



City of Fort Bragg

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

Meeting Agenda City Council

**THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT
NO. 1 AND THE FORT BRAGG REDEVELOPMENT SUCCESSOR
AGENCY**

Monday, May 13, 2024

6:00 PM

Town Hall, 363 N. Main Street and Via Video
Conference

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COUNCILMEMBERS PLEASE TAKE NOTICE

Councilmembers 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.

You are invited to a Zoom webinar.

When: May 13, 2024 06:00 PM Pacific Time (US and Canada)

Topic: City Council Meeting

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/89252810601>

*Or Telephone: +1 669 444 9171 US (*6 mute/unmute, *9 raise hand)*

Webinar ID: 892 5281 0601

To speak during public comment portions of the agenda via zoom, please join the meeting and use the raise hand feature when the Mayor or Acting Mayor calls for public comment on the item you wish to address.

CLOSED SESSION REPORT

AGENDA REVIEW

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

1A. [24-742](#) Proclamation National Police Week and Peace Officer's Memorial Day

Attachments: [21-NAT POLICE WEEK PEACE OFFICERS MEM DAY](#)

1B. [24-736](#) Proclamation Asian American, Native Hawaiian, and Pacific Islander Heritage Month

Attachments: [20- Asian American, Hawaiian, Pacific Islander Month](#)

1C. [24-691](#) Water Safety Month Proclamation

Attachments: [10-Water Safety Month Proclamation](#)

[CV Starr Video](#)

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

MANNER OF ADDRESSING THE CITY COUNCIL: All remarks and questions shall be addressed to the City Council; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Mayor or Acting Mayor. 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 Mayor or Acting Mayor 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 Mayor or Acting Mayor, may speak on any topic that may be a proper subject for discussion before the City Council for such period of time as the Mayor or Acting Mayor 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 Council's response to questions and requests made during this comment period.

WRITTEN PUBLIC COMMENTS: Written public comments received after agenda publication are forwarded to the Councilmembers 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 submitted to City Clerk Diana Sanchez, dsanchez@fortbragg.com

3. STAFF COMMENTS**4. MATTERS FROM COUNCILMEMBERS****5. CONSENT CALENDAR**

All items under the Consent Calendar will be acted upon in one motion unless a Councilmember requests that an individual item be taken up under Conduct of Business.

- 5A. [24-698](#) (1) Adopt by Title Only, and Waive Further Reading of Ordinance 994-2024 Repealing and Replacing Chapter 15.04 (Construction Codes - Adopted By Reference) and Chapter 15.05 (California Fire Code) of Title 15 (Buildings And Construction) of The Fort Bragg Municipal Code; Adopting and Incorporating The 2022 California Administrative Code, California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Historical Building Code, California Existing Building Code, California Green Building Standards Code, California Referenced Standards Code and California Fire Code; Adopting Local Findings; and Making Other Technical And Administrative Revisions To Title 15; Common Sense Exemption; and (2) Adopt by Title Only, and Waive Further Reading of Ordinance 990-2024 Amending Chapter 15.06 of the Fort Bragg Municipal Code to Require Sprinkler Installation in Buildings with Building Permits with a Cumulative Valuation of \$120,000 or More, Over a Three-Year Period; Common Sense Exemption.

Attachments: [Ord 994 Update to 2022 CA Building Code](#)
[Ord 990 Fire Sprinkler Revision](#)

- 5B. [24-699](#) Adopt by Title Only, and Waive Further Reading of Ordinance 988-2024 Amending Chapter 18.42.165 - Restaurants of Division 18 of the Fort Bragg Municipal Code to Establish Regulations and Standards for Outdoor Dining.

Attachments: [ORD 988 Outdoor Dining Revision 4-9-2024](#)

- 5C. [24-700](#) Adopt by Title Only, and Waive Further Reading of, Ordinance 989-2024 Amending Chapter 18.71.090 - Planned Development Permit of Division 18 of the Fort Bragg Municipal Code to Allow Planned Unit Development Permits on Parcels of One Acre or More, Subject to Previously Approved Mitigated Negative Declaration.

Attachments: [ORD 989 PUD](#)

- 5D. [24-701](#) Adopt by Title Only, and Waive Further Reading of Ordinance 991-2024, Amending Division 18 of the Fort Bragg Municipal Code and Parking Standards Established for the Central Business District- Categorically Exempt from CEQA.

Attachments: [Ordinance 991 Parking Standards](#)

- 5E. [24-722](#) Adopt City Council Resolution Identifying Priority Projects for Funding by SB 1 Road Maintenance and Rehabilitation Account for the 2024-2025 Fiscal Year

Attachments: [RESO FY 2024-25 LSR Project List](#)

- 5F. [24-724](#) Approve Purchase Order for Gym Equipment and Free Weights for the CV Starr Center from Opti-Fit Fitness Solutions

Attachments: [Opti-Fit Gym Equipment](#)

- 5G. [24-739](#) Adopt City Council Resolution Amending the Water Capacity Fees; Categorical Exemption
Attachments: [RESO Water Capacity Fees Update](#)
[Exhibit A Water Capacity Fees](#)
- 5H. [24-723](#) Adopt City Council Resolution to Oppose Initiative No. 21-0042A1, The Taxpayer Protection and Government Accountability Act
Attachments: [Staff Report](#)
[Resolution](#)
[Att. 2 - Letter Opposing Initiative No. 21-0042A1](#)
- 5I. [24-725](#) Receive and File Minutes of the January 30, 2024 Community Development Committee Meeting
Attachments: [01302024 CDC Minutes](#)
- 5J. [24-726](#) Receive and File Minutes of the March 26, 2024 Community Development Committee Meeting
Attachments: [03262024 CDC Minutes](#)
- 5K. [24-734](#) Approve Minutes of April 22, 2024
Attachments: [CC2024-04-22 City Council](#)
- 5L. [24-735](#) Approve Minutes of Special Closed Session of April 29, 2024
Attachments: [CC2024-04-29 Special Closed Session](#)

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

7. PUBLIC HEARING

When a Public Hearing has been underway for a period of 60 minutes, the Council must vote on whether to continue with the hearing or to continue the hearing to another meeting.

- 7A. [24-702](#) Conduct Public Hearing and (1) Introduce, by Title Only, and Waive Further Reading of Ordinance xxx-2024 Amending Chapter 18.42.175 - "Tiny Homes", of Division 18 of the Fort Bragg Municipal Code to Modify Regulations and Standards for Tiny Homes; Subject to Previously Approved MND; and (2) Adopt a Resolution xxx-2024 approving a Local Coastal Plan Amendment Application (LCP 4-23) to the Coastal Commission to Amend Chapter 17.42.175 - "Tiny Homes", of Division 17 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes; Categorical Exemption.

Attachments: [Tiny Homes Staff Report 5-13-2024](#)
[Attachment 1 - CC Tiny Home Ordinance ILUDC 5-13-2024](#)
[Attachment 2 - CC LCP Reso Tiny Homes CLUDC 5-13-2024](#)
[Attachment 3 - PC Reso Tiny Home ILUDC 4-10-2024](#)
[Attachment 4 - PC Reso Tiny Home CLUDC 4-10-2024](#)
[Attachment 5 - Tiny Home Consistency Analysis 10-31-2023](#)
[Attachment 6 - Track Changes New Compared with Existing Ordinance](#)
[Attachment 7 - Appendix Q of the UBC - Tiny Houses](#)
[05132024 Public Hearing Notice Tiny Homes](#)

- 7B. [24-704](#) Conduct Public Hearing and (1) Introduce, by Title Only, and Waive Further Reading of Ordinance xxx-2024 Amending Chapter 18.42.110 "Mobile Home Parks" of Division 18 of the Fort Bragg Municipal Code and Replace it with Chapter 18.42.110 "Tiny Home & Manufactured Home Communities" to Establish Standards for Tiny Home Communities; and (2) Adopt Resolution xxx-2024 approving a Local Coastal Plan Amendment Application (LCP 5-23) to the Coastal Commission to Amend 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

