

**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	P Permitted use, Zoning Clearance required Minor Use Permit required (see MUP § 18.71.060) UP Use Permit required (see § 18.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed						
	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
LAND USE (1)	RR	RS	RL	RM	RH	RVH	

RESIDENTIAL USES

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	P Permitted use, Zoning Clearance required Minor Use Permit required (see MUP § 18.71.060) UP Use Permit required (see § 18.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed					
	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
LAND USE (1)	CN	CO	CBD	CG	CH	

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.