

RESOLUTION NO. CC -2024

A RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING AN LCP AMENDMENT TO THE COASTAL COMMISSION TO REPEAL CHAPTER 17.42.110 “MOBILE HOME PARKS” OF DIVISION 17 OF THE FORT BRAGG MUNICIPAL CODE AND REPLACE IT WITH CHAPTER 17.42.110 “TINY HOME & MANUFACTURED HOME COMMUNITIES” TO ESTABLISH STANDARDS FOR TINY HOME COMMUNITIES.

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

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 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, in 2019, the City of Fort Bragg amended the Housing Element of the General Plan for conformance with State Housing Law. The 2019 Housing Element includes the following non-mandatory program regarding Tiny Home Communities. *Program H-1.7.10: Tiny Home Community. Consider adopting new zoning regulations to allow for small home subdivisions, with small individual parcel ownership, in all residential zoning districts. Consider changing the minimum lot size and minimum parcel dimensions of the LUDC to accommodate tiny home communities as part of a planned unit 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 Planning Commission held a duly noticed public hearing on March 27, 2024, to consider the zoning amendment, accept public testimony and provided direction to the consultant to revise the resolution and ordinance language, and

WHEREAS, the Planning Commission continued the Public Hearing to April 10, 2024, to review and consider the final resolutions and ordinance language; and

WHEREAS, the City Council held a duly noticed public hearing on May 13, 2024, to consider the LCP Amendment, accept public testimony; and formally recommend submittal of the LCP Amendment to the Coastal Commission for consideration; and

NOW, THEREFORE, BE IT RESOLVED that the City of 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 Inland General Plan; the Fort Bragg Inland Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the City Council meeting of May 13, 2024 and City Council deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the 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, the City Council makes the following findings for adoption of the proposed amendments to the Fort Bragg Coastal Land Use and Development Code:

1. The foregoing recitals are true and correct and are made a part of this Ordinance.
2. On April 10, 2024, 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 May 13, 2024, the City Council held a properly noticed public hearing to consider adoption of the minor amendment to the Coastal Land Use and Development Code.
4. The proposed amendment is consistent with the General Plan and any applicable specific plan; and Policy LU-10.2, Policy LU-10.4, Policy LU-10.6, Policy LU-5.7, Policy LU-10.1, Policy PF-1.2, Policy PF-2.1, Policy CD-1.1, CD-2.4, CD-2.5, Policy H-1.6, Program -H-1.7.10, Program H-2.9, Program H-4.1.2.
5. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment is in the public interest to permit alternative opportunities for housing, which will provide for better convenience and welfare for the residents of the City of Fort Bragg, as it will result in additional housing. The proposed amendment requires conformance with applicable building and vehicle codes, which

will ensure healthy and safe housing.

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

The proposed amendment is consistent with CLUDC standards for setbacks, parking, height, lot coverage, and density limits as illustrated in the attached consistency analysis.

7. 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
8. 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
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 hereby:

Submit an amendment to Title 17.21.030(B) Table 2-1 Allowable Land Uses and Permit Requirements for Residential Zoning Districts:

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts		Permitted Use, Zoning Clearance required						
		Minor Use Permit required (see MUP Section 17.71.060)						
		Use Permit required (see UP Section 17.71.060)						
		Permit requirement set by Specific Use Regulations						
		— Use not allowed						
LAND USE (1)		PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
		RR	RS	RL	RM	RH	RVH	
RESIDENTIAL USES								
Mobile home park		UP	UP	UP	UP	UP	UP	17.42.110
Tiny Home / Manufactured Home Community		-	-	UP	UP	UP	UP	17.42.110

Amends 17.21.030(B) Table 2-6 Allowable Land Uses and Permit Requirements for Commercial Zoning Districts:

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P	Permitted Use, Zoning Clearance required				
	MUP	Minor Use Permit required (see Section 17.71.060)				
	UP	Use Permit required (see Section 17.71.060)				
	S	Permit requirement set by Specific Use Regulations				
	—	Use not allowed				
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	
Tiny Home / Manufactured Home Community	UP	UP	-	UP	UP	17.42.115

SECTION 3. Based on the foregoing, the City Council hereby Repeal and replace Chapter 17.42.110 is hereby in it its entirety as follows:

17.42.110 - Tiny Home / Manufactured Home Community

Purpose. This Section provides requirements and development standards for the development of communities with Tiny Homes, Park Model RVs and/or Manufactured Homes. The City intends that these communities be designed and landscaped to be compatible with adjacent residential and other uses. These standards are intended to provide a means of achieving a stable community in character with the surrounding area.

