



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