



AGENCY: City Council
MEETING DATE: May 22, 2017
DEPARTMENT: Community Development
PRESENTED BY: S. Perkins
EMAIL ADDRESS: sperkins@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

CONDUCT PUBLIC HEARING, RECEIVE PLANNING COMMISSION RECOMMENDATION, CONSIDER ADOPTION OF A CITY COUNCIL RESOLUTION ADOPTING A NEGATIVE DECLARATION, WAIVE THE FIRST READING, AND INTRODUCE BY TITLE ONLY ORDINANCE 930-2017 AMENDING FORT BRAGG MUNICIPAL CODE TITLE 18 (INLAND LAND USE AND DEVELOPMENT CODE)

ISSUE:

The Inland Land Use and Development Code (ILUDC) is the City's guiding collection of land use policies and regulations that implement the General Plan's vision for Fort Bragg. The ILUDC covers the areas in the City outside the California Coastal Zone (**Attachment 1**). Every few years, the City updates the ILUDC to fix identified problems and to ensure that the ILUDC implements the policy goals of the City Council and the General Plan. The City last updated the ILUDC in 2014.

The ILUDC update process included multiple public workshops and meetings that resulted in valuable public input into the proposed revisions, including:

- On the morning and evening of June 16, 2016, the City held two Zoning Code Update Workshops, and community members contributed their ordinance update ideas and concerns.
- The Community Development Committee reviewed the Land Use and Development Use Tables to identify uses that could potentially be allowed or more easily permitted within zoning districts to provide more flexibility of land uses.
- The City Council discussed and made various additional changes to the ILUDC during six meetings between July and November 2016.

The proposed ILUDC amendment is a result of this public process. The proposed changes were presented to the Planning Commission for review and a recommendation via adoption of Resolution PC 01-2017 at a public hearing on April 12 and again on April 26, 2017.

The full revised ILUDC is included with this report as **Attachment 2**. The following table summarizes the proposed changes:

Proposed ILUDC Amendments	
ARTICLE 2 – ZONING DISTRICTS AND ALLOWABLE LAND USES	
ILUDC Section	Proposed Change(s)
Chapter 18.21 <i>Residential Zoning Districts</i>	<ul style="list-style-type: none">■ Table 2-1: Alter the land uses and permit requirements for residential zoning districts, including:<ul style="list-style-type: none">▪ Remove golf course use and incorporate into existing Sports and Active

	<p>Recreation Facility use;</p> <ul style="list-style-type: none"> ▪ Add residential care facility for the elderly uses; ▪ Remove rooming or boarding use to comply with ADA definition of “family;” ▪ Allow condominium conversions in RH and RVH; ▪ Allow artisan shops in RH and RVH with Use Permit; ▪ Allow doctor offices in RM and RH with Use Permit; ▪ Allow day care, adult – 6 or fewer clients in any residential district with a Minor Use Permit; ▪ Allow day care, adult – 7 or more clients in RM, RH and RVH with a Use Permit; ▪ Revise and rename uses to match their definition or references elsewhere in the ILUDC, State law or other regulation; <p>■ Table 2-2: Add reference to net acreage when calculating lot area.</p> <p>■ Table 2-4: Clarify terms and policies to remove confusion, including:</p> <ul style="list-style-type: none"> ▪ Replace “structures and pavement” with “impervious surfaces;” and ▪ Replace “City Engineer” with “Director of Public Works.” <p>■ Table 2-5: Modify maximum site coverage standard in RVH from “N.A.” to “90%” to reflect realistic open space requirements, and clarify terms and policies as stated above.</p>
<p>Chapter 18.22 <i>Commercial Zoning Districts</i></p>	<p>■ Revise finding required for Use Permit approval within CBD by reducing the area where uses shall be pedestrian-oriented, thereby allowing non-pedestrian-oriented uses elsewhere in CBD.</p> <p>■ Table 2-6: Alter the land uses and permit requirements for commercial zoning districts, including:</p> <ul style="list-style-type: none"> ▪ Allow brewery/restaurant uses in CBD with a Use Permit; ▪ Allow research and development uses in CG with a Use Permit; ▪ Allow commercial recreation facility – outdoor uses in CN and CO with a Use Permit; ▪ Allow conference facility uses and theater uses in CO with a Use Permit; ▪ Allow library, museum, and art gallery uses in CN and CO with a Use Permit; ▪ Allow studio – art, dance, martial arts, music, etc. uses in CN with a Use Permit; ▪ Allow emergency shelters in CO with a Use Permit; The Planning Commission discussed the change at some length. Initially, staff recommended this district as a reasonable location for an emergency shelter because of proximity to medical services and police services. Some members of the Planning Commission

