-occupancy requirement does not apply to parcels under ownership of a community land trust, as defined in Section 402.1 of the Revenue and Taxation Code, or a qualified nonprofit corporation as described in 214.15 of the Revenue and Taxation Code.

E. Subdivision Map Act & General Plan Conformance. This section overrides any conflicting provisions of the Subdivision Map Act. General Plan conformance is not required if it would preclude urban lot-splits mandated by this section.

F. Exceptions to Development Standards for Lot Splits with Existing Development.

1. The Community Development Director shall modify or eliminate objective development standards if they prevent the construction of up to two units of at least 800 square feet on each lot.
2. **Side & Rear Yard Setbacks.** No setbacks are required for existing structures.
3. **Non-Conforming Structures and Land Uses.** All existing nonconforming zoning conditions (use, development standards, parking standards, etc.) may continue with an Urban Lot Split.

G. Urban Lot Split Application Requirements. An application for an Urban Lot Split under this section 18.42.200 shall include the following materials.

1. Tentative Map.
2. Boundary survey.
3. Parcel Map with legal descriptions for both parcels.
4. Deed restriction.

H. Allowable Development. Development of parcels created through an Urban Lot Split shall be regulated by Section 18.42.200.

I. Required Findings for Denial. The denial of a proposed Urban Lot Split requires the Building Official to make the following findings:

- a. Based upon a preponderance of the evidence, the proposed housing development would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- b. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

SECTION 3.

Chapter 18.42.200 Urban Unit Development is amended as follows:

18.42.200 – URBAN UNIT DEVELOPMENT

Purpose. This Section establishes standards to implement California Government Code Section 66411.7 and section 65852.21 which requires ministerial approval up to two units of housing (see A-2) on a parcel created through an Urban Lot Split and up to four Units (see A-1) on a single parcel that was not created through an urban lot split.

Ministerial Approval. An application for the residential development that complies with the standards of this Section shall be approved ministerially.

Definitions. These definitions are intended for the narrow purpose of implementing 18.42.200

- **Unit.** "Unit means a primary dwelling unit, one unit of a duplex, an ADU or a JADU.
- **Urban Lot Split.** A lot split authorized through 66411.7 and regulated by this

Section 18.84.045.

- **Front Parcel.** A parcel, created by an Urban Lot Split, which includes at least 50% of the original parcel's street-facing frontage.
- **Back Parcel.** A parcel, created by an Urban Lot Split, which includes more than 50% of the original parcel's alley-facing frontage or back parcel line.
- **Front of the Parcel.** The front of the parcel shall be the street side of the Front Parcel, the alley side of an alley fronting Back Parcel, or the newly created parcel line for a Back Parcel that does not abut an alley.
- **Residential Use.** Residential Use includes primary units, ADUs, a duplex, and associated accessory residential structures (per Use Table 2-1 Residential Uses).

A. Density, Size & Number of Units Allowed.

1. A maximum of four units (two primary units and two J/ADUs) are permissible on lots which do not go through an Urban Lot Split. There is no size limit for primary units, ~~second units attached and detached accessory dwelling units~~ must be 800 for a studio apartment or 1,000 SF or less for a 1+ bedroom unit.
2. A maximum of two units is permissible on each lot created by an Urban Lot Split as follows:
 - a. Two Primary Units of 1,200 SF or less each, or
 - b. One Duplex of 2,200 SF or less, or
 - c. One Primary Unit of any size & One ADU of 800 SF or less for a studio or 1,000 SF or less for a 1+ bedroom unit, or
 - d. One Primary Unit of any size & One Junior ADU of 500 SF or less, ~~or~~Lots created through an Urban Lot Split are not eligible for the maximum of three units (primary, ADU, JADU) specified under 17.42.170.
3. Units permissible under this section are exempt from the calculation of the maximum allowable density for the lot on which they are located and shall be deemed a residential use that is consistent with the General Plan and zoning designation for the lot(s).

B. Setbacks For New Units.

1. Rear and side yard setbacks for new units shall be 4 feet.
2. The minimum front yard setback for the back parcel shall be 10 feet when facing the alley, and 5 feet when facing the new property line (see definitions). The minimum front yard setback for the front parcel shall comply with the development standards of Section 18.21.050.

C. Limitation on Location.

1. The Urban Unit Development must be on a parcel in a Low-Density Residential zone (RR, RS, RL zones). Parcels in multifamily residential zoning districts and commercial zoning districts are not eligible for Urban Lot Splits.
2. The applicant shall undertake proper mitigation if the parcel is in a Fire, Flood, or Earthquake Hazard Zone per the appropriate section of this code.
3. Urban Unit Developments are not permitted, under any of the conditions described in Gov Code 65913.4 A.6. B to K. The project site should also comply with Government Code section 65913.4 Housing Development Approvals. Relevant requirements of the above code sections are described below:
 - a. On a parcel located in a **historic site or district**, listed on the State

- Historic Resources Inventory or designated as a Historic Landmark.
- b. On a parcel located on prime **farmland** or farmland of statewide importance.
 - c. On a parcel that includes a **wetland**, as defined in Section 30121 of the Public Resources Code or habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.
 - d. A **hazardous waste site** that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:
 - (iii) The site is an underground storage tank site that received a uniform closure letter issued by the State Water Resources Control Board for residential use or residential mixed uses.
 - (iv) The State Water Resources Control Board or other agency has made a determination that the site is suitable for residential use or residential mixed uses.
 - e. Within a **special flood hazard** area subject to inundation by the 1 percent annual chance flood (100-year flood) or within a **regulatory floodway** as determined by the Federal Emergency Management Agency.
 - f. On a parcel located on lands under a **conservation easement** or any natural resources protection plan.
 - g. Land that contain **habitat for protected species** identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 - h. On a parcel where the Urban Lot Split would **require demolition or alteration** of affordable or rental housing that: 1) is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; (2) is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) has been occupied by a tenant in the last three years.
 - i. On a parcel located within areas mapped in the Coastal General Plan on any of the following Coastal General Plan maps: Map OS-1 Open Space and Environmentally Sensitive Habitat Areas; Map OS-2 Special Review and Runoff Sensitive Areas; and/or Map SF-2 Flood Hazards.
 - j. The project site is not within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist. This restriction does not apply if the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local

building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

D. **Off-street parking.** One off-street parking space is required for each unit unless the unit is located half a mile from a bus stop or there is a car share on the same block. Where feasible, parking access shall be provided from the alley for both parcels via an easement or parcel configuration. In no case will parking be accommodated within the alley setback. In no case will more than one curb cut be permitted per original parcel. Shared street access is required where street access is necessary for both parcels.

E. **Timing.** Units may be constructed simultaneously or at different times.

F. **Exceptions to Development Standards**

1. **Exceptions to Accommodate at least two 800 SF Units.** The Community Development Director shall modify or eliminate objective development standards if they prevent the construction of up to two units of at least 800 square feet in on each lot. The following objective development standards shall be modified last (and only if no other combination of modified standards permits at least two 800 SF Units): parking requirement, front setback, height limit.
2. **Non-conforming Setbacks.** The non-conforming setbacks of an existing structure may be retained for a new unit that is located in the same footprint.

~~G. **Objective Design Review Standards**~~

- ~~1. **Private open space and storage space.** Each unit must include 100 SF of private outdoor open space. Private open space shall be at the same elevation as and immediately accessible from within the unit. Each private open space area shall have a minimum dimension of 8 feet, except for upper floor balconies where the private open space is provided as a balcony. Each unit must include 100 cubic feet of outdoor accessible storage space as part of the unit.~~
- ~~2. **Building facades adjacent to streets.** Dwelling units shall be sited and designed so that at least 75% of the facade of each building adjacent to a public street is occupied by habitable space with windows. Each facade adjacent to a street shall have at least one pedestrian entry into the structure.~~

G. **Capacity fees.** Units of less than 750 SF shall be exempt from paying capacity fees, and units of more than 750 SF shall pay a prorated share of the capacity fee.

- ~~a. **Separate Connections.** The project shall include separate gas, electric and water utility connection directly between each dwelling unit and the utility.~~

H. **Vacation Rentals Prohibited.** Urban Unit Development rentals must be for a period longer than 30 days.

I. **Application Requirements.** An application for development of allowable units under this section shall include the following materials.

- a. Site Plan – existing conditions,
- b. Site Plan – proposed project,
- c. Floor Plans, and

d. Elevations and Finishes.

J. Required Findings for Denial. The denial of a proposed Urban Lot Split requires the Building Official to make the following finding:

- a. Based upon a preponderance of the evidence, the proposed housing development would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and
- b. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

Section 4. 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 5. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, 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 _____ at a regular meeting of the City Council of the City of Fort Bragg held _____, and adopted at a regular meeting of the City of Fort Bragg held on _____, by the following vote:

AYES: NOES: ABSENT: ABSTAIN: RECUSE:

Jason Godek, Mayor

ATTEST:

City Clerk

**PUBLISH: Date, 2025 and Date, 2025 (by summary).
EFFECTIVE DATE: Date, 2025.**

RESOLUTION NO. PC -2025

**RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL ADOPT:**

- **AN ORDINANCE AMENDING DIVISION 17 OF THE FORT BRAGG MUNICIPAL CODE (CLUDC 4-25) TO AMEND CHAPTER 17.42.200 “URBAN UNIT DEVELOPMENT,” AND CHAPTER 17.84.045 “URBAN LOT SPLIT,” TO INCORPORATE COMMENTS FROM HCD INTO REGULATIONS AND STANDARDS FOR URBAN LOT SPLITS AND URBAN UNIT RESIDENTIAL DEVELOPMENT PROJECTS IN LOW DENSITY RESIDENTIAL ZONING DISTRICTS PURSUANT TO SENATE BILL 9; and**
- **AN ORDINANCE AMENDING DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE (ILUDC 4-25) TO AMEND CHAPTER 18.42.200 “URBAN UNIT DEVELOPMENT,” AND CHAPTER 18.84.045 “URBAN LOT SPLIT,” TO INCORPORATE COMMENTS FROM HCD INTO REGULATIONS AND STANDARDS FOR URBAN LOT SPLITS AND URBAN UNIT RESIDENTIAL DEVELOPMENT PROJECTS IN LOW DENSITY RESIDENTIAL ZONING DISTRICTS PURSUANT TO SENATE BILL 9.**

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

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

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

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

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

WHEREAS, The City Council adopted Resolution 3162-2008 on May 12, 2008 adopting the Coastal General Plan; and

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

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

WHEREAS, the availability of housing is a substantial concern for individuals of all demographics, ages, and economic backgrounds in communities throughout the State of California; and

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

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

WHEREAS, the City wishes to balance compliance with State law with the rights still preserved under the new legislation authorizing the City to establish objective zoning, subdivision and design review standards consistent with SB-9 requirements to approve urban lot splits and urban unit residential development; and

WHEREAS, The project is exempt from CEQA, as a zoning amendment to implement the provisions of Sections 65852.1 and Section 66411.7 of the Government Code is exempt from CEQA by those code sections; and

WHEREAS, the "activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long range development plan" pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption "shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c)); and

WHEREAS, the Community Development Committee held a duly noticed public hearing on May 17, 2023, to discuss a memo about SB-9 implementation in Fort Bragg; and public comments were given at that time; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 11, 2023, to consider the Zoning Amendments, accept public testimony, and: 1) adopted resolution recommending a zoning amendment to add Chapter 18.42.200 "Urban Unit Development", and Chapter 18.84.045 "Urban Lot Split" to the ILUDC as well as make relevant changes and additions to the definitions and land use chapters of the zoning ordinances; and 2) adopted a resolution recommending an LCP amendment to add Chapter 17.42.200 "Urban Unit Development", and Chapter 17.84.045 "Urban Lot Split" to the CLUDC as well as make relevant changes and additions to the definitions and land use chapters of the zoning ordinances.

WHEREAS, the City Council held duly noticed public hearings on December 11, 2023 and January 22, 2024 and adopted: 1) an ordinance amending Division 18 of the Fort Bragg Municipal Code (ILUDC 2-23) to amend Chapter 18.21.030(b) & 18.21.050 "Residential Zoning Districts," add Chapter 18.42.200 "Urban Unit Development," add chapter 18.84.045 "Urban Lot Split," and amend Chapter 18.100 "definitions" to establish regulations and standards for urban lot splits and urban unit residential development projects in low density residential zoning districts pursuant to Senate Bill 9; and 2) a Resolution of the Fort Bragg City Council submitting an LCP Amendment (LCP 2-23) application to the Coastal Commission to amend Title 17 of the Fort Bragg Municipal Code to amend Chapter 17.21.030(b) & 17.21.050 "Residential Zoning Districts", add chapter 17.42.200 "Urban Unit Development", add chapter 17.84.045 "Urban Lot Split", and amend Chapter 17.100 "Definitions" to establish regulations and standards for urban lot splits and urban unit residential development projects in low-density residential zoning districts pursuant to Senate Bill 9.