Attachments: [Tiny Home Communities Staff Report 5-13-2024](#)
[Attachment 1 - Tiny Home Community Ordinance ILUDC 5-13-2024](#)
[Attachment 2 - Tiny Home Community LCP Resolution CLUDC 5-13-2024](#)
[Attachment 3 - PC Recommend Tiny Home Community Reso CLUDC 4-10-2024](#)
[Attachment 4 - PC Recommend Tiny Home Community Reso ILUDC 4-10-2024](#)
[Attachment 5 - Consistency Analysis 10-31-2023](#)
[Attachment 6 - Photo Illustrations](#)
[05132024 Public Hearing Notice Tiny Home Communities](#)

- 7C. [24-730](#) Receive Report and Conduct Public Hearing for Disclosure of Accomplishments and Closeout of Activities Funded by Community Development Block Grant (CDBG) 20-CDBG-12043

Attachments: [05132024 Report 20-CDBG-12043](#)
[05132024 PH Notice Closeout CE english](#)
[05132024 PH Notice Closeout CE spanish](#)
[05132024 CE Closeout Presentation](#)

8. CONDUCT OF BUSINESS

- 8A. [24-731](#) Receive Report and Provide Direction Regarding Potential Application for Funding from Permanent Local Housing Allocation (PLHA) Program 2023 Non-Entitlement Local Government Competitive Notice of Funding Availability (NOFA)

Attachments: [05132024 Report PLHA App Direction](#)
[plha-competitive-nofa-2023-final](#)
[05132024 CPLHA Presentation](#)

9. CLOSED SESSION

ADJOURNMENT

The adjournment time for all Council meetings is no later than 10:00 p.m. If the Council is still in session at 10:00 p.m., the Council may continue the meeting upon majority vote.

**NEXT REGULAR CITY COUNCIL MEETING:
 6:00 P.M., TUESDAY, MAY 28, 2024**

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, 2024.

 Diana Sanchez
 City Clerk

NOTICE TO THE PUBLIC:

DISTRIBUTION OF ADDITIONAL INFORMATION FOLLOWING AGENDA PACKET DISTRIBUTION:

- *Materials related to an item on this Agenda submitted to the Council/District/Agency after distribution of the agenda packet are available for public inspection upon making reasonable arrangements with the City Clerk for viewing same during normal business hours.*
- *Such documents are also available on the City of Fort Bragg's website at <https://city.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: 24-742

Agenda Date: 5/13/2024

Version: 1

Status: Mayor's Office

In Control: City Council

File Type: Proclamation

Agenda Number: 1A.

Proclamation National Police Week and Peace Officer's Memorial Day



PROCLAMATION

National Police Week - May 12 - 18, 2024
Peace Officers' Memorial Day - May 15, 2024

WHEREAS, the United States Congress and the President of the United States have designated May 15th as Peace Officers' Memorial Day and the week in which May 15th falls as National Police Week; and

WHEREAS, nationwide 136 peace officers were killed in the line of duty in 2023; and

WHEREAS, seven California peace officers were killed in the line of duty in 2023; and

WHEREAS, members of the Fort Bragg Police Department, along with all of the other law enforcement partners who protect and serve our community, provide an essential role in safeguarding the rights and freedoms of the City of Fort Bragg; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of our law enforcement agencies, and that members of these law enforcement agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the Fort Bragg Police Department unceasingly provide a vital public service;

NOW, THEREFORE, I, Bernie Norvell, Mayor of the City of Fort Bragg, on behalf of the entire City Council, call upon all citizens of Fort Bragg and upon all patriotic, civic and educational organizations to observe the week of May 12 - 18, 2024 as **National Police Week** with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

FURTHERMORE, I call upon all citizens of Fort Bragg to observe Wednesday, May 15, 2024 as **Peace Officers' Memorial Day** in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community in the performance of duty, and let us recognize and pay respect to survivors of our fallen heroes.

SIGNED this 13th day of May, 2024

[Signature box]

BERNIE NORVELL, Mayor

ATTEST:

[Signature box]

DIANA SANCHEZ, City Clerk





City of Fort Bragg

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Text File

File Number: 24-736

Agenda Date: 5/13/2024

Version: 1

Status: Mayor's Office

In Control: City Council

File Type: Proclamation

Agenda Number: 1B.

Proclamation Asian American, Native Hawaiian, and Pacific Islander Heritage Month



PROCLAMATION

Asian American, Native Hawaiian, and Pacific Islander Heritage Month

WHEREAS, With more than 6 million Californians of **Asian American, Native Hawaiian, or Pacific Islander** descent, California is home to dynamic AANHPI communities which are an invaluable part of our state and nation. During Asian American, Native Hawaiian, and Pacific Islander Heritage Month, we celebrate California's incredibly diverse heritage and all the ways which AANHPI Californians enrich and strengthen our society; and

WHEREAS, Since our state's founding, AANHPIs have been instrumental in writing the California story and building our state as we know it. We are proud of the immeasurable contributions that generations of AANHPIs from varied backgrounds have made as educators, service men and women, entrepreneurs, artists, athletes, community builders and activists, and **City Managers**, shaping all facets of our society, culture, and daily life; and

WHEREAS, we must also recognize that throughout our history, AANHPI communities have been the target of violence, disenfranchisement, efforts to restrict immigration, and other xenophobic policies at a federal, state, and local level. The echoes of this dark history are still evident today. It is imperative that we confront past and present racism and challenge ourselves to rally for the safety and inclusion of our AANHPI friends and neighbors; and

WHEREAS, During **Asian American, Native Hawaiian, and Pacific Islander** Heritage Month, California pays tribute to the irreplaceable legacy of our AANHPI communities, their incredible strength and resilience, and their essential role in driving our state and nation forward. This month and every month, let us stand up for all members of our California family and work together to achieve the promise of a better California for all.

NOW, THEREFORE, I, Bernie Norvell, Mayor of the City of Fort Bragg, on behalf of the entire City Council, and I do hereby proclaim May as **Asian American, Native Hawaiian, and Pacific Islander** Heritage Month.

ATTEST:



SIGNED this 13th day of May, 2024

BERNIE NORVELL, Mayor

DIANA SANCHEZ, City Clerk

No. 08-2024





City of Fort Bragg

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Text File

File Number: 24-691

Agenda Date: 5/13/2024

Version: 1

Status: Mayor's Office

In Control: City Council

File Type: Proclamation

Agenda Number: 1C.

Water Safety Month Proclamation



**PROCLAMATION
DECLARING May 2024 as WATER SAFETY MONTH®**



WHEREAS, The City of Fort Bragg is committed to ensuring the safety of all residents and visitors to our great city; and

WHEREAS, swimming and aquatic-related activities promote good physical and mental health and enhance the quality of life for all people; and

WHEREAS, according to the Centers for Disease and Prevention, ten people die from unintentional drownings every day, with about one in five being children 14 and younger; and

WHEREAS, basic water safety tips include: children should always be supervised by an adult; when a child or vulnerable adult has uninterrupted access to a body of water, barriers should be installed; children should be given swimming lessons at a young age, and everyone especially caregivers should learn CPR and have safety equipment such as floatation devices; and

WHEREAS, Water Safety Month in Fort Bragg is an opportunity to promote water safety and provide education on prevention of recreational water-related injuries, illness and deaths; and

WHEREAS, it is important for everyone including children, parents and caregivers to be aware of water safety rules and programs in order to prevent drowning and recreational water-related injuries; and

WHEREAS, the residents of Fort Bragg are aware of the contributions made by the recreational water industry, as represented by organizations involved in the National Water Safety Month Coalition, providing healthy places to recreate, learn and grow, build self-esteem, confidence and sense of self-worth which contributes to the quality of life in our community; and

WHEREAS, The Pool & Hot Tub Alliance with support from the American Red Cross, National Recreation and Park Association along with World Waterpark Association launch an annual public awareness campaign aimed at aquatic safety and drowning prevention in all aspects from backyard and local pools to lakes and beaches to inform and educate citizens of the many potential hazards and large benefits of utilizing aquatic attractions, programs, and services; now, therefore, be it resolved that the citizens of California recognize the importance of access to local pools, beaches and lakes for the health, wellness, development, inspiration, and safety of all Californians; and be it further resolved, that we declare the month of May 2024 as “National Water Safety Month®”.