Definitions

Lot Space. The space dedicated to each unit and its associated storage space, open space and internal setbacks. This area is rented to a tenant; it is not a separate legal space under the subdivision map act.

Manufactured Home. A small, manufactured home that complies with Title 24, Code of Federal Regulations, Chapter XX, Part 3280 and is a self-contained residential living unit, built off-site and placed on a permanent foundation.

Park Model RV. Must comply with the Ansi Standard 119.5 and all of the following requirements, as defined in Health and Safety Code Section 18009.3:

1. Contain 400 square feet or less of gross floor area, excluding loft area space if that loft area space meets the requirements of subdivision (b) and Section 18033.
2. May not exceed 14 feet in width at the maximum horizontal projection.

3. Built upon a single chassis.
4. May only be transported upon public highways with a permit issued pursuant to Section 35780 of the Vehicle Code. Park Model RVs shall be licensed and registered with the California Department of Motor Vehicles.
5. Is not a self-propelled recreational vehicle.

Tiny Home. A tiny home is a small towable residential unit that meets the design and construction criteria listed in 17.42.175. Tiny homes shall meet the provisions of ANSI 119.5 or Appendix Q of the UBC (or a comparable updated standard). It shall be the burden of the applicant to show compliance with one of these standards. Tiny homes shall be licensed and registered with the California Department of Motor Vehicles.

Tiny Home Community. Is any area or tract of land where two or more lots are rented or leased or held out for rent or lease to accommodate Tiny Homes, Park Model RVs and/or Manufactured Homes.

A. Community Standards. Each community shall comply with the following requirements:

1. Permit Requirements. Each Community shall be subject to Design Review in addition to the Use Permit approval required by § 17.21.030 (Residential Zoning District Allowable Land Uses and Permit Requirements). A Coastal Development Permit is required for all Tiny Home Communities located in the Coastal Zone. Tiny Home Communities are subject to compliance with Mobile Home Park regulations as required by the Department of Housing and Community Development (Mobilehome Parks Act Section 18200 – 18712).

2. Allowable Uses.

- a. **Unit Type.** Tiny Home Communities may be composed of any mix of Tiny Homes and Park Model RVs and may include up to 25% of units as Small Manufactured Homes and/or small site-built homes of less than 600 SF. A management office/residence may be required per HCD regulations.
- b. **Accessory Uses.** Use Permit approval for a Tiny Home Community may authorize accessory uses that are incidental to the planned residential use, exist for the sole purpose of service to the residents, are typically found in multifamily developments, and do not alter the character of the residential use.
 1. Residential accessory uses are limited to awnings, fences, garages (maximum size 400 SF), and storage sheds (maximum size 120 SF).
 2. Laundry facility, community room, community kitchen, recreational facilities, common open space, playground, clubhouse, and similar uses.
 3. A Tiny Home Community may contain accessory retail and service uses for park residents as authorized by Use Permit approval, and in compliance with § 17.42.020 (Accessory Retail and Service Uses).

3. Standards. This Section identifies standards for Tiny Home Community development, recognizing the dual need for moderately priced housing, and standards that will adequately protect residents of the communities and the City as a whole.

- a. **Phased Development.** Development may be in phases, so long as each phase complies with the minimum standards of this Section, and all “lots/spaces” in a phase

are developed/ improved and authorized by a permit for occupancy in compliance with Health and Safety Code Section 18505.

- b. **Project Size.** Tiny home communities may be located on any size parcel.
- c. **Density.** Tiny Home Communities are subject to zoning district density limitations.