WHEREAS, Marie Jones Consulting submitted, on behalf of the City of Fort Bragg, the requested LCP amendment to the staff of the California Coastal Commission in June of 2024 and the adopted ILUDC ordinance to the staff of the Department of Housing and

Community Development (HCD) in May of 2024 for their required review upon completion of the City action, and

WHEREAS, HCD submitted a letter dated February 19, 2025 requesting additional changes to the submitted Urban Lot Split and Urban Unit Development zoning ordinances; and

WHEREAS, the Coastal Commission requested that the City resubmit the CLUDC amendment in ordinance format incorporating the recommended changes of HCD, and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 15, 2025, to consider the Zoning Amendments; and

NOW, THEREFORE, BE IT RESOLVED that the City of Fort Bragg Planning Commission, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the Planning Commission meeting of May 15, 2025 and Planning Commission deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of Fort Bragg does hereby make the following findings and determinations:

NOW, THEREFORE, BE IT FURTHER 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 and any applicable specific plan; and

As noted in the General Plan Consistency Analysis, which is Attachment 2 to the staff report and incorporated by reference under the resolution statement above, the project is consistent with the Coastal General Plan as follows:

1. The proposed project is consistent with the land use designations of the Land Use Element of the Coastal General Plan (CGP) because state law does not allow local jurisdictions to include the four units allowed through an Urban Lot Split and subsequent development in their density calculations. Thus, while the amendments will allow “higher” residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
2. The proposed amendment is consistent with the following applicable General Plan policies: Policy LU-10.2, Policy LU-10.4, Policy LU-10.6, Policy LU-5.7, Policy LU-10.1, Policy PF-1.1, Policy PF-2.1, Policy CD-1.1: Policy CD-2.4 and Policy CD- 2.5
3. The proposed amendment would be consistent with the policies of the Conservation Element as a CDP is required if the project is located in an area that has the potential to effect Environmentally Sensitive Habitats, Wetlands, visual resources or on other Coastal Act resources as illustrated in the Maps of the Coastal General Plan.

b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment is mandated by State Law as such it is in the public interest to permit additional opportunities for residential housing development, which will provide for better convenience and welfare for the residents of the City of Fort Bragg as it will result

in additional housing units. The proposed amendment requires conformance with all applicable building codes which will ensure healthy and safe housing.

c. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The Proposed Amendment is consistent with CLUDC standards with the following State mandated exception.

- Lot Coverage: As mandated by state law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.

- Set Backs: As mandated by state law, housing units developed as a consequence of this ordinance have an exception from the code requiring only 4 feet setbacks on the rear and side property lines. Additionally, front yard setbacks must be reduced if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.

- Parking and Traffic: Again, in compliance with State law, City Council may require that housing units developed as a consequence of this ordinance provide off-street parking so long as that requirement does not preclude an applicant from building at least two units of 800 SF each.

d. The documents and other material constituting the record for these proceedings are located at the Community Development Department, and

e. The foregoing recitals are true and correct and made a part of this Resolution; and

NOW, THEREFORE, BE IT FURTHER RESOLVED pursuant to Fort Bragg Municipal Code Section 18.94.040 and Section 18.94.060 the following findings are the Planning Commissions reasons for recommending amendments to the Fort Bragg **Inland** Land Use and Development Code:

a. The proposed 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

b. The proposed amendment is consistent with the General Plan and any applicable specific plan.

c. The proposed project is consistent with the land use designations of the Land Use Element of the General Plan because state law does not allow local jurisdictions to include the four units allowed through an Urban Lot Split and subsequent development in their density calculations. Thus, while the amendments will allow "higher" residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element.

d. The proposed amendment is consistent with and implements the following applicable General Plan policies: Policy LU-6.1, Policy PF-1.2, Policy PF-2.1, Policy CD-1.2, Policy H-1.6, Policy H-2.9, Policy H-3.2, and Program H-4.1.2.

e. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

f. The proposed amendment is mandated by State Law as such it is in the public interest to permit additional opportunities for residential housing development, which will provide for better convenience and welfare for the residents of the City of Fort Bragg. The proposed amendment requires conformance with all applicable building codes which will ensure healthy and safe housing.

g. The proposed amendment is internally consistent with other applicable provisions of

this Development Code.

- h. The Proposed Amendment is consistent with ILUDC 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 two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
 - Setbacks: As mandated by state law, housing units developed as a consequence of this ordinance have an exception from the code requiring only 4 feet setbacks on the rear and side property lines. Additionally, front yard setbacks must be reduced if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
 - Parking and Traffic: Again, in compliance with State law, City Council may require that housing units developed as a consequence of this ordinance provide off-street parking so long as that requirement does not preclude an applicant from building at least two units of 800 SF each.
- i. The project is exempt from CEQA, as a zoning amendment to implement the provisions of Sections 65852.1 and Section 66411.7 of the Government Code is exempt from CEQA by those code sections; and
- j. The documents and other material constituting the record for these proceedings are located at the Community Development Department, and
- k. The foregoing recitals are true and correct and made a part of this Resolution; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend the City Council adopt:

1. An Ordinance Amending Division 17 of the Fort Bragg Municipal Code (CLUDC 2-25) to Amend Chapter 17.42.200 "Urban Unit Development" and Chapter 17.84.045 "Urban Lot Split" to Incorporate Comments From HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9; and
2. An Ordinance Amending Division 18 of the Fort Bragg Municipal Code (ILUDC 3-25) to Amend Chapter 18.42.200 "Urban Unit Development" and Chapter 18.84.045 "Urban Lot Split" To Incorporate Comments from HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Residential Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9.

NOW, THEREFORE, 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 14th day of May 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

David Jensen, Chair

ATTEST:

Maria Flynn, Administrative Assistant

ATTACHMENT 3: GENERAL PLAN/LUDC - CONSISTENCY ANALYSIS

This attachment analyzes both the ILUDC and CLUDC amendments consistent with the respective Inland and Coastal General Plans and the ILUDC and CLUDC.

1. Coastal General Plan & CLUDC Consistency Analysis

Required Findings

The CLUDC 17.95.060(B) requires that the following findings be made for the amendments to the Coastal Land Use and Development Code:

1. The proposed amendment is consistent with the Coastal 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 Coastal General Plan as analyzed below.

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 the four units allowed through an Urban Lot Split and subsequent development in their density calculations. Thus, while the amendments will allow "higher" residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element.

The proposed amendment 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	Allowing Urban Lot Splits by right will increase infill development by allowing up to four units on a lot where previously only one primary unit and 2 ADUs were allowed. The areas with low density residential zoning located within the coastal zone are largely developed and this policy would increase density in these already developed areas. Further the ordinance prohibits speculators from using the tool to increase density by requiring 3 years of

significant adverse effects, either individually or cumulatively, on coastal resources.	property owner occupancy in one of the units on one of the resulting parcels. The proposed ordinance includes safeguards for protection of Coastal Resources and a Coastal Development Permit would be required to ensure protection of 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.	The City recently upgraded its Sewer Treatment Facility and has acquired property to develop additional water storage which together will ensure adequate sewer and water services throughout Fort Bragg. Additionally, The City anticipates a relatively few number of Urban Lot Splits and Urban Unit Developments per year which would be served by existing infrastructure.
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 Urban Lot Split 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 Urban Lot Splits and associated housing development 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.	The Urban Lot Split regulations and associated housing development include sufficient regulatory guidelines to help Fort Bragg to preserve and enhance the character of the City's existing residential neighborhoods, even with increasing density.

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

Public Facilities Element

The proposed amendment to the CLUDC is consistent with the following Coastal General Plan Policies in the Public Facilities Element.

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 wastewater 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 includes capacity fees for housing units of more than 800 SF associated with Urban Lot Splits.

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

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.

Circulation Element

The proposed amendment is consistent the policies of this element and does not conflict with anything in the element.

Community Design, Safety, and Noise Elements

The proposed amendment is consistent with the policies of 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-2.4 Discourage Sameness and Repetitive Residential Designs.	Urban Lot Splits and Two Unit Development can only be undertaken by individual homeowners and would therefore not result in sameness or repetitive design.
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.

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-1.6 Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure.	The proposed zoning code amendment will allow housing development on parcels created through Urban Lot Splits this results in denser and more efficient use of space to increase housing in already developed areas.
Policy H-2.9 First Time Home Buyers: Encourage affordable housing for first time home buyers.	The proposed zoning code amendment would result in smaller lots and more housing units for sale, which would reduce the cost of new homes and increase affordability for first time home buyers.

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 smaller lots and more housing units for sale, which would reduce the cost of new homes and increase affordability for seniors and people with disabilities.
Program H-4.1.2 Reduce Capacity Fees for Smaller Units: Consider charging water and sewer capacity fees based on the size of the unit (either square feet or number of bedrooms) in order to ensure that each unit pays its fair share for capacity costs.	The ordinance waves capacity fees for housing units of 750 SF or less which are associated with Urban Lot Splits.

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

CONSISTENCY WITH CLUDC SITE PLANNING AND PROJECT DESIGN STANDARDS

The Proposed Amendment is consistent with CLUDC standards with the following State mandated exception.

- Lot Coverage:** As mandated by state law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
- Set Backs:** As mandated by state law, housing units developed as a consequence of this ordinance have an exception from the code requiring only 4 feet setbacks on the rear and side property lines. Additionally, front yard setbacks must be reduced if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
- Parking and Traffic:** Again, in compliance with State law, City Council can require that housing units developed as a consequence of this ordinance provide off-street parking so long as that requirement does not preclude an applicant from building at least two units of 800 SF each.

COASTAL RESOURCES ANALYSIS

All Urban Lot Splits and Two Unit projects are required to obtain an administrative Coastal Development Permit and make specific findings that Coastal Act resources will not be impacted. The Coastal Commission's staff has reviewed a draft of the ordinance and suggested modifications which would make it compatible with the Coastal Act, these are noted in brown text in the draft ordinance.

2. General Plan & ILUDC Consistency Analysis

Required Findings

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

4. The proposed amendment is consistent with the Inland General Plan and any applicable specific plan.
5. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
6. 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 General Plan and the ILUDC as analyzed below.

Land Use Element

The proposed project is consistent with the land use designations of the Land Use Element of the General Plan because state law does not allow local jurisdictions to include the four units allowed through an Urban Lot Split and subsequent development in their density calculations. Thus, while the amendments will allow “higher” residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element.

The proposed amendment to the ILUDC is **consistent** with the following General Plan Policy 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 Urban Lot Split regulations and associated Urban Unit Development include a number of regulatory requirements that may help Fort Bragg preserve and enhance the character of the City’s existing residential neighborhoods, even with increasing density. The regulatory requirements include various required deed restrictions, owner occupancy for three years, a minimum of a 60/40% lot split, and protections for wetlands and historic resources.

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

Public Facilities Element

The proposed amendment to the CLUDC is consistent with the following Coastal General Plan Policies in the Public Facilities Element.

Policy PF-1.2: 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 "golf 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.

Additionally, The City anticipates a relatively few number of Urban Lot Splits and Urban Unit Developments per year which would be served by existing infrastructure.

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 includes capacity fees for housing units of more than 750 SF associated with Urban Lot Splits, as permissible by State Law.

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

Conservation, Open Space, Energy, and Parks Element

The proposed amendment would be consistent with the policies of the Conservation Element.

Circulation Element

The proposed amendment is consistent the policies of this element and does not conflict with anything in the element.

Community Design, Safety, and Noise Elements

The proposed amendment is consistent the policies of this element and does not conflict with anything in the element.

Policy	Analysis
Policy CD-1.2 Discourage Sameness and Repetitive Residential Designs.	Urban Lot Splits and Two Unit Development can only be undertaken by individual home-owners and would therefore not result in sameness or repetitive design.

Housing Element

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-1.6 Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure.	The proposed zoning code amendment will allow housing development on parcels created through Urban Lot Splits this results in denser and more efficient use of space to increase housing in already developed areas.
Policy H-2.9 First Time Home Buyers: Encourage affordable housing for first time home buyers.	The proposed zoning code amendment would result in smaller lots and more housing units for sale, which would reduce the cost of new homes and increase affordability for first time home buyers.
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 smaller lots and more housing units for sale, which would reduce the cost of new homes and increase affordability for seniors and people with disabilities.
Program H-4.1.2 Reduce Capacity Fees for Smaller Units: Consider charging water and sewer capacity fees based on the size of the unit (either square feet or number of bedrooms) in order to ensure that each unit pays its fair share for capacity costs.	The ordinance waves capacity fees for housing units of 750 SF or less which are associated with Urban Lot Splits.

The proposed project does not conflict with any policies of the 2019 Housing Element.

Consistency with CLUDC Site Planning and Project Design Standards

The Proposed Amendment is consistent with ILUDC standards with the following State mandated exception.