NOW, THEREFORE, I, Bernie Norvell, Mayor of the City of Fort Bragg, on behalf of the entire City Council, and I do hereby proclaim May as “National Water Safety Month®”

ATTEST:

SIGNED this 13th day of May, 2024

BERNIE NORVELL, Mayor

Diana Sanchez, City Clerk
No. 08-2024



City of Fort Bragg

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Text File

File Number: 24-698

Agenda Date: 5/13/2024

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: 5A.

(1) Adopt by Title Only, and Waive Further Reading of Ordinance 994-2024 Repealing and Replacing Chapter 15.04 (Construction Codes - Adopted By Reference) and Chapter 15.05 (California Fire Code) of Title 15 (Buildings And Construction) of The Fort Bragg Municipal Code; Adopting and Incorporating The 2022 California Administrative Code, California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Historical Building Code, California Existing Building Code, California Green Building Standards Code, California Referenced Standards Code and California Fire Code; Adopting Local Findings; and Making Other Technical And Administrative Revisions To Title 15; Common Sense Exemption; and

(2) Adopt by Title Only, and Waive Further Reading of Ordinance 990-2024 Amending Chapter 15.06 of the Fort Bragg Municipal Code to Require Sprinkler Installation in Buildings with Building Permits with a Cumulative Valuation of \$120,000 or More, Over a Three-Year Period; Common Sense Exemption.

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE REPEALING AND REPLACING CHAPTER 15.04 (CONSTRUCTION CODES – ADOPTED BY REFERENCE) AND CHAPTER 15.05 (CALIFORNIA FIRE CODE) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE FORT BRAGG MUNICIPAL CODE; ADOPTING AND INCORPORATING THE CALIFORNIA ADMINISTRATIVE CODE, CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA ENERGY CODE, CALIFORNIA HISTORICAL BUILDING CODE, CALIFORNIA EXISTING BUILDING CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE, CALIFORNIA REFERENCED STANDARDS CODE AND CALIFORNIA FIRE CODE; ADOPTING LOCAL FINDINGS; AND MAKING OTHER TECHNICAL AND ADMINISTRATIVE REVISIONS TO TITLE 15

ORDINANCE NO. 994-2024

WHEREAS, the 2022 California Building Standards Code has been amended and adopted by the California Building Standards Commission in order to establish uniform standards for the construction and maintenance of buildings, electrical systems, plumbing systems, mechanical systems and fire and life safety systems; and

WHEREAS, the City of Fort Bragg (City) has adopted the 2016 Editions of the California Building Standards Code, California Plumbing Code, California Mechanical Code, California Uniform Housing Code, California Electric Code, California Administrative Code, and the California Energy Code; and

WHEREAS, Government Code § 50022 *et seq.* and California Health & Safety Code § 17922 authorizes cities to enact ordinances adopting any code by reference; and

WHEREAS, in accordance with Government Code § 50022.3, a properly noticed public hearing concerning adoption of the Codes referenced above has been held prior to adoption of this Ordinance; and

WHEREAS, California Health & Safety Code § 17958.5 authorizes cities and counties to modify the California Building Standards Codes by adopting more restrictive standards and modifications if such standards and modifications are accompanied by express findings that they are reasonably necessary because of local climatic, geologic and topographic conditions; and

WHEREAS, cities and counties may adopt amendments to clarify local administration of the 2022 California Building Standards Code, so long as those modifications do not change the building standards without required findings; and

WHEREAS, prior to the effective date of this Ordinance, the City Clerk shall file a copy of the Ordinance, with the California Building Standards Commission.

NOW, THEREFORE, the City Council ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. The City of Fort Bragg’s Municipal Code Chapters 15.04 and 15.05 have undergone a review by staff to identify inconsistencies and inaccuracies as well as consistency with the 2022 California Building Standards Code.
2. The Code should represent the current state of all legislative actions taken by the City Council.
3. The Code should reflect current legislative actions of the City Council and the means by which the City is being operated and must be accurate and consistent to aid staff, residents and various other persons in making determinations on Code related issues.
4. Pursuant to §§ 17958.5 and 17958.7 of the California Health and Safety Code, the City Council makes the express finding that each of the modifications and changes to building standards set forth herein is needed and is reasonably necessary because of local climatic, geological and topographical conditions. Fort Bragg is a rural coastal city located between approximately 39 and 40 degrees latitude. It has a moderate climate. It is subject to severe rainstorms or windstorms that have and could result in localized flooding and flood hazards. The City has potentially active seismic hazards in close proximity. Its location creates some degree of isolation and some difficulty in the transportation of building materials and in obtaining skilled and expert assistance for the construction or rehabilitation of rural dwellings.
5. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15061(b)(3) of the California Code of Regulations (CEQA Guidelines) by the general rule that CEQA only applies to “projects” that may have a significant effect on the environment. The proposed Ordinance would amend the Municipal Code related to building standards necessary to protect health and safety. In this case, there is no possibility that the proposed Ordinance would have a significant impact on the environment.

Section 2.

TITLE 15 – BUILDINGS AND CONSTRUCTION

Chapter 15.04 entitled **CONSTRUCTION CODES – ADOPTED BY REFERENCE** is hereby repealed in its entirety and replaced with the following:

CHAPTER 15.04: CONSTRUCTION CODES – ADOPTED BY REFERENCE

Section

- 15.04.010 Purpose
- 15.04.020 Incorporation of reference material
- 15.04.030 Definitions
- 15.04.040 Modifications to the California Building Code
- 15.04.050 Modifications to California Residential Code
- 15.04.060 Modifications to the California Electrical Code
- 15.04.070 Modifications to the California Mechanical Code
- 15.04.080 Modifications to the California Plumbing Code
- 15.04.090 Curbs and Sidewalks
- 15.04.100 Construction and Applicability
- 15.04.110 Construction Permits and Inspection Fees
- 15.04.120 Fire zone defined
- 15.04.130 Fees for permits and inspection
- 15.04.140 Penal provisions

§ 15.04.010 PURPOSE.

The purpose of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling building, plumbing, heating and electrical installations of all buildings and structures within the City.

§ 15.04.020 INCORPORATION OF REFERENCE MATERIAL.

Subject to applicable sections of this title, the following primary and secondary codes are hereby adopted and incorporated into the Fort Bragg City Code by reference and as having the full legal effect as if their respective contents were set forth verbatim herein:

- A. CALIFORNIA ADMINISTRATIVE CODE, 2022 Edition, Part 1, as published by the International Code Council.
- B. CALIFORNIA BUILDING CODE, 2022 Edition, Part 2, Volumes I and II, together with Appendix C (Agricultural Buildings); Appendix G (Flood Resistant Construction); Appendix H (Signs); and Appendix I (Patio Covers) as published by the International Code Conference subject to the changes and modifications set forth in Section 15.04.040 and other provisions of this Title.
- C. CALIFORNIA RESIDENTIAL CODE, 2022 Edition, Part 2.5, together with Appendix H (Patio Covers); Appendix J (Existing Building and Structures); Appendix K (Sound Transmission); Appendix R (Light Straw-Clay Construction); Appendix S (Strawbale Construction); and Appendix V (Swimming Pool Safety Act), as published by the International Code Council, subject to the changes and modifications set forth in Section 15.04.050 and other provisions of this Title.
- D. CALIFORNIA ELECTRICAL CODE, 2022 Edition, Part 3, together with Annex H (Administration and Enforcement) as published by the National Fire Protection

Association subject to changes and modifications set forth in Section 15.04.060 and other provisions of this Title.