	<p>expressed concerns about expanding this use into a new zoning district. The Planning Commission's recommendation to the City Council includes a whereas for the City Council to further consider the expansion of Emergency Shelter as a conditional use in the CO zoning district prior to introduction of this ordinance.</p> <ul style="list-style-type: none"> ▪ Allow single-family dwellings in CN, CBD and CG with discretionary approvals; ▪ Allow building and landscape materials sale, farm supply and feed store, adult day care, and furniture, furnishing and appliance store uses in CH with a Use Permit; ▪ Allow retail, general – less than 5,000 sf in CO as a permitted use; ▪ Allow catering service uses in the CBD as a permitted use; ▪ Allow child day care center uses in CH with a Minor Use Permit; ▪ Allow vacation rental units in the CBD with a Minor Use Permit; ▪ Remove social service organization use for consistency with ADA requirements; and ▪ Revise and rename uses to match their definition or references elsewhere in the ILUDC, State law or other regulation. <p>■ Table 2-7: Add reference to net acreage when calculating lot area.</p> <p>■ Table 2-8: Clarify terms and policies to remove confusion, as stated above.</p> <p>■ Table 2-9: Clarify terms and policies to remove confusion, as stated above.</p>
<p>Chapter 18.24 <i>Industrial Zoning Districts</i></p>	<p>■ Table 2-10: Alter the land uses and permit requirements for industrial zoning districts, including:</p> <ul style="list-style-type: none"> ▪ Allow agricultural processing uses in IL with a Use Permit; ▪ Allow brewery/restaurant uses in IL and IH with a Use Permit; ▪ Allow manufacturing/processing – cannabis uses in IL and IH with a Use Permit; ▪ Allow research and development uses in IL and IH as a permitted use; ▪ Allow manufacturing/processing – medium intensity uses in IL with a Use Permit; ▪ Allow storage – personal storage facility uses in IL with a Use Permit; ▪ Allow library, museum uses in IL with a Use Permit; ▪ Prohibit school uses in IH; ▪ Allow caretaker quarters uses in IL with a Use Permit; ▪ Allow business support service uses in IH with a Use Permit; ▪ Allow parking facility uses in IL and IH with a Use Permit; ▪ Remove several out-of-date uses that are no longer applicable and remove uses from the table that are not permitted in either IL or IH; ▪ Revise and rename uses to match their definition or references elsewhere in the

	<p>ILUDC, State law or other regulation; and</p> <ul style="list-style-type: none"> Remove notes that no longer apply to the table. <p>■ Table 2-11: Add reference to net acreage when calculating lot area.</p> <p>■ Table 2-12: Clarify terms and policies to remove confusion, as stated above.</p>
<p>Chapter 18.26 <i>Special Purpose Zoning Districts</i></p>	<p>■ Table 2-14: Alter the land uses and permit requirements for special purpose zoning districts, including:</p> <ul style="list-style-type: none"> Allow sports and active recreation facility uses in OS, PR and PF with a Use Permit; Allow library, museum uses and meeting facility uses in OS with a Use Permit; Allow park, playground uses in OS as a permitted use; Allow private school uses in PR with a Use Permit; Remove several out-of-date uses that are no longer applicable and remove uses from the table that are not permitted in either IL or IH; and Revise and rename uses to match their definition or references elsewhere in the ILUDC, State law or other regulation.
ARTICLE 3 – SITE PLANNING AND PROJECT DESIGN STANDARDS	
ILUDC Section	Proposed Change(s)
<p>Chapter 18.30 <i>Standards for All Development and Land Uses</i></p>	<p>■ Fencing and Screening: Revise and clarify fencing and screening requirements (18.30.050), including:</p> <ul style="list-style-type: none"> Clarify existing fence height requirements; Increase instances when temporary fencing may be permitted; Clarify unpermitted fence types Add flexibility to existing screening requirements; Reduce landscaping strip requirement between non-residential land uses from 10 feet to 5 feet; and Require screening of back-flow devices. <p>■ Clarify outdoor lighting standards (18.30.070).</p> <p>■ Remove dust control requirements and reference existing Chapter 18.62, as dust and grading are addressed in 18.30.080.</p> <p>■ Reference Chapters 17.62 and 17.64 for erosion and sediment control and stormwater runoff management requirements (18.30.080).</p> <p>■ Setbacks: Revise and clarify setback requirements (18.30.100), including:</p> <ul style="list-style-type: none"> Clarify fence height limits in setbacks; Allow decks and other design elements less than 30 inches above grade in setbacks; Allow averaging of front setbacks as an option, not a requirement;