- **Lot Coverage:** As mandated by state law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
- **Set Backs:** As mandated by state law, housing units developed as a consequence of this ordinance have an exception from the code requiring only 4 feet setbacks on the rear and side property lines. Additionally, front yard setbacks must be reduced if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
- **Parking and Traffic:** Again, in compliance with State law, City Council may require that housing units developed as a consequence of this ordinance provide off-street parking so long as that requirement does not preclude an applicant from building at least two units of 800 SF each.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

651 Bannon Street, Suite 400
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



February 19, 2025

John Smith, Acting Community Development Director
Community Development Department
City of Fort Bragg
416 N. Franklin Street
Fort Bragg, CA 95437

Dear John Smith:

RE: City of Fort Bragg Senate Bill 9 Ordinance-Letter of Technical Assistance

The purpose of this letter is to provide technical assistance to the City of Fort Bragg (City) regarding Ordinance 986-2023 (Ordinance), adopted on March 25, 2024, and which amended the Inland Land Use Development Code and implemented provisions of Senate Bill (SB) 9 (Chapter 162, Statutes of 2021)¹. Additionally, this letter also provides technical assistance on the City's pending Local Coastal Program Amendment 2-23 (LCPA), which is proposed to amend the Coastal Land Use Development Code to implement SB 9 in the Coastal Zone portions of the City.

The California Department of Housing and Community Development (HCD) conducted a review of the City's LCPA² sections 17.42.200 (Coastal-Urban Unit Development) and 17.84.045 (Coastal-Urban Lot Split), along with Ordinance sections 18.42.200 (Inland-Urban Unit Development)³ and 18.84.045 (Inland-Urban Lot Split)⁴, and finds the LCPA and Ordinance do not comply with state law in the following respects:

¹ Gov. Code, §§ 65852.21, 66411.7 et seq.

² <https://cityfortbragg.legistar.com/View.ashx?M=F&ID=12517837&GUID=4C798BE8-F409-4FA1-8607-81FB6A3F2AA8>.

³

<https://www.codepublishing.com/CA/FortBragg/#!/LUC18/FortBraggLUC184/FortBraggLUC1842.html#18.42.200>.

⁴

<https://www.codepublishing.com/CA/FortBragg/#!/LUC18/FortBraggLUC188/FortBraggLUC1884.html#18.84.045>.

1. Sections 17.42.200 and 18.42.200 - *Limitations on Location for Urban Unit Development* - The LCPA and Ordinance, respectively, contain site exclusions applicable to urban lot splits⁵ in Sections 17.84.045 (Coastal Urban Lot Splits) and 18.84.045 (Inland Urban Lot Splits) but do not reference those same site exclusions under Sections 17.42.200 and 18.42.200 (Urban Unit Development). Under SB 9 and as amended by SB 450, “A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially...if the proposed housing development meets all of the following requirements:... (2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4 as that section read on September 16, 2021”⁶; “(3) the proposed housing development would not require demolition or alteration of any of the following types of housing...”⁷ and “(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner’s rights...”⁸ Therefore, the City must amend the LCPA and Ordinance to specify that the site exclusions also apply to units developed pursuant to Government Code Section 65852.21. Please note that exclusions should match the modified exclusion language resulting from Comment #7 below in addition to this specific finding. Government Code Section 65913.4, subdivision (a)(6) (B) to (K), as it read on September 16, 2021 is included as Enclosure 1.
2. Sections 17.42.20-0 and 18.42.200(A) - *Purpose* - The LCPA and Ordinance, respectively, state, “This Section establishes standards to implement California Government Code § 66411.7 which requires ministerial approval up to 2 units of housing (see Subsection (D)(2) of this Section) on a parcel created through an urban lot split and up to 4 units (see Subsection (D)(1) of this Section) on a single parcel that was not created through an urban lot split.” However, Government Code Section 65852.21 also provides for ministerial approval of SB 9 units. Therefore, the City must modify the LCPA and Ordinance to also reference the applicability of ministerial approvals pursuant to Government Code Section 65852.21.
3. Sections 17.42.200(A) and 18.42.200(D) - *Density, Size and Number of Units allowed* - The LCPA and Ordinance, respectively, state, “A maximum of 2 units is permissible on each lot created by an urban lot split...One primary unit of any size and 1 ADU [Accessory Dwelling Unit] of 800 square feet or less...” However, Government Code Section 66321 states, “...a local agency shall not establish by ordinance any of the following: (2) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:(A) Eight hundred fifty square feet...(B) One thousand square feet for an accessory dwelling unit that provides more than one bedroom”⁹. Therefore, the City must modify the LCPA and Ordinance to remove conflicts with state law.

⁵ Gov. Code, § 66411.7, subd. (a)(3)(C).

⁶ Gov. Code, § 65852.21, subd. (a)(2).

⁷ Gov. Code, § 65852.21, subd. (a)(3).

⁸ Gov. Code, § 65852.21, subd. (a)(4).

⁹ Gov. Code, § 66321, subd. (b)(2).

The City may want to consider maintaining all standards specific to Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU), in the City's ADU/JADU Ordinance and the applicable ADU/JADU section(s) of the Local Coastal Program.

4. Sections 17.42.200(F) and 18.42.200(F)-*Objective Design Review Standards*- The LCPA and Ordinance contain requirements related to private open space and storage space. However, Government Code Section 65852.21, subdivision (b)(3), as amended by SB 450 specifies that, "A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards **that do not apply uniformly to development within the underlying zone...**" (emphasis added). The LCPA and Ordinance appear to include development standards (e.g. at a minimum, private open space) that are required of multi-family residential units but not single-family residential units. As SB 9 units are located in single-family zones, development standards cannot be more restrictive than those required in single-family zones. Therefore, the City must review all development standards applicable to SB 9 units to confirm they apply uniformly to development within the underlying zone.
5. Sections 17.42.200(E) and 18.42.200(H) - *Exceptions to Development Standards* - The LCPA and Ordinance, respectively, state, "Exceptions to accommodate at least 2 800-square-foot units: The Community Development Director shall modify or eliminate objective development standards if they prevent the construction of up to 2 units of at least 800 square feet in on each lot. The following objective development standards shall be modified last (and only if no other combination of modified standards permits at least 2800-square-foot units): parking requirement, front setback, height limit." However, Government Code Section 66411.7, subdivision (c)(2) specifies that, "A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet".¹⁰ While the LCPA and Ordinance include the physical preclusion language under 17.42.200 and 18.42.200 (Urban Unit Development), it must also be included as applicable to urban lot splits. Therefore, the City must modify the LCPA and Ordinance to include the physical preclusion language for urban lot splits pursuant to Government Code section 66411.7.
6. Sections 17.42.200(G)(1) and 18.42.200(J)(1) - *Utilities* - The LCPA and Ordinance, respectively, state, "The project shall include separate gas, electric and water utility connection directly between each dwelling unit and the utility." The LCPA and Ordinance specify that "*Unit*" means a primary unit or one unit of a duplex, an ADU or a JADU. However, "For an accessory dwelling unit described in paragraph (1) of subdivision (a) of [Government Code] Section 66323...a local agency...shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility..."¹¹

¹⁰ Gov. Code, §§ 65852.21, subd. (b)(2)(A) and 66411.7, subd. (c)(2).

¹¹ Gov. Code, § 66324, subd. (d).

Therefore, the City must modify the LCPA and Ordinance to remove conflicts with ADU law.

7. Sections 17.84.045(A) and 18.84.045(B) - *Site Exclusion Language* - The LCPA and Ordinance, respectively, state that for urban lot splits, “The applicant shall undertake proper mitigation if the parcel is in a Fire, Flood, or Earthquake Hazard Zone per the appropriate section of this code.” The Ordinance also states that urban lot splits are not permitted “On a parcel located in a historic site or district, listed on the State Historic Resources Inventory or designated as a Historic Landmark...On a parcel located on prime farmland, a hazardous waste site listed pursuant to Section 65962.5, or within a 100-year flood zone”. This language is similar to but not identical to language contained in SB 9.¹² The site exclusion language contained in the Ordinance appears to reflect City specific conditions and applicability. While it is not required that the City include Government Code¹³ language verbatim, the City should generally make reference to the applicability of Government Code Section 65913.4, as that section read on September 16, 2021, in both the LCPA and Ordinance.
8. Sections 17.84.045(A)(2) and 18.84.045(B)(2) - *Earthquake Hazard Zones* - The LCPA and Ordinance, respectively, state, “The applicant shall undertake proper mitigation if the parcel is in a ... Earthquake Hazard Zone per the appropriate section of this code.” However, SB 9 provides the following exclusion language, “...within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies...”¹⁴ The LCPA and Ordinance fault zone exclusion language substantively differ from the state law in light of the fact that the City has locally mapped fault lines in the Local Coastal Program that are not mapped by the State Geologist. Therefore, the fault zone exclusion language in both the LCPA and Ordinance must be amended to be consistent with state law.
9. Sections 17.84.045(A)(4) and 18.84.045(B)(4) - *Rental and Affordable Housing Protections* - The LCPA and Ordinance, respectively, state, “Urban lot splits are not permitted...(g) On a parcel where the urban lot split would require demolition of affordable or rental housing...” However, SB 9 specifies that “[t]he proposed urban lot split would not require demolition **or alteration** of any of the following types of housing...”¹⁵ (emphasis added). The City’s LCPA and Ordinance currently addresses limitations on demolition of residential structures but does not include the same limitations on alteration to residential structures. Therefore, the LCPA and Ordinance must be modified to include the limitations on alterations of residential structures as well.

¹² Gov. Code, §§ 66411.7, subd. (a); 65852.21, subd. (a); 65913.4, subd. (a)(6)(B) through (K), as it read on September 16, 2021.

¹³ Gov. Code, § 65913.4, subd. (a)(6)(B) through (K).

¹⁴ Gov. Code, § 65913.4, subd. (a)(6)(F).

¹⁵ Gov. Code, § 66411.7, subd. (a)(3)(D), 65852.21, subd. (a)(3) and (4).

10. Section 17.84.045(A)(4)(h) - *Limitations on Location for Urban Lot Splits in Coastal Zone* - The LCPA states, “Urban Lot Splits are not permitted...On a parcel located within areas mapped in the Coastal General Plan on any of the following Coastal General Plan maps: Map OS-1 Open Space and Environmentally Sensitive Habitat Areas; Map OS-2 Special Review and Runoff Sensitive Areas; and/or Map SF-2 Flood Hazards”. However, SB 9, as amended by SB 450, requires that for a pending urban lot split, “The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4 as that section read on September 16, 2021 .”¹⁶ Therefore, the City must demonstrate in the LCPA that additional site exclusions included under Section 17.84.045 (A)(4)(h), are equivalent to, and do not exceed, site exclusions under Government Code section 65913.4, subdivision (a)(6)(B) to (K) as that section read on September 16, 2021.
11. Sections 17.84.045(D)(2)(b) and 18.84.045(E)(2)(b) - *Short-Term Rentals* - The LCPA and Ordinance, respectively, state that for urban lot splits, “Units shall not be rented for periods of less than 31 days”. The LCPA and Ordinance do not contain similar language for SB 9-unit developments. State law provides that “... A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days”.¹⁷ Therefore, the City must modify the LCPA and Ordinance to specify that SB 9 units, constructed independent of an urban lot split, are required to be rented for a term longer than 30 days (i.e. for periods not less than 31 days).
12. Sections 17.84.045(I) and 18.42.200(L) - *Findings for Denial* - The LCPA and Ordinance, respectively, state, “The denial of a proposed urban lot split requires the Building Official to make the following finding...” However, the Ordinance does not include similar language for denial of an SB 9-unit development. State law, as amended by SB 450, provides, “... a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact”.¹⁸ Therefore, the City must modify the LCPA and Ordinance to specify the required Findings for Denial for SB 9 unit developments.

¹⁶ Gov. Code, § 66411.7, subd. (a)(3)(C) and 65852.21, subd. (a)(2).

¹⁷ Gov. Code, §§ 65852.21, subd. (e) and 66411.7, subd. (h).

¹⁸ Gov. Code, § 65852.21, subd. (d).

Conclusion

HCD looks forward to assisting the City with its implementation of SB 9 and in its compliance with state housing laws. HCD would like to remind the City that HCD has enforcement authority over SB 9, among other state housing laws. Accordingly, HCD may review local government actions and inactions to determine consistency with these laws. If HCD finds that a city's actions do not comply with state law, HCD may notify the California Office of the Attorney General that the local government is in violation of state law.¹⁹ If you have questions or need additional information, please contact Mindy Wilcox at mindy.wilcox@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Shannan West". The signature is written in a cursive, flowing style.

Shannan West
Housing Accountability Unit Chief

¹⁹ Gov. Code, § 65585, subd. (j).



City of Fort Bragg

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

Text File

File Number: 25-123

Agenda Date: 5/14/2025

Version: 1

Status: Public Hearing

In Control: Planning Commission

File Type: Planning Staff Report

Agenda Number: 6C.