- E. CALIFORNIA MECHANICAL CODE, 2022 Edition, Part 4, as published by the International Association of Plumbing and Mechanical Officials subject to the changes and modifications set forth in Section 15.04.070 and other provisions of this Title.
- F. CALIFORNIA PLUMBING CODE, 2022 Edition, Part 5, together with Appendix A (Recommended Rules for Sizing the Water Supply System); Appendix B (Explanatory Notes on Combination Waste and Vent Systems); Appendix D (Sizing Storm Water Drainage Systems); Appendix I (Installation Standard); Appendix J (Combination of Indoor and Outdoor Combustion and Ventilation Opening Design), as published by the International Association of Plumbing and Mechanical Officials, subject to the changes and modifications set forth in Section 15.04.080 and other provisions of this Title.
- G. CALIFORNIA ENERGY CODE, 2022 Edition, Part 6, as published by the International Code Council.
- H. CALIFORNIA HISTORICAL BUILDING CODE, 2022 Edition, Part 8, as published by the International Code Council.
- I. CALIFORNIA EXISTING BUILDING CODE, 2022 Edition, Part 10, as published by the International Code Council.
- J. CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 Edition, Part 11, as published by International Code Council.
- K. CALIFORNIA REFERENCED STANDARDS CODE, 2022 Edition, Part 12, as published by the International Code Council.

§ 15.04.030 DEFINITIONS.

Whenever any of the following names or terms are used in any of the compilations adopted by reference by this chapter such names or terms shall have the following meanings:

BUILDING OFFICIAL refers to the Community Development Director of the City or his or her contracted official or designee;

ENFORCEMENT AGENCY shall refer to the Building Inspection Department of the City or designated department or entity.

§ 15.04.040 MODIFICATIONS TO THE CALIFORNIA BUILDING CODE.

The California Building Code, 2022 Edition, as adopted in § 15.04.020 (B) is adopted with the following changes and modifications:

Section 105.3.2 shall be amended to read as follows:

Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the City Council.

Section 105.5 shall be amended to read as follows:

Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However, this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a reinstatement fee established by the City Council.

Section 109.6 shall be amended to read as follows:

Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.

3. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

Appendix H: Signs: Section H101.1 shall be amended to include the following as a second paragraph:

Notwithstanding any other provision of this appendix, all external lighting for signs shall be designed to be shielded or downcast in order to minimize the illumination of the nighttime sky.

Appendix H: Signs: Section H101.2 shall be amended to read as follows:

Signs exempt from permits. The following signs are exempt from the requirements to obtain a permit before erection:

1. Non-illuminated signs painted on exterior surface of existing permitted or legal nonconforming buildings or structures.
2. Temporary signs announcing the sale or rent of property.
3. Signs erected by transportation authorities.
4. Projecting signs not exceeding 2.5 square feet (0.23 m²).
5. The changing of moveable parts of an approved sign that is designed for such changes, or the repainting or repositioning of display matter shall not be deemed an alteration.
6. Temporary signs on grade that are no higher than 7 feet in height above grade and no more than 32 square feet in size.

Exemption from the permit requirements of this Section shall not be deemed to grant authorization for any work done in any manner in violation of the provisions of Titles 17 or 18 of the Fort Bragg Municipal Code, or any other laws or ordinances of this jurisdiction.

Appendix H: Signs: Section H105.3 shall be amended to read as follows:

Wind load. Signs shall be designed and constructed to withstand wind pressure as provided for in Chapter 16. Exception: The Building Official may waive the engineering design requirements for signs if he/she finds that the

signs will not create a hazard to private or public property due to the type, size, location or placement of the sign.

Appendix H: Signs: Section H105.4 shall be amended to read as follows:

Seismic load. Signs designed to withstand wind pressures shall be considered capable of withstanding earthquake loads, except as provided for in Chapter 16. Exception: The Building Official may waive the engineering design requirements for signs if he/she finds that the signs will not create a hazard to private or public property due to the type, size, location or placement of the sign.

§ 15.04.050 MODIFICATIONS TO THE CALIFORNIA RESIDENTIAL CODE.

The California Residential Code, 2022 Edition as adopted in Section 15.04.020 (C) of this Chapter, is adopted with the following changes and modifications.

Section R105.3.2 shall be amended to read as follows:

Time limitation of application. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the City Council.

Section R105.5 shall be amended to read as follows:

Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However, this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The Extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a reinstatement fee established by the City Council.

Section R108.5 shall be amended to read as follows:

Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
3. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

§ 15.04.060 MODIFICATIONS TO THE CALIFORNIA ELECTRICAL CODE.

The California Electrical Code, 2022 Edition, as adopted in Section 15.04.020 (D) of this Chapter, is adopted with the following changes and modifications.

Annex H, Section 80.15 Electrical Board is deleted.

Annex H, Section 80.19(E) shall be amended to read as follows:

(E) Fees and Fee Refunds.

- (1) Any political subdivision that has been provided for electrical inspection in accordance with the provisions of Article 80 may establish fees that shall be paid by the applicant for a permit before the permit is issued.
- (2) The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
- (3) The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done

under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.

- (4) The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
- (5) The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

Annex H, Section 80.19(H) shall be amended to include the following as a new paragraph (4):

- (4) Time limitation of application. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the City Council.

Annex H, Section 80.19(H)(7) shall be amended to include the following new paragraph (5):

- (5) Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However, this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a reinstatement fee established by the City Council.

Annex H, Section 80.23, Notices of Violations, Penalties: Subsection (B)(3) is deleted.

Annex H, Section 80.27 Inspector Qualifications is deleted.

§ 15.04.070 MODIFICATIONS TO THE CALIFORNIA MECHANICAL CODE.

The California Mechanical Code, 2022 Edition, as adopted in Section 15.04.020 (E) of this Chapter, is adopted with the following changes and modifications.

Section 104.3.3 shall be amended to read as follows:

Section 104.3.3 Time Limitation of Application. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in any time, for periods of not more than 180 calendar days each. Each extension required payment of a fee as established by the City Council.

Section 104.4.3 shall be amended to read as follows:

Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However, this provision will not apply if the permit was issued to legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official.

In order to renew action on an expired permit, the permit holder shall pay a reinstatement fee established by the City Council.

Expiration of Plan Review. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the City Council.

Section 104.5, Subsection 104.5.3 Fee Refunds shall be amended to read as follows:

Fee Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
3. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

§ 15.04.080 MODIFICATIONS TO THE CALIFORNIA PLUMBING CODE.

The California Plumbing Code, 2022 Edition, as adopted in Section 15.04.020 (F) of this Chapter, is adopted with the following changes and modifications:

Section 104.4.3 shall be amended to read as follows:

Expiration: Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within one (1) year (365 calendar days) after the issuance of said permit and an inspection resulting in an approval of the work has not been obtained; or if after the first inspection approval the work does not receive an inspection resulting in an approval every year (365 calendar days). However, this provision will not apply if the permit was issued to

legalize previously unpermitted construction. In those cases, the timelines for the permit to remain valid will correspond with any timelines the Department has set for compliance. Extensions may be granted as indicated in this section. The submittal of revisions to issued permits, if pursued in good faith as determined by the Building Official, shall extend the building permit 180 calendar days from the submittal of the revisions.

For permits which have not expired, the Building Official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, and will only be granted upon demonstration of justifiable cause, as determined by the Building Official.

Permits may be renewed if they have been expired for less than five (5) years, and/or have a vested interest, as determined by the Building Official. In order to renew action on an expired permit, the permit holder shall pay a reinstatement fee established by the City Council.

Expiration of Plan Review. A permit application for any proposed work shall be deemed to have been abandoned one (1) year after the date of filing, unless such application has been pursued in good faith as determined by the Building Official. The applicant must request an extension in writing, and demonstrate justifiable cause. The Building Official may grant one or more extensions in time, for periods of not more than 180 days each. Each extension requires payment of a fee established by the City Council.

Section 104.5.3 shall be amended to read as follows:

Fee Refunds.

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work had been done under a permit issued in accordance with this code provided that the request for refund is made by written application by the original permittee not later than one year after the date of issuance of the permit.
3. The Building Official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
4. The Building Official shall not authorize the refunding of the plan review fee paid except upon written application filed by the original permittee no later than one year after the date of fee payment.