	<ul style="list-style-type: none"> ▪ Clarify use of setbacks for storage of vehicles, large vehicles and non-motorized vehicles; and ▪ Allow landings and stairways to project further into setbacks.
Chapter 18.34 <i>Landscaping Standards</i>	<ul style="list-style-type: none"> ■ Remove irrigation requirement from landscape plans. ■ Add flexibility to landscape plan revisions. ■ State that curbs are not preferable for the perimeter of a parking lot. ■ Reduce prohibitively specific landscaping requirements. ■ Relocate subdivision landscaping requirements to Article 8. ■ Revise irrigation system requirements to align with City's preference to move away from allowing irrigation of new landscaping areas. ■ Remove maintenance agreement policies and rely on Code Enforcement for maintenance of landscape areas. ■ Various syntax edits.
Chapter 18.36 <i>Parking and Loading</i>	<ul style="list-style-type: none"> ■ Clarify parking requirements for vehicles for sale and large motor vehicles.
Chapter 18.38 <i>Signs</i>	<ul style="list-style-type: none"> ■ Revise policies for temporary signage and for commercial spaces with multiple tenants. ■ Allow murals with Administrative Design Review, and add to the examples of mural subjects the City encourages.
ARTICLE 4 – STANDARDS FOR SPECIFIC LAND USES	
ILUDC Section	Proposed Change(s)
Chapter 18.42 <i>Standards for Specific Land Uses</i>	<ul style="list-style-type: none"> ■ Allow external evidence of accessory retail or service uses where permitted by Article 2. ■ Remove Bed and Breakfast standards for residential districts as they are not permitted in these districts. ■ Allow Director to modify or waive operating requirements for home occupations in commercial districts. ■ Remove duplexes from multifamily standards, per state law. ■ Remove news and flower stand standards, as they are replaced by Mobile Vending Unit policies in the Municipal Code. ■ Remove recycling facility requirements for uses removed from tables in Article 2. ■ Allow garages with maintenance easements to be built to side property line. ■ Revise accessory dwelling unit standards for consistency with SB 1069 and AB 2299. ■ Clarify site requirements for service stations. ■ Add standards for vacation rental units.
ARTICLE 7 – PLANNING PERMIT PROCEDURES	

ILUDC Section	Proposed Change(s)
Chapter 18.71 <i>Permit Review and Decisions</i>	<ul style="list-style-type: none"> ■ Allow greater flexibility in the permitting of special events. ■ Allow Administrative Design Review for more projects, and allow more projects to be exempt from Design Review. ■ Add noticing and hearing requirements for Planning Commission Design Review consistent with proper noticing requirements. ■ Allow Administrative Variance for modifying code requirements up to 25 percent.
ARTICLE 10 - DEFINITIONS	
ILUDC Section	Proposed Change(s)
Chapter 18.100 <i>Definitions of Specialized Terms and Phrases</i>	<ul style="list-style-type: none"> ■ Added new definitions or revised definitions for the following terms (a minus sign (-) indicates the term is removed, a plus sign (+) indicates the term is added, no symbol indicates the term is revised): <ul style="list-style-type: none"> ▪ Accessory Dwelling Unit (+) ▪ Accessory Retail or Services ▪ Adult Day Care (-) ▪ Agent ▪ Agricultural Product Processing ▪ Artisan/Craft Product Manufacturing ▪ Automated Teller Machine ▪ Brewery/Restaurant (+) ▪ Business Support Services ▪ Commercial Recreation Facility – Indoor ▪ Commercial Recreation Facility – Outdoor ▪ Condition of Project Approval ▪ Condition, Special (+) ▪ Condition, Standard (+) ▪ Construction Activity ▪ Cooperative Housing ▪ Discretionary Land Use Approval ▪ Discretionary Permit ▪ Duplex ▪ Dwelling, Dwelling Unit, or Housing Unit ▪ Manufacturing/Processing – Medium Intensity ▪ Media Production ▪ Cannabis Dispensary ▪ Mixed-Use Project ▪ Mobile Home Park ▪ Multi-Family Housing ▪ Negative Declaration ▪ Net Acreage (+) ▪ Nonconforming Parcel ▪ Office ▪ Office Supporting Retail (-) ▪ Person (-) ▪ Personal Services ▪ Personal Services – Restricted ▪ Planning Permit ▪ Produce Stand (-) ▪ Public Auction, Flea Market (-) ▪ Qualifying Resident ▪ Recycling Facility ▪ Residential Accessory Use or Structure ▪ Residential Care Facility ▪ Restaurant, Café, Coffee Shop