Receive a Report, Hold a Public Hearing and Consider Adopting a Resolution Recommending that the City Council Adopt Zoning Amendments (CLUDC 4-25 and ILUDC 4-25) to the Coastal and Inland Zoning Codes to Implement Changes in State Law in New and Revised Regulations Regarding Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.



Planning Commission Staff Report

TO: Planning Commission **DATE:** May 14, 2025

DEPARTMENT: Community Development Department

PREPARED BY: Marie Jones Consulting

PRESENTER: Marie Jones

AGENDA TITLE: Receive Report, Hold a Public Hearing and Consider Adopting a Resolution Recommending that the City Council Adopt Various Zoning Amendments (Zon 4-25, Zon 5-25) to the Coastal and Inland Zoning Codes to Implement Changes in State Law in New and Revised Regulations Regarding Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.

RECOMMENDED ACTION

Adopt a Resolution of the Fort Bragg Planning Commission Recommending that the City Council Adopt:

1. An Ordinance Amending Various Sections of Division 18 (ILUDC) of the Fort Bragg Municipal Code (ZON 4-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites; and
2. An Ordinance Amending Various Sections of Division 17 (CLUDC) of the Fort Bragg Municipal Code (ZON 5-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.

BACKGROUND

The City Council adopted the City's Housing Element in 2019. The Housing Element includes policies and programs which must be implemented over the seven-year Housing Element timeline in conformance with State Law. HCD has requested that the City update

the City's Zoning Ordinances for compliance with five Housing Element programs as described below.

DISCUSSION AND ANALYSIS

State law requires specific regulatory language to implement each of the Housing Element programs summarized below. In the attached ordinances, language that is required by state law is noted in red text. Language in purple text can be modified by the Planning Commission/City Council.

1. Program H-1.6.3: Redevelopment of Non-Vacant Sites: *Require the replacement of housing units subject to the requirements of Government Code, section 65915, subdivision (c)(3) on sites identified in the site inventory when any new development (residential, mixed-use or non-residential) occurs on a site that has been occupied by or restricted for the use of lower-income households at any time during the previous five years. This requirement applies to 1) non-vacant sites and 2) vacant sites with previous residential uses that have been vacated or demolished.*

- *Responsibility: Community Development Department*
- *Financing: General Fund*
- *Scheduling: the requirement will be implemented by 2020/21 and applied as applications on identified sites are received and processed.*
- *Qualification: 5 units*

This program has been implemented in the attached ordinance per State Law and HCD guidance materials.

2. Program H-2.4.7 Supportive Housing: *Revise the City's zoning ordinance so that it complies with AB 2162, which requires the City to allow supportive housing by right in all multi-family zoning districts and in all mixed-use zoning districts.*

- *Responsibility: Community Development Department*
- *Financing: City*
- *Scheduling: 2020 – 2021*
- *Qualification: 30 units*

This program has been implemented in the attached ordinance per State Law and HCD guidance materials.

3. Program H-2.5.8. Maximize Housing Density by Right for projects with 20%+ Affordable Units. *Revise the Land Use and Development Code to allow the maximum density permissible within a zoning district by right (no Use Permit) for all residential projects that include at least 20% of units deed restricted at rents affordable to low income households and that have been listed in the last two Housing Elements as an eligible site in the Vacant Parcel Inventory for the RHNA, these parcels are listed on the Vacant Parcel Inventory and include: 008-172-09, 251 So Franklin St; 018-440- 58, 1151 So Main St; 018-150-61, 1190 So Main St; 018-090-02, 700 River Dr.; 018-090-16, 700 River Dr.; 008-010-31, 1020 Glass Beach Dr.; 018-113-03, 970 Chestnut St; 008-010-33, 1080 Glass Beach Dr.; 008-290-73, 1329Cedar St; 008-302-28, 1328 Cedar St; 008-290-34, 1325 Cedar St; 018-100-42, 485 So Lincoln St; 018- 210-29, 860 Hazelwood St; 020-520-22, 1600 Oak St; 018-440-50, 200 We Ocean View Dr.; 018-113-01, 552 S Lincoln St; 018-440-38, 350 Ocean View Dr.; 018-440- 49, 250 We Ocean View Dr.; 018-340-04, 441South St; 018-340-*

03, 601 Cypress St; 008-350-60, 920 Stewart St; 018-150-58, No Street Address; 018-150-56, No Street Address; 018-150-55, 100 East Ocean View Dr.

- Responsibility: Community Development Department
- Financing: General Plan Maintenance Fee Fund
- Scheduling: 2020-2021 Quantification: 20 units

Implementation of this program is only required by HCD if the City does not provide zoning of parcels sufficient to meet its lower income RHNA (Regional Housing Needs Assessment) numbers. The City has sufficient zoning to achieve its RHNA numbers, therefore implementation of Program H-2.5.8 is not required at this time. Both the City Council and the Planning Commission considered making multifamily housing permissible by right and decided not to pursue this policy objective as part of the City's Prohousing initiative, therefore the above program has not been rolled into the attached ordinances.

4. Program H-2.8.7 Emergency Shelters Regulatory Changes. Consider revising the LUDC to ensure that emergency shelters are subject only to the following requirements (per State law): 1) maximum number of beds; 2) off-street parking based upon demonstrated need; 3) size and location of onsite waiting and intake areas; 4) provision of onsite management; 5) proximity to other shelters; 6) length of stay; 7) lighting; and 8) security during hours when the shelter is open.

- Responsibility: Community Development Department
- Financing: City
- Scheduling: Changes to the zoning code will take place in 2020/21

This program has been implemented in the attached ordinance per State Law and HCD guidance materials. Per government code section 65583.a4(F) the City can require a Use Permit for new emergency shelters if the City can prove that the existing shelter can accommodate the needs of the community.

A local government that can demonstrate, to the satisfaction of the department, the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need and the needs of the other jurisdictions that are a part of the agreement for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zoning designation where new emergency shelters are allowed with a conditional use permit.

Direction is sought on the following questions:

1. Decide if the City should pursue this designation by HCD or continue with the existing regulations which allow Emergency Shelters in the General Commercial Zoning district by right.
2. Most of the Emergency Shelter regulations are required by law, however the details of the Shelter Management Plan may be modified, deleted or added to (language noted in purple text).

3. Decide if the City should include a carve-out for the emergency weather shelter so that it is only subject to a limited term permit.

5. Program H-2.8.10 Define Group Home. *Revise the ILUDC and CLUDC to define group homes that serve 6 or fewer as a permitted use in all zones in which a single-family home is permitted, and to define group homes with 7 or more residents as an organizational house.*

- *Responsibility: Community Development Department*
- *Financing: City*
- *Scheduling: 2020-2021*

This program has been implemented in the attached ordinance per State Law and HCD guidance materials. Group homes cannot legally be subject to specific use regulations due to a myriad of State and Federal laws protecting people with disabilities from discrimination.

Direction sought:

1. Should the City require a Use Permit for a group home with more than 7 people or allow it as permitted use by right.

FISCAL IMPACT

The amendments would allow the City to continue its Housing Element certification by HCD and allow the City to continue to be eligible for CDBG funding for various city and community program.

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.

The project is exempt from CEQA under Section 15061.b.3 the Commonsense exemption and 65583.a.4.D, as a zoning amendment will implement the provisions of Sections 65650, 65583, 65660 and of the Government Code. The proposed zoning code amendments allow the City to comply with state law. These regulations qualify for the Commonsense Exemption as analyzed below:

- The zoning amendment which clarifies that housing projects proposed for non-vacant sites have additional requirements to qualify for density bonuses would reduce the environmental impacts of approving density bonuses and planning incentives for housing projects, as such projects would have to provide replacement housing for an low-income housing that is lost or build smaller projects without the density bonus or planning incentives. This zoning amendment would reduce environmental impacts of Housing projects on non-vacant sites with

affordable rental housing.

- Emergency Shelters are already currently permissible by right in the General Commercial zoning district and the proposed ordinance would not change this requirement. The proposed zoning amendment would however set new standards for all new Emergency Shelters per State Law which would allow the City to reduce some of the environmental impacts associated with the operation of an emergency shelter. As no additional regulations are permissible (per State Law) than those included in the ordinance, it is not feasible to further mitigate environmental impacts through a CEQA document. Therefore, these regulations must receive a commonsense exemption.
- Currently Group Homes are regulated as single-family homes within the City of Fort Bragg, the regulatory changes formalize current practice as permitted by State Law. Group homes with more than 7 residents have been regulated under day care, adult which requires a Use Permit in multifamily zoning districts and Group Homes of 7 or more residents would also require a Use Permit in the zoning amendment. The net effort of these changes is to provide regulatory clarity without changing the impact of regulations on the environment.
- Currently Supportive Housing is regulated as multifamily housing, and the City requires a Use Permit in commercial and multifamily residential zoning districts for Supportive Housing. However, State law does not allow the City to require a Use Permit for Supportive Housing projects that meet certain conditions. The proposed regulations set standards for Supportive Housing per State law. As no additional standards can be added to the regulations, per State Law, there is no feasible way to mitigate any potential environmental impacts in the Ordinance. Additionally, the government code includes a CEQA exemption to adopt regulations for Supportive Housing (Section 65583.a.4.D).

COMMUNITY OUTREACH

This will be the first meeting on this topic. MJC reached out to the Police Department for comments which will be shared at the meeting.

ALTERNATIVES

The City could decide not to adopt City specific ordinances and could instead implement State law by referencing State law in the City's zoning code.

CONSISTENCY

The consistency of the proposed ordinance has been analyzed and the ordinances are consistent with the City's General Plans and Zoning Ordinances. The amendments implement five mandatory programs of the City's Housing Element.

ATTACHMENTS

1. An Ordinance Amending Various Sections of Division 18 (ILUDC) of the Fort Bragg Municipal Code (ZON 4-25) to Implement Changes in State Law for New and

Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.

2. An Ordinance Amending Various Sections of Division 17 (CLUDC) of the Fort Bragg Municipal Code (ZON 5-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.
3. A Resolution of the Fort Bragg Planning Commission Recommending that the City Council Adopt Ordinance ZON 5-25 and ZON 4-25.
4. HCD's February 19, 2025, Comment Letter

NOTIFICATION

1. "Notify Me" subscriber lists: Fort Bragg Downtown Businesses; and Economic Development Planning.
2. Hospitality House & Hospitality Center

**BEFORE THE CITY COUNCIL OF THE CITY OF FORT
BRAGG**

An Ordinance Amending Various Sections of Division 18 (ILUDC) of the Fort Bragg Municipal Code (ZON 4-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.

ORDINANCE NO. XXX-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 of Fort Bragg (“City”) adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014; and

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

WHEREAS, the City of Fort Bragg adopted a new Housing Element in 2019 which was certified by the State Housing and Community Development Department; and

WHEREAS, the housing Element included the following mandatory programs which must be implemented per State Law: Program H-1.6.3 Redevelopment of Non-Vacant Sites; Program H-2.4.7 Supportive Housing; Program H-2.5.8 Maximize Housing Density by Right for projects with 20%+ Affordable Units; Program H-2.8.7 Emergency Shelters Regulatory Changes; and Program H-2.8.10 Define Group Home.

WHEREAS, the project is exempt from CEQA under Section 15061.b.3 the Common Sense exemption and 65583.a.4.D, as the zoning amendment will implement the provisions of Sections 65650, 65583, 65660 and of the Government Code; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 14, 2025, to consider the zoning amendments, accept public testimony; and adopted a resolution recommending that the City Council adopt the mandatory zoning amendments to implement programs of the City's Housing Element.

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 14, 2025, the Planning Commission held a properly noticed public hearing and adopted a resolution in support of the City Council's adoption of the proposed amendments to the Inland Land Use and Development Code.
3. On June 9, 2025 the City Council held a properly noticed public hearing to consider adoption of the amendments to the Inland Land Use and Development Code.
4. The proposed ILUDC 4-25 amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City as the amendments will make the zoning code consistent with adopted State laws; and
5. The proposed amendment is consistent with the General Plan and any applicable specific plan.

The proposed amendment is consistent with and implements the following applicable General Plan programs: Program H-1.6.3, Program H-2.4.7, Program H-2.8.7 and Program H-2.8.10.

6. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment is mandated by State Law as such it is in the public interest and will provide for better convenience and welfare for the residents of the City of Fort Bragg. The proposed amendment requires conformance with all applicable building codes which will ensure healthy and safe housing.

7. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The Proposed Amendment is consistent with ILUDC standards.

8. The project is exempt from CEQA under Section 15061.b.3 the Common Sense exemption and 65583.a.4.D, as a zoning amendment will implement the provisions of Sections 65650, 65583, 65660 and of the Government Code.
9. The documents and other material constituting the record for these proceedings are located at the Community Development Department.

SECTION 2.