Section 603.5.7 shall be amended to read as follows:

Outlets with Hose Attachments. Potable water outlets with hose attachments, other than water heater drains, boiler drains, and clothes washer connections, shall be protected by a nonremovable hose bibb-type backflow preventer, a nonremovable hose bibb-type vacuum breaker, or by an atmospheric vacuum breaker installed not less than 6 inches (152 mm) above the highest point of usage located on the discharge side of the last valve. In climates where freezing temperatures occur, a listed self-draining frost-proof hose bibb with an integral backflow preventer or vacuum breaker shall be used. One exterior hose bibb supplied by potable water shall be installed on each structure containing a Group R, Division 3 or Division 1 Occupancy.

§ 15.04.090 CURBS AND SIDEWALKS.

A. Curbs and sidewalks shall be required and constructed along the frontage of any public street, upon any lot, parcel or piece of ground upon which any new construction in excess of 250 square feet of floor space is being built; or upon which any alteration or improvements are being made the cost of which exceeds 50% of the value of the existing structure prior to the construction of said alterations or improvements.

B. The construction of the sidewalk and curb shall be in conformance with the California Building Code referred to in § 15.04.020 and in conformance with the standards set forth in Chapter 12.04.

C. Curb cuts are to be utilized such that road or parking lot runoff drains to a landscaped feature.

§ 15.04.100 CONSTRUCTION AND APPLICABILITY.

The regulations and provisions contained in the body of this title shall prevail over any inconsistent provision contained in any primary or secondary code adopted hereby; provided, however, that in the case of inconsistent regulations, no regulation shall prevail which is less stringent than the regulations established by the State of California.

§ 15.04.110 CONSTRUCTION PERMITS AND INSPECTION FEES.

Except as otherwise exempted by the California Building Code and/or other City ordinances, no person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, occupy, remove, convert, or demolish any building or structure in the area of the City or cause the same to be done without first obtaining a separate building permit for each such building or structure as required by this title. Permits shall be issued and fees collected by the Building Official or his or her designee. The schedule of fees collected are set by resolution by the City Council as may be amended from time to time.

§ 15.04.120 FIRE ZONE DEFINED.

For the purpose of this chapter the entire City is Fire Zone Three.

§ 15.04.130 FEES FOR PERMITS AND INSPECTION.

Except as otherwise exempted by the California Building Code or City ordinance, no person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, occupy, remove, convert or demolish any building or structure, or install, alter or repair any plumbing, heating or electrical items, without first obtaining a permit or combination of any such permits for each such building or structure. Any person filing applications for permits shall, at the time of filing an application therefore, pay to the Building Department the fee set forth by the City as the fee schedule is amended and adopted from time to time. A copy of the latest fee schedule in effect is on file with the City Clerk.

§ 15.04.140 PENAL PROVISIONS.

A. The Building Official of the City or the Acting Building Inspector as designated by the City Manager shall have the authority to issue citations for violations of the following chapters of this code:

1. Chapter 15.04 (Construction Codes – Adopted by Reference);
2. Chapter 15.08 (Building and Fire Department Permits);
3. Chapter 15.12 (House Numbering);
4. Title 17 (Chapters 17.10 through 17.98);
5. Title 18 (Chapters 18.10 through 18.98).

B. The persons designated in subsection (A) of this section (hereinafter referred to as Building Official) shall have the power to issue citations within the City pursuant to those sections of this code set forth in subsection (A) of this section. The Building Official is authorized by the ordinance codified in this section to arrest persons, without a warrant, whenever the Building Official has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence which is a violation of state statute or City ordinance which the Building Official has a duty to enforce.

C. In any case in which a person is arrested pursuant to subsection (A) or (B) of this section, and the person arrested does not demand to be taken before a magistrate, the Building Official making the arrest shall prepare a written notice to appear and release the person on his or her promise to appear, as prescribed by Chapter 5C (commencing with Section 853.6) of the California State Penal Code. The provisions of such chapter (5C of the Penal Code) shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this authority.

D. Violations of Chapters 15.04, 15.08, 15.12, Title 17, and Title 18 are declared to be infractions, and upon conviction thereof are punishable as provided in Chapter 1.12.

Section 3.

Chapter 15.05 entitled **CALIFORNIA FIRE CODE** is hereby repealed in its entirety and replaced with the following:

CHAPTER 15.05: CALIFORNIA FIRE CODE

Section

- 15.05.010 Edition adopted
- 15.05.020 Application of chapter
- 15.05.030 Appeals

§ 15.05.010 EDITION ADOPTED.

Subject to applicable sections of this title, the following primary and secondary codes are hereby adopted and incorporated into the Fort Bragg City Code by reference and as having the full legal effect as if their respective contents were set forth verbatim herein:

A. The California Fire Code, California Code of Regulations, Title 24, Part 9, 2022 Edition, and its appendices, subject to amendments, changes or modifications as set forth in this chapter, or otherwise in the Fort Bragg Municipal Code. This chapter shall be known as the “Fort Bragg Fire Code” and shall be referred to in this chapter as “the code.”

B. Where no applicable standards or requirements are set forth in the above-mentioned code, or contained within other laws, codes, regulations or ordinances adopted by the City, compliance with applicable standards of the National Fire Protection Association (NFPA) or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this chapter.

C. A copy of the code referenced above, in its latest form, is on file in the office of the Fire Chief.

§ 15.05.020 APPLICATION OF CHAPTER.

This chapter shall apply to all buildings, structures, areas, and occupancies within the City of Fort Bragg. Pursuant to Cal. Health and Safety Code §§ 13145 and 13146, the Fire Chief, or his or her authorized representative, shall enforce the provisions of this chapter and all other building standards and regulations relating to fire and panic safety that have been formally adopted by the State Fire Marshal for the prevention of fire and for the protection of life and property against fire or panic.

§ 15.05.030 APPEALS.

Whenever the Fire Chief or his or her authorized representative refuses to grant a permit applied for, or when it is claimed that certain provisions of the International Fire Code, the California Fire Code and/or Fort Bragg Municipal Code do not apply, the applicant may appeal the decisions to the Fire Appeals Board no later than 15 days of the refusal or claim. The Fire Appeals Board shall be appointed by the Fort Bragg Fire Protection Authority.

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 Peters at a regular meeting of the City Council of the City of Fort Bragg held on April 8, 2024, and adopted at a regular meeting of the City of Fort Bragg held on May 13, 2024 by the following vote:

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

Bernie Norvell
Mayor

ATTEST:

Diana Sanchez
City Clerk

PUBLISH: May 2, 2024 and May 23, 2024 (by summary).
EFFECTIVE DATE: June 13, 2024.

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN ORDINANCE TO AMEND
CHAPTER 15.06 OF THE FORT
BRAGG MUNICIPAL CODE TO
REQUIRE SPRINKLER INSTALLATION
IN BUILDINGS WITH BUILDING
PERMITS WITH A CUMULATIVE
VALUATION OF \$120,000 OR MORE,
OVER A THREE-YEAR PERIOD.**

ORDINANCE NO. 990-2024

WHEREAS, the 2022 California Building Standards Code has been amended and adopted by the California Building Standards Commission; and

WHEREAS, the California Fire Code, which is Part 9 of the California Building Standards Code, was part of the triennial amendment and adoption by the California Building Standards Commission; and

WHEREAS, the City of Fort Bragg (“City”) wishes to adopt building code regulations in accordance with law and to use the most updated regulations to regulate building construction within the City; and

WHEREAS, the City of Fort Bragg (“City”) wishes to adopt fire code regulations in accordance with law and to use the most updated regulations for fire protection within the City; and

WHEREAS, Government Code § 50022 *et seq.* authorizes cities to enact ordinances adopting any code by reference; and

WHEREAS, the City wishes to adopt the California Fire Code, California Code of Regulations, Title 24, Part 9, 2022 Edition, by reference into Chapter 15.05 of the Fort Bragg Municipal Code (California Fire Code) after conducting a public hearing on April 8, 2024; and

WHEREAS, because of the City’s unique climatic, geologic, and topographic conditions, the City made amendments and additions to the California Fire Code, California Code of Regulations, Title 24, Part 9, 2022 Edition; and

WHEREAS, the City of Fort Bragg (“City”) has determined that Chapter 15.06 (Automatic Fire Sprinkler and Alarm Systems) of the Fort Bragg Municipal Code (“Code”), as proposed, reflects the modifications most beneficial to the health, safety and welfare of the City and the City Council desires the same modifications to the California Fire Code, California Code of Regulations, Title 24, Part 9, 2022 Edition; and

WHEREAS, because of the City’s unique climatic, geologic, and topographic conditions, the City desires to make amendments and additions to the building and fire code regulations, as set forth in Ordinance 990-2024; and

WHEREAS, pursuant to California Health and Safety Code § 17958, 13143.5, and 18941.5 the City Council of the City of Fort Bragg determined that a departure from the California Fire Code, Part 9 of the California Building Standards Code, 2022 Edition, is reasonably necessary because of local climatic, geologic and/or topographic conditions.