	<ul style="list-style-type: none"> ▪ Emergency Shelter ▪ Fence ▪ Farmers Market ▪ Formula Business ▪ Freight Terminal (-) ▪ General Retail ▪ Groceries, Specialty Foods ▪ Guest House ▪ Home Occupation ▪ Household Pets ▪ Industrial Research and Development (R&D) ▪ Kennel, Animal Boarding ▪ Laboratory – Analytical, Testing ▪ Laundry, Dry Cleaning Plant (-) ▪ Lodging – Vacation Rental Unit (+) ▪ Manufacturing – Cannabis (+) ▪ Manufacturing/Processing – Light 	<ul style="list-style-type: none"> ▪ Rooming or Boarding House (-) ▪ Second Unit/Carriage House/Duplex ▪ Secondary Frontage ▪ Service Animal (+) ▪ Sign ▪ Illegal Sign ▪ Single-Family Dwelling ▪ Social Service Organization (-) ▪ Sports and Entertainment Facility (-) ▪ Studio – Art, Dance, Martial Arts, Music, etc. ▪ Theater ▪ Transit Station or Terminal ▪ Urban Runoff Mitigation Plan ▪ Utility Facility ▪ Vacation Rental Unit ▪ Video Rental (-)
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RECOMMENDED ACTIONS:

After Council holds the public hearing, the Planning Commission, by resolution, recommends that Council:

1. Adopt a City Council Resolution adopting the Negative Declaration; and
2. Introduce, by title only, and waive further reading of Ordinance 930-2017 amending Fort Bragg Municipal Code Title 18 (Inland Land Use and Development Code).

ALTERNATIVE ACTION(S):

1. Provide direction to staff regarding further minor revisions to the ILUDC amendment; or
2. If the Council proposes to adopt a substantial modification to the amendment not previously considered by the Planning Commission, the Council shall refer the proposed modification to the Planning Commission for its recommendation (ILUDC Section 18.96.050(B)).

ANALYSIS:

ILUDC Chapter 18.94 prescribes the process for amending the code, including findings required for Council approval of amendments. The Planning Commission's resolution to the Council recommends that the Council can make these required findings.

18.94.060(B)(1)(a) The proposed amendment is consistent with the General Plan and any applicable specific plan.

18.94.060(B)(1)(b) The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

18.94.060(B)(2) The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The revisions to the Land Use Tables of Article 2 were closely reviewed to verify consistency with the City's Inland General Plan and other provisions of the ILUDC. The following discussion considers the changes to the residential, commercial and industrial land use tables and their consistency with the General Plan and the rest of the ILUDC.

Table 2-1 Allowable Land Uses and Permit Requirements for Residential Zoning Districts

The ILUDC amendment proposes to allow the following uses in residential zoning districts where they are currently unpermitted:

- | | |
|---|--|
| ▪ Private residential recreation facility | ▪ Doctor office |
| ▪ Condominium conversion | ▪ Day care, adult – 6 or fewer clients |
| ▪ Artisan shop | ▪ Day care, adult – 7 or more clients |

The City's Inland General Plan defines the purpose and intent of each residential land use designation, and includes the allowance of limited neighborhood-serving commercial uses with the approval of a conditional use permit. The ILUDC amendment will now allow the uses listed above in certain residential zoning districts, as depicted in Table 2-1, but only with either an approved Minor Use Permit or Use Permit. The requirement that these limited neighborhood-serving commercial uses obtain conditional use permits is consistent with the Inland General Plan.

The ILUDC amendment proposes other revisions to the residential district land use tables, but simply revises terms for consistency with other code sections, the General Plan, or State policy.