Based on the foregoing, the City Council does hereby Amend 18.31.030 - Density Bonus and Incentives Eligibility to include subsection B "Development of Non-Vacant Sites" as follows:

18.31.030 - Density Bonus and Incentives Eligibility

In order to be eligible for a density bonus and/or other incentives as provided by this Chapter, a proposed housing development shall comply with the following requirements, and satisfy all other applicable provisions of this Development Code and State law, except as provided by § [18.31.040](#) (Types of Density Bonuses):

- A. Housing development.** In order to qualify for a density bonus and incentives, the housing development shall meet Government Code Section [65915](#)(b) requirements with regard to affordability, household income levels, and senior housing.
- B. Redevelopment of Non-Vacant Sites.** Per Government Code Section [65915](#)(c)(3)(A), to qualify for a density bonus and/or incentives a project proposed for a non-vacant site shall be ineligible for a density bonus, incentives or concessions if the housing development is proposed on property that includes parcel(s) with affordable rental dwelling units (subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income or are occupied by lower or very low income households) or which had affordable rental dwelling units that have been vacated or demolished in the five-year period preceding the application; unless the proposed housing development replaces those units, and either of the following applies:
 - (i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in Government Code [65915](#)(b), or
 - (ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.
- C. Minimum project size to qualify for density bonus.** The density bonus shall be available only to a housing development that provides affordable housing in compliance with Chapter [18.32](#) (Inclusionary Housing Requirements), or in compliance with State law.
- D. Condominium conversion projects.** A condominium conversion project is eligible for a density bonus or incentives, if it complies with the eligibility and other requirements in State law (Government Code Section [65915.5](#)).

E. “Sweat equity” developments. A “sweat equity” housing development is eligible for incentives in compliance with § [18.31.045\(B\)\(5\)](#) (Incentives for affordable housing projects – Incentives for “sweat equity” developments).

F. Donations of land. The donation of land makes a project eligible for a density bonus if it satisfies all of the requirements of Government Code Section [65915\(g\)](#).

SECTION 3.

Amend Chapter 18.21.030 - Residential District Allowable Land Uses and Permit Requirements Table 2-1 as follows:

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	RR	RS	RL	RM	RH	RVH		
	P Permitted use, Zoning Clearance required Minor Use Permit required (see MUP § 18.71.060) UP Use Permit required (see § 18.71.060) Permit requirement set by Specific Use Regulations S — Use not allowed							
LAND USE (1)	RR	RS	RL	RM	RH	RVH	Specific Use Regulations	

RESIDENTIAL USES

Group Home(s)	P	P	P	P	P	P	18.42.077
Low Barrier Navigation Center	-	-	-	P	P	P	18.42.093
Supportive Housing	-	-	-	P	P	P	18.42.167

SECTION 4.

Amend 18.22.030 - Commercial District Land Uses and Permit Requirements Table 2-6 as follows:

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

RESIDENTIAL USES

Emergency shelter	—	—	—	P/UP	—	18.42.075
Group Home(s)		P	P	P	P	18.42.077
Low Barrier Navigation Center		P	P	P	P	18.42.093
Supportive Housing	-	P/UP	P/UP	P/UP	P/UP	18.42.167

SECTION 5. Add Chapter 18.42.075 Emergency Shelter in its entirety:

18.42.075 Emergency Shelter

- A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) emergency Shelters shall comply with the standards of this Section. These standards apply in addition to the other provisions of this Development Code.
- B. **Definitions.** Definitions of the Emergency Shelters regulated by this Section are in Article 10 (Definitions) under “Emergency Shelter.”
- C. **Permitting.** An emergency shelter with a capacity of 30 occupants or less shall be approved ministerially if it complies with the standards in 18.42.075D. An emergency shelter, with a capacity greater than 30 occupants, shall require a use permit approval.
- D. **Standards for Emergency Shelters.** An Emergency Shelter shall be approved if it complies with the following standards:
1. **Location.** Emergency shelter facilities shall not be less than 300 feet from any other emergency shelter, as measured from the property line.
 2. **Maximum Number of Beds.** In order to avoid the concentration of impacts on residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, Emergency Shelters shall be allowed two beds times the maximum residential density of the zoning district.
 3. **Parking.** Off-street parking shall be required based upon the demonstrated need by the applicant and approved by the Director of Community Development. Absent a demonstration of a lower need, parking shall be provided at the rate of 0.25 spaces/bed and one space/employee.
 4. **Waiting and Intake Areas.** Adequate waiting areas must be provided within the premises for clients and prospective clients including 10 square feet per bed, minimum 100 square feet, to ensure that public sidewalks or private walkways are not used as queuing or waiting areas.
 5. **On Site Management.** An on-site manager is required during all hours when the Emergency Shelter is open. The on-site manager shall be a person employed by the organization hosting the shelter. A shelter management plan shall be submitted as a part of the permit application and shall be followed during shelter operations. The Shelter Management Plan shall address the following:
 - a) **Staffing.** A minimum of one staff member per 15 beds shall be awake and on duty while the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff who have been convicted of a felony or who are required to register as a sex registrant under Penal Code 290.
 - b) **Hours.** The facility shall operate on a first-come, first-served basis with clients only permitted on site and admitted to the facility between 4:00 p.m. and 7:00 a.m. Clients must vacate the facility by 8:00 a.m. A curfew of 10:00 p.m. (or earlier) shall be established and strictly enforced and clients shall not be

- admitted after the curfew unless escorted to the shelter by a police officer.
- c) **Security.** The facility shall have on-site security during all hours when the shelter is open. The service provider shall comply with the following minimum requirements:
- I. **Waiting Area Management.** Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served, the monitor shall inform the client of alternative programs and locations where he or she may seek similar service.
 - II. **Incidents.** Service providers shall establish standards for responding to emergencies and incidents involving the expelling of clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall also be established in partnership with the Police Department.
 - III. **Alcohol and illegal drug use.** Service providers shall expel clients from the facility if found to be using alcohol or illegal drugs.
 - IV. **Lighting.** Exterior lighting shall be provided for the entire outdoor and parking area of the property. All lighting shall comply with the City's Lighting Ordinance.
- d) **Referrals and Coordinated Entry integration.** Service providers shall maintain up-to-date information and referral sheets to give clients. Service providers will educate on-site staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies.
- e) **Screening.** Service providers shall provide criteria to screen clients for admittance, with the objective to provide first service to individuals with connections to the City of Fort Bragg.
- f) **Length of Stay.** Service providers will maintain information on individuals utilizing the facility and will ensure that the maximum length of stay at the facility shall not exceed six months in a 365-day period.
- g) **Avoidance of Nuisance Conditions.**
- I. Service providers shall provide for the timely removal of litter attributable to clients within the vicinity of the facility every 24-hour period.
 - II. Noise generated from the Emergency Shelter shall not exceed the standards in Chapter 9.44.
 - III. Service providers will maintain good communication and have procedures in place to respond to operational issues which may arise from the neighborhood, City staff, or the general public.
 - IV. All graffiti on the premises shall be removed by the business operator within 24 hours.
- h) **Other Activity Areas.** The facility may also provide the following services:
- I. Outdoor recreation. Areas shall be enclosed with a six-foot-high fence or wall to separate the residents from neighboring properties.
 - II. A counseling center for job placement, educational, life skills, health care, legal services, mental health services, substance abuse treatment, childcare, etc.
 - III. Laundry facilities to serve the number of clients at the shelter.

- IV. Kitchen and dining area.
 - V. Client storage areas. Areas shall be enclosed and protected from rain and theft.
 - VI. Toilets. Service providers shall provide sufficient numbers of male and female toilets to comply with the Building Code.
- i) Other requirements as deemed necessary by the City to ensure that the facility does not create a nuisance.

SECTION 6. Chapter 18.42.077 Group Homes is hereby added in its entirety:

18.42.077 Group Homes

- A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) group homes shall comply with the standards of this Section.
- B. **Definitions.** The definitions of the Group Homes regulated by this Section is in Article 10 (Definitions).
- C. **Permitting Requirements.**
 - a. **Six or Fewer Residents.** Group homes that operate as single-family residences and that provide licensable and/or licensable services to six or fewer residents can locate in any single-family neighborhood, subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residences.
 - b. **Seven or More Residents.** Group Homes that provide licensable or un-licensable services to seven or more residents are subject to a Use Permit.
 - c. If a group home qualifies as either supportive or transitional housing it must comply with Section 18.42.167.

SECTION 7. Chapter 18.42.093 Low Barrier Navigation Center is hereby added in its entirety:

18.42.093 Low Barrier Navigation Center

- D. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) Low Barrier Navigation Center shall comply with the standards of this Section. This section implements Government Code section 65660.
- E. **Definitions.** The definitions of the Low Barrier Navigation Center regulated by this Section is in Article 10 (Definitions).
- F. **Low Barrier Navigation Center (Center) Permitting Requirements.** All centers must meet the following minimum requirements:
 - a. The Center must connect people to permanent housing through a services plan that identifies services staffing.
 - b. The Center must be linked to a coordinated entry system, so that staff in the interim facility or staff who colocate in the facility may conduct assessments and

provide services to connect people to permanent housing. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

- c. The Center must comply with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
 - d. The Center must have a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
- G. **Permit Processing Time.** The City shall notify the developer whether the application is complete within 30 days of receipt of an application. After the application is deemed complete, the City shall complete its administrative review of the application within 60 days for smaller projects (50 or fewer units) and the conditional use permit review with 120 days for larger projects (more than 50 units).

SECTION 8. Chapter 18.42.166 Supportive Housing is hereby added in its entirety:

18.42.167 Supportive Housing

- A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) emergency Shelters shall comply with the standards of this Section. This section implements Government Code section 65583 and sections 65650 – 65656.
- B. **Definitions.** The definition of Supportive Housing regulated by this Section is in Article 10 (Definitions).
- C. **Supportive Housing Permitting Requirements.**
- 1. Supportive housing is allowed by right in multifamily residential zoning districts.
 - 2. Supportive housing is allowed by right in commercial zoning districts where all the following requirements are met, otherwise a Use Permit is required.
 - a) Units are subject to a recorded affordability restriction for 55 years.
 - b) 100 percent of the units (except manager units) are dedicated to lower income households and are receiving public funding to ensure affordability.
 - c) At least 25 percent of the units or 12 units, whichever is greater, are restricted to residents in supportive housing. If development is less than 12 units then 100 percent of units (except manager units) are restricted to residents in supportive housing.
 - d) The project includes less than 50 Supportive Housing Units.
 - e) The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915.
 - 3. Supportive housing is eligible for a density bonus, concessions and incentives per Chapter 18.31.

D. Permit Processing Time. The City shall notify the developer whether the application is complete within 30 days of receipt of an application. After the application is deemed complete, the City shall complete its administrative review of the application within 60 days for smaller projects (50 or fewer units) and the conditional use permit review with 120 days for larger projects (more than 50 units).

E. Standards for Supportive Housing. Supportive Housing shall comply with the following standards:

1. **Supportive Services Plan Required.** The Project Applicant shall submit a plan for providing supportive services for approval by the Director of Community Development. The supportive services plan shall include the following:
 - a) Documentation of the supportive services that will be provided on-site.
 - b) The name of the supportive service provider/entity.
 - c) Funding sources for the proposed supportive services.
 - d) Proposed staffing levels for the supportive services.
2. The supportive housing project shall comply with the objective development standards of this Development Code that apply to multifamily housing development.
3. Non-residential floor area shall be provided in the development for on-site supportive services in the following amounts:
 - a) A minimum of 90 square feet for developments that are 20 or fewer units.
 - b) At least 3 percent of the total non-residential floor area for developments that are greater than 20 units.
4. Any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of the supportive housing units.
5. All units (except manager units) shall include at least one bathroom and a kitchen or other cooking facilities.

F. Parking Exception. No parking is required for supportive housing developments located within one-half mile of a public transit stop.

G. Reduction in number of supportive housing units. The City shall, at the request of the project owner, reduce the number of residents required to live in supportive housing if the project-based rental assistance or operating subsidy for a supportive housing project is terminated through no fault of the project owner, but only if all of the following conditions have been met:

1. The owner demonstrates that it has made good faith efforts to find other sources of financial support.
2. The reduction in the number of supportive housing units is restricted to the minimum necessary to maintain the project's financial feasibility.
3. Change to the occupancy of the supportive housing units minimizes tenant disruption and occurs only upon vacancy of a supportive housing unit.

SECTION 9.

The Definitions Chapter 18.200 is hereby amended to add the following definitions:

18.200 Definitions

Emergency Shelter. ~~A facility for the temporary shelter and feeding of indigents or disaster victims, operated by a public or nonprofit agency.~~ Emergency shelter is housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. Emergency Shelter also includes other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care. Emergency shelter does not include the emergency weather shelter which is set up for a period of less than 14 days and is regulated through the limited term permit process in all zoning districts.