WHEREAS, the City of Fort Bragg (“City”) has determined that Chapter 15.06 (Automatic Fire Sprinkler and Alarm Systems) of the Fort Bragg Municipal Code (“Code”), as currently written does not: 1) clearly require that the valuation of all building permits over a three year period should be summed to determine the valuation threshold; and

WHEREAS, the City of Fort Bragg, has determined that all costs, except for re-roofing, associated with rehabilitation of a building should be included in the valuation amount, as public health and safety are paramount concerns of local government and every reasonable opportunity should be taken to ensure that Fort Bragg’s vulnerable commercial buildings have sprinklers installed as part of any series of rehabilitation activities over a three year period of more than \$120,000 in value in order to protect life and property from the threat of fire; and

WHEREAS, amending Chapter 15.06 will assist in administering the City’s fire sprinkler and alarm systems ordinance and improve compliance with the ordinance by property owners; and

WHEREAS, pursuant to California Health and Safety Code sections 18941.5, 17958, and 13143.5 the City Council of the City of Fort Bragg hereby finds that the amendments adopted herein are reasonably necessary because of local climatic, geologic and topographic conditions; and

WHEREAS, amending Chapter 15.06 will assist in administering the City’s fire sprinkler and alarm systems ordinance and improve compliance with the ordinance by property owners; and

WHEREAS, the City Council has determined that the following changes should be made to the Chapter for consistency, accuracy and ease of use by the City’s staff and citizens.

WHEREAS, on November 27, 2023, the City Council held a City Council meeting and discussed this item and agreed that the valuation calculation should be calculated on a cumulative basis over a three-year period; and

WHEREAS, prior to the effective date of this Ordinance, the City Clerk shall file a copy of the Ordinance, with the California Building Standards Commission.

NOW, THEREFORE, the City Council ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. The City of Fort Bragg’s Municipal Code Chapters 15.05 and 15.06 have undergone a review to identify inconsistencies and inaccuracies as well as consistency with the 2022 California Building Standards Code.
2. The Code should represent the current state of all legislative actions taken by the City Council.
3. Chapter 15.06 is used by City staff to determine when fire sprinklers and alarm systems are required as part of any project that requires a building permit.
4. Modifications and changes to the California Fire Code, as set forth in Chapter 15.05 of the Fort Bragg Municipal Code, are required in order to provide specific and greater protections to the public health, safety and welfare than are afforded by the California Building Standards Code due to local climatic, geological, and topographical conditions. The legislative findings for such modifications and changes are made pursuant to California Health and Safety Code § 17958.7 as set forth in Exhibit A of the Staff report and by this reference incorporated herein.
5. Chapter 15.06 is used by City staff to determine when fire sprinklers and alarm systems are required as part of any project that requires a building permit.
6. The Code should reflect current legislative actions of the City Council and the means by which the City is being operated and must be accurate and consistent to aid staff, residents and various

other persons in making determinations on Code-related issues.

7. Amending Chapter 15.06 in the manner described in this ordinance is in the public interest for it will ensure that sprinklers are installed as part of any cumulative major commercial building rehabilitation of more than \$120,000 in value over a three-year period and will thereby help to protect life and property from damage by structural fires.

8. Legislative Findings.

The City Council of the City of Fort Bragg finds that in order to best protect the health, safety and welfare of the citizens of the City of Fort Bragg, the standards of building within the City must conform to state law except where local climatic, geological, and topographic conditions warrant more restrictive regulations. Therefore, the City Council should adopt the current state building codes, contained in California Building Standards Code Title 24, and other uniform codes governing the construction and regulation of buildings and structures with the modifications and amendments contained herein.

Pursuant to California Health and Safety Code Section 17958.7, the City Council makes the factual findings set forth herein, and finds that the amendments made in this ordinance to the California Building Standards Code Title 24, Part 9 are reasonably necessary because of the local climatic, geological or topographical conditions.

9. Climatic Findings:

Fort Bragg has climatic conditions, which are unique in character. The City is subject to year-round coastal winds including storm conditions. Winter storms with gale-force winds often cause trees to fall onto roadways used for access by emergency fire equipment and personnel. Average yearly rainfall for the district is 37 inches, which occurs from October to April and results in lush vegetation growth. During summer months, the morning also spurs vegetation growth. Natural vegetation creates hazardous fuel conditions that cause grassland and brush land fires each year. Afternoon winds can move a fire quickly in any part of the City, particularly during times of high temperatures and low humidity. The City has suffered from drought conditions, which reduces available water for firefighting.

10. Geological Findings:

Fort Bragg, located on the northern California coast, has warm summer days and severe winters. The City is located in a rural setting with rugged coastline forming its western boundary and rugged mountainous areas forming its eastern boundaries. The City has potentially active seismic hazards in close proximity.

11. Topographical Findings:

The Fort Bragg Fire Protection Authority District is an all-volunteer district that covers seventy-five square miles with elevations from zero to one thousand feet above sea level. The City of Fort Bragg includes many narrow and some dead-end roads causing maneuverability restrictions for fire equipment. Surrounding fire districts are all volunteer and the request for mutual aid requires as long as 30 minutes for the first engine to respond to the scene of a fire. The permanent population in the District is dramatically increased by tourism in the summer months causing an increased burden on fire department personnel and equipment. Heavily traveled State Highway One runs the length of the City and is the only continuous North/South route along the coast.

12. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15061(b)(3) of the CEQA Guidelines

(Title 14, Chapter 3 of the California Code of Regulations). Enacting minor changes to the City's Code pertaining to automatic fire sprinkler and alarm systems cannot have a significant effect on the environment. The changes to the City's Municipal Code are minor in nature and do not create substantive changes to land use or the California Fire Code. Subsequent planning and building permit applications will be subject to environmental review at that time. Thus, there is no further environmental review necessary at this time.

Section 2.

Chapter 15.06 entitled **AUTOMATIC FIRE SPRINKLER AND ALARM SYSTEMS** is hereby repealed in its entirety and replaced with the following:

CHAPTER 15.06: AUTOMATIC FIRE SPRINKLER AND ALARM SYSTEMS

Section

- 15.06.010 Purpose
- 15.06.020 Definitions in general
- 15.06.030 Automatic fire sprinkler systems required
- 15.06.050 Exemptions and waivers
- 15.06.060 Annual inspection and maintenance
- 15.06.070 *Reserved*
- 15.06.080 Fire alarm systems defined and required
- 15.06.090 Violations

§ 15.06.010 PURPOSE.

A. The California Fire Code, California Code of Regulations, Title 24, Part 9, 2022 Edition, as modified and amended from time to time, establishes certain standards for automatic fire extinguishing systems. A copy of the Code, in its latest form, is on file in the office of the Fire Chief.

B. The purpose of this chapter is to provide regulations establishing minimum standards for automatic fire sprinkler systems where the standards are not specifically covered by the California Fire Code. Where specific standards are provided by the California Fire Code and provide a greater degree of fire protection than the provisions of this chapter, those standards shall apply. In those cases where the California Fire Code, does not provide specific standards, the terms of this chapter shall apply.

C. The intent of this chapter is to apply those fire protection standards, which will provide the residents and property owners of the City the greatest degree of fire protection, which is reasonable under the circumstances. All buildings are subject to the provisions of this chapter.