4. Community Layout and Design. A Tiny Home Community shall comply with the following requirements:

- a. **Orientation.** Tiny Homes that are adjacent to a street shall be oriented to the Street with either the front door or the side of the Tiny Home. Other units may be oriented around a central courtyard, promenade, or community garden.
- b. **Street Setbacks & Landscaping.** All street side setback areas shall be landscaped and continually maintained, in compliance with Chapter 17.34 (Landscaping Standards).
- c. **Individual Unit “Lot Space” Size.** The individual “lot space” for each unit within the Tiny Home Community shall include adequate space for the unit, internal setbacks, open space, and accessory storage as follows:
 - I. **Unit.** Between 150 to 400 SF of dedicated space depending on the size of the Tiny Home unit.
 - II. **Dedicated Open Space.** Each Tiny Home shall have at least 100 SF of dedicated open space in the form of a patio, lawn or landscaped area.
 - III. **Required accessory structures.** Each Tiny Home will be provided with 100 Cubic Feet of storage space, which may be consolidated into one or more central storage buildings or located at individual tiny home sites.
 - IV. **Internal Setbacks.** Each Tiny Home shall maintain a minimum setback of 10 feet from other units.
- d. **Recommended Community Facilities.** Tiny Home Communities that include one or more of the following: shared open space, a community center, laundry facility, or a shared community garden are preferred.
- e. **Landscaping & Paths.** Each Tiny homes community shall include a network of landscaped walking paths that connect units to each other and to parking areas and sidewalks; and landscaping shall be provided in compliance with Chapter 17.34 (Landscaping Standards).
- f. **Parking.** Parking shall be provided at the rate of one parking space for each Tiny Home or Park Model RV. Parking should be consolidated in parking lots at the rear or side of the property, where feasible. Additionally, street parking may be utilized to meet up to 25% of the parking requirement through Minor Use Permit approval.
- g. **Internal Streets.** Internal streets are discouraged but shall comply with City street standards where provided, except where superseded by a standard required by State law.
- h. **Solid Waste.** Adequate solid waste and recyclable materials storage enclosures shall be provided in compliance with § 17.30.110.
- i. **Utilities.** All utility distribution facilities (including cable television, communication and electric lines and boxes) within a Tiny Home Community shall be placed underground. The developer is responsible for complying with the requirements of this Subsection and shall make the necessary arrangements with the utility companies for the installation of the required facilities. Each Tiny Home shall have a separate water meter.

- j. **Fencing.** A fence, solid masonry wall, or other decorative landscape screening is required to hide utilities (propane tanks, trash enclosures, etc.) from public view from a public right of way. Other fencing may be required by the review authority as part of the Design Review and Use Permit approval for the facility.
- k. **Signs.** A Tiny Home Community may have up to two externally illuminated identification signs not exceeding 6 feet in height or 24 square feet in area. The signs shall be integrated into the Tiny Home Community landscaping, at a location specified in the Use Permit approval.

5. **Ownership.** A Community may be owned by a single entity, a cooperative of residents or through condominium ownership.

B. Standards for individual Units.

- 1. **Tiny Home Standards.** Individual Tiny Homes located within a Tiny Home Community shall comply with the standards for Tiny Homes enumerated in 17.42.175 of this development code.
- 2. **Park Model RV Standards.** Park Model RVs shall comply with the individual standards enumerated in 17.42.175 of this development code.
- 3. **Travel trailers.** A self-propelled travel trailer, camper, motor coach, motor home, trailer coach, or any similar vehicle shall not be allowed within a mobile home park.

BE IT FURTHER RESOLVED that the Fort Bragg City Council does hereby recommend that the Coastal Commission approve Zoning Amendment 4-2023 to amend Division 18 to the Fort Bragg Municipal Code (as described in Appendix A) and modify Section 17.42.170 and Section 17.71.050 and Chapter 17.100 “Definitions” to establish regulations and standards for Accessory Dwelling Units consistent with State Law.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

The above and foregoing Resolution was introduced by _____ seconded by _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 13th day of May 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

Bernie Norvell, Mayor

ATTEST:

Diana Sanchez

City Clerk