Group Homes. Housing shared by unrelated persons with disabilities that provide peer and other support for their residents' disability related needs and in which residents share cooking, dining, and living areas, and may, in some group homes, participate in cooking, housekeeping, and other communal living activities.

Low Barrier Navigation Center. A Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. A Low Barrier Navigation Center may be non-congregate and relocatable. "Low Barrier" means utilization of best practices to reduce barriers to entry, and may include, but not be limited to, the following: 1) allowing the presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth; 2) allowing pets, 3) providing space for the storage of possessions; and 4) providing privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

Section 10. 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 11. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, 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 _____ at a regular

meeting of the City Council of the City of Fort Bragg held _____, and adopted at a regular meeting of the City of Fort Bragg held on _____, by the following vote:

AYES: NOES: ABSENT: ABSTAIN: RECUSE:

Jason Godek, Mayor

ATTEST:

City Clerk

**PUBLISH: Date, 2025 and Date, 2025 (by summary).
EFFECTIVE DATE: Date, 2025.**

An Ordinance Amending Various Sections of Division 17 (CLUDC) of the Fort Bragg Municipal Code (ZON 5-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.

ORDINANCE NO. XXX-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 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 provision of services and shelter to disabled and homeless people is a substantial concern for individuals of all demographics, ages, and economic backgrounds in communities throughout the State of California; and

WHEREAS, the housing Element included the following mandatory programs which must be implemented per State Law: Program H-1.6.3 Redevelopment of Non-Vacant Sites; Program H-2.4.7 Supportive Housing; Program H-2.5.8 Maximize Housing Density by Right for projects with 20%+ Affordable Units; Program H-2.8.7 Emergency Shelters Regulatory Changes; and Program H-2.8.10 Define Group Home.

WHEREAS, the project is exempt from CEQA under Section 15061.b.3 the Common Sense exemption and 65583.a.4.D, as a zoning amendment will implement the provisions of Sections 65650, 65583, 65660 and of the Government Code; and

WHEREAS, the “activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long range development plan” pursuant

to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption “shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c)); and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 14, 2025, to consider the zoning amendments, accept public testimony; and adopted a resolution recommending that the City Council adopt the mandatory zoning amendments to implement programs of the City’s Housing Element.

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 Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the 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: COASTAL LAND USE AND DEVELOPMENT CODE AMENDMENT FINDINGS

Pursuant to Fort Bragg Municipal Code Section 17.94.060, City Council makes the following findings for adoption of the proposed amendments to the Fort Bragg Coastal Land Use and Development Code:

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and

The proposed amendment is consistent with and implements the following applicable General Plan programs: Program H-1.6.3, Program H-2.4.7, Program H-2.8.7 and Program H-2.8.10.

- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment is mandated by State Law as such it is in the public interest and will provide for better convenience and welfare for the residents of the City of Fort Bragg. The proposed amendment requires conformance with all applicable building codes which will ensure healthy and safe housing.

- c. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The Proposed Amendment is consistent with CLUDC standards.

SECTION 2. LEGISLATIVE FINDINGS.

The City Council hereby finds as follows:

- 1. The foregoing recitals are true and correct and are made a part of this Ordinance.

2. On May 14, 2025, the Planning Commission held a properly noticed public hearing to consider recommending the proposed minor amendment to the Coastal 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 minor amendment to the CLUDC.
3. On June 9, 2025, the City Council held a properly noticed public hearing to consider adoption of the amendment to the Coastal Land Use and Development Code.
4. 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; and
5. The proposed amendment is internally consistent with other applicable provisions of the Coastal Land Use Development Code, including Chapters 17.42, 17.71, 17.100, and others; and the LCP Amendment is consistent with the California Coastal Act; and
6. The California Environmental Quality Act ("CEQA") does not apply to activities and approvals of a local coastal program that are undertaken by a local government pursuant to Public Resources Code Section 21080.9) and CEQA Guidelines Section 15265(a), and
7. Pursuant to Coastal Act Section 30510(a), the City of Fort Bragg will carry out the Local Coastal Program as amended in a manner fully in conformity with the California Coastal Act; and
8. The documents and other material constituting the record for these proceedings are located at the Community Development Department.
9. The amendments to the Local Coastal Program shall take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

17.31.030 - Density Bonus and Incentives Eligibility

In order to be eligible for a density bonus and/or other incentives as provided by this Chapter, a proposed housing development shall comply with the following requirements, and satisfy all other applicable provisions of this Development Code and State law, except as provided by § [17.31.040](#) (Types of Density Bonuses):

- A. Housing development.** In order to qualify for a density bonus and incentives, the housing development shall meet Government Code Section [65915](#)(b) requirements with regard to affordability, household income levels, and senior housing.
- B. Redevelopment of Non-Vacant Sites.** Per Government Code Section 65915(c)(3)(A), to qualify for a density bonus and/or incentives a project proposed for a non-vacant site shall be ineligible for a density bonus, incentives or concessions if the housing development is proposed on property that includes parcel(s) with affordable rental dwelling units (subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income or are occupied by lower or very low income households) or which had affordable rental dwelling units that have been vacated or demolished in the five-year period preceding the application; unless the proposed housing development replaces those units, and either of the following applies:

- (i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in Government Code 65915(b), or
- (ii) Each unit in the development, exclusive of a manager’s unit or units, is affordable to, and occupied by, either a lower or very low income household.

C. Minimum project size to qualify for density bonus. The density bonus shall be available only to a housing development that provides affordable housing in compliance with Chapter [17.32](#) (Inclusionary Housing Requirements), or in compliance with State law.

D. Condominium conversion projects. A condominium conversion project is eligible for a density bonus or incentives, if it complies with the eligibility and other requirements in State law (Government Code Section [65915.5](#)).

E. “Sweat equity” developments. A “sweat equity” housing development is eligible for incentives in compliance with § [17.31.045](#)(B)(5) (Incentives for affordable housing projects – Incentives for “sweat equity” developments).

F. Donations of land. The donation of land makes a project eligible for a density bonus if it satisfies all of the requirements of Government Code Section [65915](#)(g).

SECTION 3.

Amend Chapter 17.21.030 - Residential District Allowable Land Uses and Permit Requirements Table 2-1 as follows:

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	P Permitted use, Zoning Clearance required Minor Use Permit required (see MUP § 17.71.060) UP Use Permit required (see § 17.71.060) S Regulations — Use not allowed						
	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
LAND USE (1)	RR	RS	RL	RM	RH	RVH	

RESIDENTIAL USES

Group Home(s)	P	P	P	P	P	P	17.42.077
Low Barrier Navigation Center	-	-	-	P	P	P	17.42.093
Supportive Housing	-	-	-	P	P	P	17.42.167

SECTION 4.

Amend 17.22.030 - Commercial District Land Uses and Permit Requirements Table 2-6 as follows:

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 § 17.71.060)				
	UP	Use Permit required (see § 17.71.060)				
	S	Permit requirement set by Specific Use Regulations				
	—	Use not allowed				
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	

RESIDENTIAL USES

Emergency shelter	—	—	—	P/UP	—	17.42.075
Group Home(s)		P	P	P	P	17.42.077
Low Barrier Navigation Center		P	P	P	P	17.42.093
Supportive Housing	-	P/UP	P/UP	P/UP	P/UP	17.42.167

SECTION 5. Add Chapter 17.42.075 Emergency Shelter in its entirety:

17.42.075 Emergency Shelter

- A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) emergency Shelters shall comply with the standards of this Section. These standards apply in addition to the other provisions of this Development Code.
- B. **Definitions.** Definitions of the Emergency Shelters regulated by this Section are in Article 10 (Definitions) under “Emergency Shelter.”
- C. **Permitting.** An emergency shelter with a capacity of 30 occupants or less shall be approved ministerially if it complies with the standards in 17.42.075D. An emergency shelter, with a capacity greater than 30 occupants, shall require a use permit approval.
- D. **Standards for Emergency Shelters.** An Emergency Shelter shall be approved if it complies with the following standards:
 - 1. **Location.** Emergency shelter facilities shall not be less than 300 feet from any other emergency shelter, as measured from the property line.
 - 2. **Maximum Number of Beds.** In order to avoid the concentration of impacts on residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, Emergency Shelters shall be allowed two beds times the maximum residential density of the zoning district.
 - 3. **Parking.** Off-street parking shall be required based upon the demonstrated need by the applicant and approved by the Director of Community Development. Absent a demonstration of a lower need, parking shall be provided at the rate of 0.25 spaces/bed and

one space/employee.

4. **Waiting and Intake Areas.** Adequate waiting areas must be provided within the premises for clients and prospective clients including 10 square feet per bed, minimum 100 square feet, to ensure that public sidewalks or private walkways are not used as queuing or waiting areas.
5. **On Site Management.** An on-site manager is required during all hours when the Emergency Shelter is open. The on-site manager shall be a person employed by the organization hosting the shelter. A shelter management plan shall be submitted as a part of the permit application and shall be followed during shelter operations. The Shelter Management Plan shall address the following:
 - a) **Staffing.** A minimum of one staff member per 15 beds shall be awake and on duty while the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff who have been convicted of a felony or who are required to register as a sex registrant under Penal Code 290.
 - b) **Hours.** The facility shall operate on a first-come, first-served basis with clients only permitted on site and admitted to the facility between 4:00 p.m. and 7:00 a.m. Clients must vacate the facility by 8:00 a.m. A curfew of 10:00 p.m. (or earlier) shall be established and strictly enforced and clients shall not be admitted after the curfew unless escorted to the shelter by a police officer.
 - c) **Security.** The facility shall have on-site security during all hours when the shelter is open. The service provider shall comply with the following minimum requirements:
 - I. **Waiting Area Management.** Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served, the monitor shall inform the client of alternative programs and locations where he or she may seek similar service.
 - II. **Incidents.** Service providers shall establish standards for responding to emergencies and incidents involving the expelling of clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall also be established in partnership with the Police Department.
 - III. **Alcohol and illegal drug use.** Service providers shall expel clients from the facility if found to be using alcohol or illegal drugs.
 - IV. **Lighting.** Exterior lighting shall be provided for the entire outdoor and parking area of the property. All lighting shall comply with the City's Lighting Ordinance.
 - d) **Referrals and Coordinated Entry integration.** Service providers shall maintain up-to-date information and referral sheets to give clients. Service providers will educate on-site staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies.
 - e) **Screening.** Service providers shall provide criteria to screen clients for admittance, with the objective to provide first service to individuals with connections to the City of Fort Bragg.
 - f) **Length of Stay.** Service providers will maintain information on individuals utilizing the facility and will ensure that the maximum length of stay at the facility shall not exceed six months in a 365-day period.

- g) **Avoidance of Nuisance Conditions.**
 - I. Service providers shall provide for the timely removal of litter attributable to clients within the vicinity of the facility every 24-hour period.
 - II. Noise generated from the Emergency Shelter shall not exceed the standards in Chapter 9.44.
 - III. Service providers will maintain good communication and have procedures in place to respond to operational issues which may arise from the neighborhood, City staff, or the general public.
 - IV. All graffiti on the premises shall be removed by the business operator within 24 hours.
- h) **Other Activity Areas.** The facility may also provide the following services:
 - I. Outdoor recreation. Areas shall be enclosed with a six-foot-high fence or wall to separate the residents from neighboring properties.
 - II. A counseling center for job placement, educational, life skills, health care, legal services, mental health services, substance abuse treatment, childcare, etc.
 - III. Laundry facilities to serve the number of clients at the shelter.
 - IV. Kitchen and dining area.
 - V. Client storage areas. Areas shall be enclosed and protected from rain and theft.
 - VI. Toilets. Service providers shall provide sufficient numbers of male and female toilets to comply with the Building Code.
- i) Other requirements as deemed necessary by the City to ensure that the facility does not create a nuisance.

SECTION 6. Chapter 17.42.077 Group Homes is hereby added in its entirety:

17.42.077 Group Homes

- A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) group homes shall comply with the standards of this Section.
- B. **Definitions.** The definitions of the Group Homes regulated by this Section is in Article 10 (Definitions).
- C. **Permitting Requirements.**
 - a. **Six or Fewer Residents.** Group homes that operate as single-family residences and that provide licensable and/or licensable services to six or fewer residents can locate in any single-family neighborhood, subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residences.
 - b. **Seven or More Residents.** Group Homes that provide licensable or un-licensable services to seven or more residents are subject to a Use Permit.
 - c. If a group home qualifies as either supportive or transitional housing it must comply with Section 17.42.167.