§ 15.06.020 DEFINITIONS IN GENERAL.

Definitions contained in the California Fire Code, California Code of Regulations, Title 24, Part 9, 2022 Edition, shall apply to this chapter unless specifically amended. Whenever any of the following names or terms are used in any of the compilations adopted by reference by this chapter such names or terms shall have the following meanings:

APPEAL AUTHORITY. As defined in Municipal Code Chapter 1.06.

BUILDING. Any building or group of buildings that requires a sprinkler under this ordinance or the California Fire Code, California Code of Regulations, Title 24, Part 9, 2022 Edition.

BUILDING PERMIT VALUATION. The value of repairs, maintenance and remodel work as determined by the Mendocino County Planning and Building Department through their plan review process. The Building Permit Valuation will include the total of all active building permits for the

Building at the same location, excluding separate permits to install automatic fire sprinkler systems.

§ 15.06.030 AUTOMATIC FIRE SPRINKLER SYSTEMS — REQUIRED.

A. All new Buildings shall have an automatic fire sprinkler system installed, unless specifically exempted in accordance with § 15.06.050.

B. Buildings in existence prior to the adoption of this Code shall be subject to the requirements for automatic fire sprinkler systems upon the change of occupancy to a higher hazard level as defined by the Fire Marshal.

1. Existing commercial and multifamily buildings, which are remodeled, added to, or altered, including maintenance and repair activities, when the valuation of the cost of such work within any 36-month period exceeds \$120,000, shall have an automatic fire sprinkler system installed. The sprinkler system shall be connected with the City’s water service as determined by the Director of Public Works. Roof replacement costs will not be calculated in the \$120,000 limit. The \$120,000 valuation will be determined by the Mendocino County Planning and Building Department through their plan review process and completed on the application for any building permit. The \$120,000 valuation is in 2024 dollars, the actual valuation amount shall be calculated based on the California Construction Cost Index adjustment for the year the permit is issued.

2. The Fire Marshal shall: 1) review the building permit, plans and Building Permit Valuation at the time of the building permit application submittal; and 2) review the building permit, any applicable building permit application and plans upon any change in scope of work or modification to the building permit application to determine if the Building Permit Valuation of the proposed work and all work completed on the Building for all active building permits exceeds the adjusted \$120,000 threshold.

3. If the Building Permit Valuation exceeds the threshold, the Fire Marshal shall require installation of fire sprinklers per this chapter prior to approval of the building permit or final inspection.

§ 15.06.050 EXEMPTIONS AND WAIVERS.

A. All 1- and 2-family dwellings and detached utility (“U” occupancy) buildings are exempted from the requirement to install automatic fire sprinkler systems.

B. The Fire Chief may grant exemptions for the automatic fire sprinkler system requirements for new construction by placing such conditions upon construction and/or use of the building to reduce the fire risk to a diminished level and by making a finding that, the use of structure would present low or no fire risk. Examples:

1. Portable fire extinguisher or Class 2 standpipe installation;
2. Providing 1-hour resistive occupancy separation for equipment rooms;
3. Sprinklers undesirable because of nature of the contents in the room/area, the items being noncombustible or not exposed to other rooms/areas.

§ 15.06.060 ANNUAL INSPECTION AND MAINTENANCE

The owner of any Building in which automatic fire alarm systems or fire sprinkler systems have been installed shall have the systems inspected and maintained per NFPA 25 and shall provide a report of the inspection to the Fire Chief.

§ 15.06.070

Reserved.

§ 15.06.080 FIRE ALARM SYSTEMS DEFINED AND REQUIRED.

A. **FIRE ALARM SYSTEM** means all devices, controls, and circuits, together with the energy necessary to sound the alarm, electrically supervise the system, and activate the alarm bells,

trouble bells or trouble signals.

B. Every new Building shall have installed an approved, automatically operated fire alarm system designed to warn all occupants simultaneously. In addition, the Fire Chief may require that this system be monitored in the manager’s quarters and/or by a supervising station as defined in NFPA 72. The Fire Chief may also require the installation of a manually operated fire alarm system.

C. All required fire alarm systems shall be installed in accordance with NFPA 72.

D. Exceptions to § 15.06.080 are all “U” occupancies. These exceptions do not apply to 1- and 2-family dwellings within a Building that otherwise requires an alarm system (i.e., commercial occupancy below a dwelling).

§ 15.06.090 VIOLATIONS.

Failure to comply with the requirements of this chapter is hereby declared to be unlawful and a public nuisance, and shall be subject to the remedies and penalties established by Municipal Code Chapter 6.12.

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 Peters at a regular meeting of the City Council of the City of Fort Bragg held on April 8, 2024, and adopted at a regular meeting of the City of Fort Bragg held on May 13, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Bernie Norvell
Mayor

ATTEST:

Diana Sanchez
City Clerk

PUBLISH: May 2, 2024 and May 23, 2024 (by summary).
EFFECTIVE DATE: June 13, 2024.



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
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Text File

File Number: 24-699

Agenda Date: 5/13/2024

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: 5B.

Adopt by Title Only, and Waive Further Reading of Ordinance 988-2024 Amending Chapter 18.42.165 - Restaurants of Division 18 of the Fort Bragg Municipal Code to Establish Regulations and Standards for Outdoor Dining.

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

**AN ORDINANCE AMENDING CHAPTER
18.42.165 – “RESTAURANTS” of DIVISION
18 OF THE FORT BRAGG MUNICIPAL CODE
(ILUDC 3-23) TO ESTABLISH REGULATIONS
AND STANDARDS FOR OUTDOOR DINING**

ORDINANCE NO. 988-2024

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 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 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, in May 2020, due to the COVID-19 Pandemic the City adopted an amendment to the Municipal Code which gave the City Manager, as the Director of Emergency Services, the power: “To waive zoning requirements and/or standards to facilitate business operations of established businesses affected by public health orders of the federal, state, or county government, to the extent that such waivers would not result in an increase in general intensity of use beyond what is otherwise allowed, as applicable to zoning district;” and

WHEREAS, the City relaxed standards so that outdoor dining could be established during the pandemic and a number of restaurants erected outdoor dining facilities which have proven to be very popular; and

WHEREAS, On February 26, 2023, Governor Gavin Newsom announced that the COVID-19 State of Emergency ended; and

WHEREAS, On April 11, 2023, President Joe Biden signed a bipartisan congressional resolution to bring the U.S. national emergency to respond to the COVID-19 Pandemic to a close; and

WHEREAS, on May 10, 2023, the Mendocino County Building Department released a notice of the expiration of the County’s COVID-19 Urgency Ordinance 4472 which allowed many temporary business modifications in response to COVID-19; and the notice provided businesses with an opportunity to apply for the appropriate permits to retain any temporary modifications to their structures or facilities; and

WHEREAS, the City desires to ensure that outdoor dining can continue in Fort Bragg in a safe and enjoyable manner; and

WHEREAS, the Community Development Committee held a duly noticed special meeting on May 17, 2023, to discuss recommending regulations to establish a method for outdoor dining to continue even as State regulations allowing outdoor dining during the COVID-19 Pandemic were set to expire; and

WHEREAS, on June 26, 2023, City Council received a report and provided direction to staff regarding future zoning modification to allow outdoor dining; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Section 15074 of the CEQA Guidelines, a Mitigated Native Declaration (MND) was prepared and circulated for public comment for the zoning code amendment; and

WHEREAS, a Notice of Intent to Adopt an MND was published on December 7, 2023, and the twenty-day review period was from December 7 through December 27, 2023; and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 10, 2024 and January 31, 2024 to consider the Zoning Code Amendment, accept public testimony and adopted a resolution recommending that City Council adopt a zoning amendment to establish regulations for outdoor dining; and

WHEREAS, the City Council held a duly noticed public hearing on April 8, 2024 to consider the Zoning Code Amendment, and accept public testimony regarding a zoning amendment to establish regulations for outdoor dining; 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 April 8, 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: LEGISLATIVE FINDINGS