Table 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts

- | | |
|--|--|
| ▪ Brewery/Restaurant | ▪ Convenience store |
| ▪ Research and Development | ▪ Farm supply and feed store |
| ▪ Commercial recreation facility – outdoor | ▪ Furniture, furnishings and appliance store |
| ▪ Conference facility | ▪ Retail, general – less than 5,000 sf |
| ▪ Library, museum, art gallery | ▪ Adult day care |
| ▪ School | ▪ Catering service |
| ▪ Sports and active recreation facility | ▪ Child day care center |
| ▪ Studio – art, dance, martial arts, music, etc. | ▪ Lodging – Vacation rental units |
| ▪ Theater | ▪ Personal Services |
| ▪ Emergency shelter | ▪ Personal Services – Restricted |
| ▪ Single-family residential dwelling | ▪ Repair service – equipment, large appliances, etc. |
| ▪ Building and landscape materials sales | |

The City's Inland General Plan defines the purpose and intent of each commercial land use designation. The ILUDC amendment will now allow the uses listed above in certain commercial zoning districts, as depicted in Table 2-6. The vast majority of the uses also require a Use Permit to be allowed. Through the Use Permit review and approval process, future projects seeking to establish these uses will be individually subject to discretionary review which may include further CEQA analysis. The City has reviewed the uses above for consistency with the intent and purpose

of the various commercial zoning districts, and found the proposed revisions consistent with the General Plan

The ILUDC amendment proposes other revisions to the commercial district land use tables, but simply revises terms for consistency with other code sections, the General Plan, or State policy.

Table 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts

The ILUDC amendment proposes to allow the following uses in industrial zoning districts where they are currently unpermitted:

- | | |
|---|---|
| ▪ Agricultural product processing | ▪ Manufacturing/processing – Medium intensity |
| ▪ Artisan/craft product manufacturing | ▪ Research and Development |
| ▪ Brewery/Restaurant | ▪ Storage – warehouse, indoor storage |
| ▪ Boat and ship construction, repair, maintenance | ▪ Library, museum |
| ▪ Manufacturing/processing – Cannabis | ▪ Caretaker quarters |

The City's Inland General Plan defines the purpose and intent of each industrial land use designation. The ILUDC amendment will now allow the uses listed above in certain industrial zoning districts, as depicted in Table 2-10. With the exception of the research and development use, each of the uses listed above requires a Use Permit to be allowed. Through the Use Permit review and approval process, future projects seeking to establish these uses will be individually subject to discretionary review which may include further CEQA analysis. The City has reviewed the uses above for consistency with the intent and purpose of the various industrial zoning districts, and found the proposed revisions consistent with the General Plan.

The ILUDC amendment proposes other revisions to the industrial district land use tables, but simply revises terms for consistency with other code sections, the General Plan, or State policy.

The myriad other revisions to existing policy throughout the code are intended to either clarify regulations or better implement the General Plan or other internal or external policy. The proposed ILUDC amendment does not conflict with the General Plan or any specific plan, or other provisions of the ILUDC.

The Municipal Code and ILUDC both contain numerous policies that address public health and safety, including but not limited to:

- | | |
|--|----------------------------------|
| ▪ Title 6: Health and Sanitation | ▪ Title 10: Vehicles and Traffic |
| ▪ Title 9: Public Peace, Safety and Morals | ▪ Title 14: Water and Sewers |

The proposed ILUDC amendment does not propose any changes to these or other public health and safety regulations. The majority of the proposed ILUDC changes either address changes in state or federal law or feedback from the public. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

ENVIRONMENTAL REVIEW:

The California Environmental Quality Act (CEQA) requires analysis of agency approvals for projects. Under CEQA, adoption of substantial changes to a zoning ordinance constitutes a project, and staff has completed the required CEQA review.

Staff prepared a Negative Declaration for the project and determined that the proposed amendment could not have a significant effect on the environment. A Council resolution approving the Negative Declaration (with the Negative Declaration attached) is included as **Attachment 3**.

In order to adopt the proposed ILUDC amendments, City Council will need to adopt the Negative Declaration. The Planning Commission, by resolution, recommends Council adopt the Negative Declaration.

FISCAL IMPACT:

This amendment was funded with General Plan Maintenance fee revenues.

IMPLEMENTATION/TIMEFRAMES:

If the ordinance is introduced by the Council on May 22, 2017 and adopted on June 12, 2017, it would become effective on July 13, 2017.

ATTACHMENTS

1. Location Map
2. Ordinance No. 930-2017
3. Planning Commission Resolution PC 01-2017
4. Resolution Approving Negative Declaration

NOTIFICATION:

1. None.

City Clerk's Office Use Only

Agency Action	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Approved as Amended
Resolution No.:	_____ Ordinance No.: _____		
Moved by:	_____ Seconded by: _____		
Vote:	_____		
<input type="checkbox"/> Deferred/Continued to meeting of:	_____		
<input type="checkbox"/> Referred to:	_____		