SECTION 7. Chapter 17.42.093 Low Barrier Navigation Center is hereby added in its entirety:

17.42.093 Low Barrier Navigation Center

- D. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) Low Barrier Navigation Center shall comply with the standards of this Section. This section implements Government Code section 65660.
- E. **Definitions.** The definitions of the Low Barrier Navigation Center regulated by this Section is in Article 10 (Definitions).
- F. **Low Barrier Navigation Center (Center) Permitting Requirements.** All centers must meet the following minimum requirements:
 - a. The Center must connect people to permanent housing through a services plan that identifies services staffing.
 - b. The Center must be linked to a coordinated entry system, so that staff in the interim facility or staff who colocate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
 - c. The Center must comply with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
 - d. The Center must have a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
- G. **Permit Processing Time.** The City shall notify the developer whether the application is complete within 30 days of receipt of an application. After the application is deemed complete, the City shall complete its administrative review of the application within 60 days for smaller projects (50 or fewer units) and the conditional use permit review with 120 days for larger projects (more than 50 units).

SECTION 8. Chapter 17.42.166 Supportive Housing is hereby added in its entirety:

17.42.167 Supportive Housing

- A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) emergency Shelters shall comply with the standards of this Section. This section implements Government Code section 65583 and sections 65650 – 65656.
- B. **Definitions.** The definition of Supportive Housing regulated by this Section is in Article 10 (Definitions).
- C. **Supportive Housing Permitting Requirements.**

1. Supportive housing is allowed by right in multifamily residential zoning districts.
2. Supportive housing is allowed by right in commercial zoning districts where all the following requirements are met, otherwise a Use Permit is required.
 - a) Units are subject to a recorded affordability restriction for 55 years.
 - b) 100 percent of the units (except manager units) are dedicated to lower income households and are receiving public funding to ensure affordability.
 - c) At least 25 percent of the units or 12 units, whichever is greater, are restricted to residents in supportive housing. If development is less than 12 units then 100 percent of units (except manager units) are restricted to residents in supportive housing.
 - d) The project includes less than 50 Supportive Housing Units.
 - e) The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915.
3. Supportive housing is eligible for a density bonus, concessions and incentives per Chapter 17.31.

D. Permit Processing Time. The City shall notify the developer whether the application is complete within 30 days of receipt of an application. After the application is deemed complete, the City shall complete its administrative review of the application within 60 days for smaller projects (50 or fewer units) and the conditional use permit review with 120 days for larger projects (more than 50 units).

E. Standards for Supportive Housing. Supportive Housing shall comply with the following standards:

1. **Supportive Services Plan Required.** The Project Applicant shall submit a plan for providing supportive services for approval by the Director of Community Development. The supportive services plan shall include the following:
 - a) Documentation of the supportive services that will be provided on-site.
 - b) The name of the supportive service provider/entity.
 - c) Funding sources for the proposed supportive services.
 - d) Proposed staffing levels for the supportive services.
2. The supportive housing project shall comply with the objective development standards of this Development Code that apply to multifamily housing development.
3. Non-residential floor area shall be provided in the development for on-site supportive services in the following amounts:
 - a) A minimum of 90 square feet for developments that are 20 or fewer units.
 - b) At least 3 percent of the total non-residential floor area for developments that are greater than 20 units.
4. Any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of the supportive housing units.
5. All units (except manager units) shall include at least one bathroom and a kitchen or other cooking facilities.

F. Parking Exception. No parking is required for supportive housing developments located within one-half mile of a public transit stop.

- G. Reduction in number of supportive housing units.** The City shall, at the request of the project owner, reduce the number of residents required to live in supportive housing if the project-based rental assistance or operating subsidy for a supportive housing project is terminated through no fault of the project owner, but only if all of the following conditions have been met:
1. The owner demonstrates that it has made good faith efforts to find other sources of financial support.
 2. The reduction in the number of supportive housing units is restricted to the minimum necessary to maintain the project's financial feasibility.
 3. Change to the occupancy of the supportive housing units minimizes tenant disruption and occurs only upon vacancy of a supportive housing unit.

SECTION 9.

The Definitions Chapter is hereby amended to add the following definitions:

17.200 Definitions

Emergency Shelter. ~~A facility for the temporary shelter and feeding of indigents or disaster victims, operated by a public or nonprofit agency.~~ Emergency shelter is housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. Emergency Shelter also includes other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care. Emergency shelter does not include the emergency weather shelter which is set up for a period of less than 14 days and is regulated through the limited term permit process in all zoning districts.

Group Homes. Housing shared by unrelated persons with disabilities that provide peer and other support for their residents' disability related needs and in which residents share cooking, dining, and living areas, and may, in some group homes, participate in cooking, housekeeping, and other communal living activities.

Low Barrier Navigation Center. A Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. A Low Barrier Navigation Center may be non-congregate and relocatable. "Low Barrier" means utilization of best practices to reduce barriers to entry, and may include, but not be limited to, the following: 1) allowing the presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth; 2) allowing pets, 3) providing space for the storage of possessions; and 4) providing privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

SECTION 10. 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.

SECTION 11. Fort Bragg City Council does hereby approve LCP 2-25 to Amend Chapter 17.42.200 "Urban Unit Development," and Chapter 17.84.045 "Urban Lot Split," to Incorporate Comments From HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Residential Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9.

The foregoing Ordinance was introduced by Councilmember _____ at a regular meeting of the City Council of the City of Fort Bragg held _____, and adopted at a regular meeting of the City of Fort Bragg held on _____, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSE:**

Jason Godek, Mayor

ATTEST:

City Clerk

PUBLISH: Date, 2025 and Date, 2025 (by summary).
EFFECTIVE DATE: 15 Day after Certification by the California Coastal Commission

RESOLUTION NO. PC -2025

**RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL ADOPT:**

- 1. An Ordinance Amending Various Sections of Division 18 (ILUDC) of the Fort Bragg Municipal Code (ZON 4-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites; and**
- 2. An Ordinance Amending Various Sections of Division 17 (CLUDC) of the Fort Bragg Municipal Code (ZON 5-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.**

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

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

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

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

WHEREAS, in August 2008 the California Coastal Commission certified the City's Local Coastal Program (LCP) which includes the Coastal GP as the Land Use Plan; and

WHEREAS, The City Council adopted Resolution 3162-2008 on May 12, 2008 adopting the Coastal General Plan; and

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

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

WHEREAS, the availability of housing is a substantial concern for individuals of all demographics, ages, and economic backgrounds in communities throughout the State of California; and

WHEREAS, on September 16, 2021, California Governor Gavin Newsom signed Senate Bill 9 (SB-9) into law as part of an effort to address the State's housing crisis by

streamlining housing production; and

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

WHEREAS, the City wishes to balance compliance with State law with the rights still preserved under the new legislation authorizing the City to establish objective zoning, subdivision and design review standards consistent with SB-9 requirements to approve urban lot splits and urban unit residential development; and

WHEREAS, The project is exempt from CEQA under Section 15061.b.3 the “Common Sense exemption”, Gov Code 65583.a.4.D; and

WHEREAS, the “activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long range development plan” pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption “shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c)); and

WHEREAS, the Community Development Committee held a duly noticed public hearing on May 17, 2023, to discuss a memo about SB-9 implementation in Fort Bragg; and public comments were given at that time; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 11, 2023, to consider the Zoning Amendments, accept public testimony, and: 1) adopted resolution recommending a zoning amendment to add Chapter 18.42.200 “Urban Unit Development”, and Chapter 18.84.045 “Urban Lot Split” to the ILUDC as well as make relevant changes and additions to the definitions and land use chapters of the zoning ordinances; and 2) adopted a resolution recommending an LCP amendment to add Chapter 17.42.200 “Urban Unit Development”, and Chapter 17.84.045 “Urban Lot Split” to the CLUDC as well as make relevant changes and additions to the definitions and land use chapters of the zoning ordinances.

WHEREAS, the City Council held duly noticed public hearings on December 11, 2023 and January 22, 2024 and adopted: 1) an ordinance amending Division 18 of the Fort Bragg Municipal Code (ILUDC 2-23) to amend Chapter 18.21.030(b) & 18.21.050 “Residential Zoning Districts,” add Chapter 18.42.200 “Urban Unit Development,” add chapter 18.84.045 “Urban Lot Split,” and amend Chapter 18.100 “definitions” to establish regulations and standards for urban lot splits and urban unit residential development projects in low density residential zoning districts pursuant to senate bill 9; and 2) a Resolution of the Fort Bragg City Council submitting an LCP Amendment (LCP 2-23) application to the Coastal Commission to amend Title 17 of the Fort Bragg Municipal Code to amend Chapter 17.21.030(b) & 17.21.050 “Residential Zoning Districts”, add chapter 17.42.200 “Urban Unit Development”, add chapter 17.84.045 “Urban Lot Split”, and amend Chapter 17.100 “Definitions” to establish regulations and standards for urban lot splits and urban unit residential development projects in low-density residential zoning districts pursuant to senate bill 9.

WHEREAS, Marie Jones Consulting submitted, on behalf of the City of Fort Bragg, the requested LCP amendment to the staff of the California Coastal Commission in June of 2024 and the adopted ILUDC ordinance to the staff of the Department of Housing and

Community Development (HCD) in May of 2024 for their required review upon completion of the City action, and

WHEREAS, HCD submitted a letter dated February 19, 2025 requesting additional changes to the submitted Urban Lot Split and Urban Unit Development zoning ordinances; and

WHEREAS, the Coastal Commission requested that the City resubmit the CLUDC amendment in ordinance format incorporating the recommended changes of HCD, and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 14, 2025, to consider the Zoning Amendments; and

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

NOW, THEREFORE, BE IT FURTHER 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 and any applicable specific plan; and

As noted in the General Plan Consistency Analysis, which is Attachment 2 to the staff report and incorporated by reference under the resolution statement above, the project is consistent with the Coastal General Plan as follows:

1. The proposed project is consistent with the land use designations of the Land Use Element of the Coastal General Plan (CGP) because state law does not allow local jurisdictions to include the four units allowed through an Urban Lot Split and subsequent development in their density calculations. Thus, while the amendments will allow “higher” residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
2. The proposed amendment is consistent with the following applicable General Plan policies: Policy LU-10.2, Policy LU-10.4, Policy LU-10.6, Policy LU-5.7, Policy LU-10.1, Policy PF-1.1, Policy PF-2.1, Policy CD-1.1: Policy CD-2.4 and Policy CD-2.5
3. The proposed amendment would be consistent with the policies of the Conservation Element as a CDP is required if the project is located in an area that has the potential to effect Environmentally Sensitive Habitats, Wetlands, visual resources or on other Coastal Act resources as illustrated in the Maps of the Coastal General Plan.

b. The proposed amendment would not be detrimental to the public interest, health,

safety, convenience, or welfare of the City.

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

- c. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The Proposed Amendment is consistent with CLUDC standards with the following State mandated exception.

- Lot Coverage: As mandated by state law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
- Set Backs: As mandated by state law, housing units developed as a consequence of this ordinance have an exception from the code requiring only 4 feet setbacks on the rear and side property lines. Additionally, front yard setbacks must be reduced if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
- Parking and Traffic: Again, in compliance with State law, City Council may require that housing units developed as a consequence of this ordinance provide off-street parking so long as that requirement does not preclude an applicant from building at least two units of 800 SF each.

- d. The documents and other material constituting the record for these proceedings are located at the Community Development Department, and
- e. The foregoing recitals are true and correct and made a part of this Resolution; and

NOW, THEREFORE, BE IT FURTHER RESOLVED pursuant to Fort Bragg Municipal Code Section 18.94.040 and Section 18.94.060 the following findings are the Planning Commissions reasons for recommending amendments to the Fort Bragg **Inland** Land Use and Development Code:

- f. The proposed 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
- g. The proposed amendment is consistent with the General Plan and any applicable specific plan.
- h. The proposed project is consistent with the land use designations of the Land Use Element of the General Plan because state law does not allow local jurisdictions to include the four units allowed through an Urban Lot Split and subsequent development in their density calculations. Thus, while the amendments will allow “higher” residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element.
- i. The proposed amendment is consistent with and implements the following applicable General Plan policies: Policy LU-6.1, Policy PF-1.2, Policy PF-2.1, Policy CD-1.2, Policy H-1.6, Policy H-2.9, Policy H-3.2, and Program H-4.1.2.
- j. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

- k. The proposed amendment is mandated by State Law as such it is in the public interest to permit additional opportunities for residential housing development, which will provide for better convenience and welfare for the residents of the City of Fort Bragg. The proposed amendment requires conformance with all applicable building codes which will ensure healthy and safe housing.
- l. The proposed amendment is internally consistent with other applicable provisions of this Development Code.
- m. The Proposed Amendment is consistent with ILUDC 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 two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
 - Setbacks: As mandated by state law, housing units developed as a consequence of this ordinance have an exception from the code requiring only 4 feet setbacks on the rear and side property lines. Additionally, front yard setbacks must be reduced if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
 - Parking and Traffic: Again, in compliance with State law, City Council may require that housing units developed as a consequence of this ordinance provide off-street parking so long as that requirement does not preclude an applicant from building at least two units of 800 SF each.
- n. The project is exempt from CEQA, as a zoning amendment to implement the provisions of Sections 65852.1 and Section 66411.7 of the Government Code is exempt from CEQA by those code sections; and
- o. The documents and other material constituting the record for these proceedings are located at the Community Development Department, and
- p. The foregoing recitals are true and correct and made a part of this Resolution; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend the City Council adopt:

1. An Ordinance Amending Various Sections of Division 18 (ILUDC) of the Fort Bragg Municipal Code (ZON 4-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites; and
2. An Ordinance Amending Various Sections of Division 17 (CLUDC) of the Fort Bragg Municipal Code (ZON 5-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.

NOW, THEREFORE, 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 14th day of May 2025, by the

following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

David Jensen, Chair

ATTEST:

Maria Flynn, Administrative Assistant

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

651 Bannon Street, Suite 400
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



February 19, 2025

John Smith, Acting Community Development Director
Community Development Department
City of Fort Bragg
416 N. Franklin Street
Fort Bragg, CA 95437

Dear John Smith:

RE: City of Fort Bragg Senate Bill 9 Ordinance-Letter of Technical Assistance

The purpose of this letter is to provide technical assistance to the City of Fort Bragg (City) regarding Ordinance 986-2023 (Ordinance), adopted on March 25, 2024, and which amended the Inland Land Use Development Code and implemented provisions of Senate Bill (SB) 9 (Chapter 162, Statutes of 2021)¹. Additionally, this letter also provides technical assistance on the City's pending Local Coastal Program Amendment 2-23 (LCPA), which is proposed to amend the Coastal Land Use Development Code to implement SB 9 in the Coastal Zone portions of the City.

The California Department of Housing and Community Development (HCD) conducted a review of the City's LCPA² sections 17.42.200 (Coastal-Urban Unit Development) and 17.84.045 (Coastal-Urban Lot Split), along with Ordinance sections 18.42.200 (Inland-Urban Unit Development)³ and 18.84.045 (Inland-Urban Lot Split)⁴, and finds the LCPA and Ordinance do not comply with state law in the following respects:

¹ Gov. Code, §§ 65852.21, 66411.7 et seq.

² <https://cityfortbragg.legistar.com/View.ashx?M=F&ID=12517837&GUID=4C798BE8-F409-4FA1-8607-81FB6A3F2AA8>.

³

<https://www.codepublishing.com/CA/FortBragg/#!/LUC18/FortBraggLUC184/FortBraggLUC1842.html#18.42.200>.

⁴

<https://www.codepublishing.com/CA/FortBragg/#!/LUC18/FortBraggLUC188/FortBraggLUC1884.html#18.84.045>.

1. Sections 17.42.200 and 18.42.200 - *Limitations on Location for Urban Unit Development* - The LCPA and Ordinance, respectively, contain site exclusions applicable to urban lot splits⁵ in Sections 17.84.045 (Coastal Urban Lot Splits) and 18.84.045 (Inland Urban Lot Splits) but do not reference those same site exclusions under Sections 17.42.200 and 18.42.200 (Urban Unit Development). Under SB 9 and as amended by SB 450, “A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially...if the proposed housing development meets all of the following requirements:... (2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4 as that section read on September 16, 2021”⁶; “(3) the proposed housing development would not require demolition or alteration of any of the following types of housing...”⁷ and “(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner’s rights...”⁸ Therefore, the City must amend the LCPA and Ordinance to specify that the site exclusions also apply to units developed pursuant to Government Code Section 65852.21. Please note that exclusions should match the modified exclusion language resulting from Comment #7 below in addition to this specific finding. Government Code Section 65913.4, subdivision (a)(6) (B) to (K), as it read on September 16, 2021 is included as Enclosure 1.
2. Sections 17.42.20-0 and 18.42.200(A) - *Purpose* - The LCPA and Ordinance, respectively, state, “This Section establishes standards to implement California Government Code § 66411.7 which requires ministerial approval up to 2 units of housing (see Subsection (D)(2) of this Section) on a parcel created through an urban lot split and up to 4 units (see Subsection (D)(1) of this Section) on a single parcel that was not created through an urban lot split.” However, Government Code Section 65852.21 also provides for ministerial approval of SB 9 units. Therefore, the City must modify the LCPA and Ordinance to also reference the applicability of ministerial approvals pursuant to Government Code Section 65852.21.
3. Sections 17.42.200(A) and 18.42.200(D) - *Density, Size and Number of Units allowed* - The LCPA and Ordinance, respectively, state, “A maximum of 2 units is permissible on each lot created by an urban lot split...One primary unit of any size and 1 ADU [Accessory Dwelling Unit] of 800 square feet or less...” However, Government Code Section 66321 states, “...a local agency shall not establish by ordinance any of the following: (2) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:(A) Eight hundred fifty square feet...(B) One thousand square feet for an accessory dwelling unit that provides more than one bedroom”⁹. Therefore, the City must modify the LCPA and Ordinance to remove conflicts with state law.

⁵ Gov. Code, § 66411.7, subd. (a)(3)(C).

⁶ Gov. Code, § 65852.21, subd. (a)(2).

⁷ Gov. Code, § 65852.21, subd. (a)(3).

⁸ Gov. Code, § 65852.21, subd. (a)(4).

⁹ Gov. Code, § 66321, subd. (b)(2).

The City may want to consider maintaining all standards specific to Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU), in the City's ADU/JADU Ordinance and the applicable ADU/JADU section(s) of the Local Coastal Program.

4. Sections 17.42.200(F) and 18.42.200(F)-*Objective Design Review Standards*- The LCPA and Ordinance contain requirements related to private open space and storage space. However, Government Code Section 65852.21, subdivision (b)(3), as amended by SB 450 specifies that, "A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards **that do not apply uniformly to development within the underlying zone...**" (emphasis added). The LCPA and Ordinance appear to include development standards (e.g. at a minimum, private open space) that are required of multi-family residential units but not single-family residential units. As SB 9 units are located in single-family zones, development standards cannot be more restrictive than those required in single-family zones. Therefore, the City must review all development standards applicable to SB 9 units to confirm they apply uniformly to development within the underlying zone.
5. Sections 17.42.200(E) and 18.42.200(H) - *Exceptions to Development Standards* - The LCPA and Ordinance, respectively, state, "Exceptions to accommodate at least 2 800-square-foot units: The Community Development Director shall modify or eliminate objective development standards if they prevent the construction of up to 2 units of at least 800 square feet in on each lot. The following objective development standards shall be modified last (and only if no other combination of modified standards permits at least 2800-square-foot units): parking requirement, front setback, height limit." However, Government Code Section 66411.7, subdivision (c)(2) specifies that, "A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet".¹⁰ While the LCPA and Ordinance include the physical preclusion language under 17.42.200 and 18.42.200 (Urban Unit Development), it must also be included as applicable to urban lot splits. Therefore, the City must modify the LCPA and Ordinance to include the physical preclusion language for urban lot splits pursuant to Government Code section 66411.7.
6. Sections 17.42.200(G)(1) and 18.42.200(J)(1) - *Utilities* - The LCPA and Ordinance, respectively, state, "The project shall include separate gas, electric and water utility connection directly between each dwelling unit and the utility." The LCPA and Ordinance specify that "*Unit*" means a primary unit or one unit of a duplex, an ADU or a JADU. However, "For an accessory dwelling unit described in paragraph (1) of subdivision (a) of [Government Code] Section 66323...a local agency...shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility..."¹¹

¹⁰ Gov. Code, §§ 65852.21, subd. (b)(2)(A) and 66411.7, subd. (c)(2).

¹¹ Gov. Code, § 66324, subd. (d).

Therefore, the City must modify the LCPA and Ordinance to remove conflicts with ADU law.

7. Sections 17.84.045(A) and 18.84.045(B) - *Site Exclusion Language* - The LCPA and Ordinance, respectively, state that for urban lot splits, “The applicant shall undertake proper mitigation if the parcel is in a Fire, Flood, or Earthquake Hazard Zone per the appropriate section of this code.” The Ordinance also states that urban lot splits are not permitted “On a parcel located in a historic site or district, listed on the State Historic Resources Inventory or designated as a Historic Landmark...On a parcel located on prime farmland, a hazardous waste site listed pursuant to Section 65962.5, or within a 100-year flood zone”. This language is similar to but not identical to language contained in SB 9.¹² The site exclusion language contained in the Ordinance appears to reflect City specific conditions and applicability. While it is not required that the City include Government Code¹³ language verbatim, the City should generally make reference to the applicability of Government Code Section 65913.4, as that section read on September 16, 2021, in both the LCPA and Ordinance.
8. Sections 17.84.045(A)(2) and 18.84.045(B)(2) - *Earthquake Hazard Zones* - The LCPA and Ordinance, respectively, state, “The applicant shall undertake proper mitigation if the parcel is in a ... Earthquake Hazard Zone per the appropriate section of this code.” However, SB 9 provides the following exclusion language, “...within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies...”¹⁴ The LCPA and Ordinance fault zone exclusion language substantively differ from the state law in light of the fact that the City has locally mapped fault lines in the Local Coastal Program that are not mapped by the State Geologist. Therefore, the fault zone exclusion language in both the LCPA and Ordinance must be amended to be consistent with state law.
9. Sections 17.84.045(A)(4) and 18.84.045(B)(4) - *Rental and Affordable Housing Protections* - The LCPA and Ordinance, respectively, state, “Urban lot splits are not permitted...(g) On a parcel where the urban lot split would require demolition of affordable or rental housing...” However, SB 9 specifies that “[t]he proposed urban lot split would not require demolition **or alteration** of any of the following types of housing...”¹⁵ (emphasis added). The City’s LCPA and Ordinance currently addresses limitations on demolition of residential structures but does not include the same limitations on alteration to residential structures. Therefore, the LCPA and Ordinance must be modified to include the limitations on alterations of residential structures as well.

¹² Gov. Code, §§ 66411.7, subd. (a); 65852.21, subd. (a); 65913.4, subd. (a)(6)(B) through (K), as it read on September 16, 2021.

¹³ Gov. Code, § 65913.4, subd. (a)(6)(B) through (K).

¹⁴ Gov. Code, § 65913.4, subd. (a)(6)(F).

¹⁵ Gov. Code, § 66411.7, subd. (a)(3)(D), 65852.21, subd. (a)(3) and (4).

10. Section 17.84.045(A)(4)(h) - *Limitations on Location for Urban Lot Splits in Coastal Zone* - The LCPA states, “Urban Lot Splits are not permitted...On a parcel located within areas mapped in the Coastal General Plan on any of the following Coastal General Plan maps: Map OS-1 Open Space and Environmentally Sensitive Habitat Areas; Map OS-2 Special Review and Runoff Sensitive Areas; and/or Map SF-2 Flood Hazards”. However, SB 9, as amended by SB 450, requires that for a pending urban lot split, “The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4 as that section read on September 16, 2021 .”¹⁶ Therefore, the City must demonstrate in the LCPA that additional site exclusions included under Section 17.84.045 (A)(4)(h), are equivalent to, and do not exceed, site exclusions under Government Code section 65913.4, subdivision (a)(6)(B) to (K) as that section read on September 16, 2021.
11. Sections 17.84.045(D)(2)(b) and 18.84.045(E)(2)(b) - *Short-Term Rentals* - The LCPA and Ordinance, respectively, state that for urban lot splits, “Units shall not be rented for periods of less than 31 days”. The LCPA and Ordinance do not contain similar language for SB 9-unit developments. State law provides that “... A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days”.¹⁷ Therefore, the City must modify the LCPA and Ordinance to specify that SB 9 units, constructed independent of an urban lot split, are required to be rented for a term longer than 30 days (i.e. for periods not less than 31 days).
12. Sections 17.84.045(I) and 18.42.200(L) - *Findings for Denial* - The LCPA and Ordinance, respectively, state, “The denial of a proposed urban lot split requires the Building Official to make the following finding...” However, the Ordinance does not include similar language for denial of an SB 9-unit development. State law, as amended by SB 450, provides, “... a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact”.¹⁸ Therefore, the City must modify the LCPA and Ordinance to specify the required Findings for Denial for SB 9 unit developments.

¹⁶ Gov. Code, § 66411.7, subd. (a)(3)(C) and 65852.21, subd. (a)(2).

¹⁷ Gov. Code, §§ 65852.21, subd. (e) and 66411.7, subd. (h).

¹⁸ Gov. Code, § 65852.21, subd. (d).

Conclusion

HCD looks forward to assisting the City with its implementation of SB 9 and in its compliance with state housing laws. HCD would like to remind the City that HCD has enforcement authority over SB 9, among other state housing laws. Accordingly, HCD may review local government actions and inactions to determine consistency with these laws. If HCD finds that a city's actions do not comply with state law, HCD may notify the California Office of the Attorney General that the local government is in violation of state law.¹⁹ If you have questions or need additional information, please contact Mindy Wilcox at mindy.wilcox@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Shannan West". The signature is written in a cursive, flowing style.

Shannan West
Housing Accountability Unit Chief

¹⁹ Gov. Code, § 65585, subd. (j).