1. The foregoing recitals are true and correct and made a part of this Ordinance.
2. On January 10 and January 31, 2024, 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; and

3. On April 8, 2024, the City Council held a properly noticed public hearing to consider adoption of the minor amendment to the Inland Land Use and Development Code; and
4. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
 - i. The proposed project is consistent with the land use designations of the Land Use Element of the Inland General Plan (CGP) because the amendment would allow outdoor dining in the same land use designations as restaurants.
 - ii. The proposed amendment is consistent with the following applicable General Plan policies: Policy LU-3.1, Policy PF-1.2, Policy PF-2.1, Policy OS-1.2, Policy OS-5.2, Policy OS-6.3, Policy C-1.2, Policy CD-1.1, Policy CD-1.3, Policy CD-2.2, Policy CD-2.3, Policy CD-2.4, Policy CD-5.3, Policy SF-4.1.
5. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
 - i. As revised, and recommended by the Planning Commission, the proposed amendment include sufficient safeguards to protect the health and safety of diners and of outdoor dining facilities. Outdoor dining will improve convenience by increasing dining options and providing for outdoor dining for people with immune issues where indoor dining may be unsafe due to COVID-19 and other communicable illness. The amendment furthers the public interest and welfare as indicated by the continued popularity of outdoor dining.
6. The proposed amendment is internally consistent with other applicable provisions of this Development Code.
 - i. The Proposed Zoning Code Amendment is consistent with ILUDC standards as amended and as analyzed in the consistency analysis.
7. The project is subject to CEQA, and a properly noticed MND was prepared for the project and circulated for public review. No public comments were received regarding the MND in the public comment period. The MND was adopted by resolution by the City Council on April 8, 2024.
8. 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 18.21.030 - Allowed Land Uses and Permit Requirements for Residential Zoning Districts, Table 2-1 as follows (amendment shown in red text):

| 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 MUP Minor Use Permit required (see § 18.71.060) UP Use Permit required (see § 18.71.060) Permit requirement set by Specific Use S Regulations — Use not allowed | | | | | | | |
| Restaurant, Café, Coffee Shop | - | - | UP | UP | UP | UP | 18.42.165 |
| Outdoor Dining | - | - | MUP | MUP | MUP | MUP | 18.42.165 |

Amend 18.22.030- Allowed Land Uses and Permit Requirements for Commercial Zoning Districts, Table 2-1 as follows (amendment shown in red text):

| 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 MUP Minor Use Permit required (see § 18.71.060) UP Use Permit required (see § 18.71.060) Permit requirement set by Specific Use S Regulations — Use not allowed | | | | | | |
| Restaurant, café, coffee shop | UP | P | P | P | P | 18.42.165 |
| Second hand store | — | — | — | P | P | |
| Service station | — | — | — | UP | UP | 18.42.180 |
| Shopping center | — | — | — | UP | UP | |
| Outdoor Dining | P | P | P | P | P | 18.42.165 |

Amend 18.36.040 - Number of Parking Spaces Required, Table 3-7 as follows (amendment shown in red text):

TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE (Continued)

| Land Use Type: Retail Trade | Vehicle Spaces Required | |
|---|--|--|
| | Minimum | Maximum |
| All "Retail Trade" and general retail uses listed in § 18.22.030 , Table 2-6, except for the following: | 1 space for each 400 sf of floor area, plus 1 space for each 600 sf of outdoor sales area. | 1 space for each 200 sf of floor area, plus 1 space for each 400 sf of outdoor sales area. |
| Restaurant, cafe, coffee shop | 1 space for each 100 sf of dining area. | 1 space for each 40 sf of dining area. |
| Outdoor Dining, as a component of a restaurant | No parking required | No parking required |

SECTION 3. 18.42.165 – Restaurants & Outdoor Dining

Chapter 18.42.165 – Restaurants is hereby amended as follows (amendment shown in red text):

18.42.165 – Restaurants & Outdoor Dining

A. Grease and Oils. The following standards for restaurants are intended to regulate the disposal of grease and oils for the protection of the City of Fort Bragg sewage treatment plant and the environment:

1. Operating standards. Restaurants shall comply with the following operating standards:
 - a. Installation and maintenance of grease trap/interceptor. Grease interceptor installation and maintenance must comply with the City’s Food Service Establishment Wastewater Discharge Permit and the City’s Municipal Code section regarding fats, oil and grease control.
 - b. Washing of restaurant floor mats, exhaust filters. Restaurant floor mats and exhaust filters shall be washed in a sink or wash area that drains to the sanitary sewer, or collected wastewater from such washing shall be discharged to the sanitary sewer.

B. Outdoor Dining. The following standards are for outdoor dining facilities and are intended to regulate for the safe and compatible operation of outdoor dining facilities. Outdoor Dining Facility may consist of tables and chairs for dining with or without a pavilion, tents and/or umbrellas.

1. **Allowed as part of Indoor Dining.** These regulations apply only to restaurants that have an indoor dining component. Outdoor restaurants are not permitted.

2. Location, Setbacks & Height Limits.

- a. Outdoor dining pavilions and tents shall comply with all relevant setback and height limits of the zoning district.
- b. Outdoor dining facilities shall be located on previously developed areas such as a parking lot, sidewalk, hardscape or landscaped area.
- c. Outdoor dining must be located a minimum of 50 feet from any environmentally sensitive area, wetland or rare plant community, unless it is located in an already developed area that was developed with authorization through a Development Permit.
- d. Outdoor dining pavilions and tents shall be sited so that they do not add to stormwater runoff volume or peak runoff rates.
- e. Outdoor dining pavilions and tents shall not be located in an area that would impact scenic views or resources as seen from a public right of way.
- f. Outdoor dining is permissible on the City's sidewalks with Encroachment Permit approval.

3. Size Limits. Outdoor dining facilities of more than 1,300 SF may be approved with a Minor Use Permit.

4. Objective Design & Safety Criteria. Outdoor dining pavilions and tents are subject to Administrative Design Review and shall comply with the following criteria:

- a. Outdoor dining facilities shall be confined to the area shown on the approved site plan.
- b. Where umbrellas, tents or pavilions are proposed, a vertical clearance of at least 7 feet must be maintained.
- c. Utilities, Heating & Lighting
 - I. The use of heating devices and electrical extension cords and lighting are subject to review and approval by the Fire Marshal.
 - II. Portable Heaters/Space Heaters are permitted if approved for outdoor use, located in accordance with the manufacturer's recommendations, and located at least two feet from the edge or roof of any umbrella canvas, tent, pavilion, foliage, or any other flammable object or material.
 - III. All lighting located within or outside of outdoor dining pavilions shall be downward facing and night sky compliant.
- d. Outdoor Dining shall not interfere with building ingress/egress.
 1. ADA Accessibility. The outdoor dining area shall be designed, constructed and/or conform to the applicable provisions, rules, regulations and guidelines of the California Building Code and Americans with Disabilities Act.
 2. Outdoor Dining facilities shall not conflict with use of existing bicycle parking and access.
- e. Moveable barriers shall be of solid, durable materials. Preferred barriers include removable fences, freestanding fences, hedges, planters, trees, removable columns, and pavilion or tent structures. Fabric inserts, chain link fencing, plastic, vinyl, chicken wire and cyclone fencing are not permitted.

- f. Pavilion and tent colors should either be white or a color which is compatible with the colors of the restaurant building.
- 5. **Operating Standards.** Outdoor dining shall comply with the following operating standards:
 - a. No amplified music after 9:00 pm.
 - b. No new service after 9:00 pm.
 - c. Hours of operation shall not begin prior to 7:00 am or extend later than 10:00 pm.
 - d. Smoking is prohibited in outdoor dining areas.
 - e. Outdoor dining, food preparation and cooking is only permissible in compliance with the California Retail Food Code and with the approval of the Mendocino County Division of Environmental Health.
 - f. Pavilions must be inspected by the Fire Marshal who shall submit a letter to the City that pavilion and associated equipment and furnishings are safe and in good repair at least once every five years or as determined by the Community Development Director.
 - g. Establishments that serve alcoholic beverages in the outdoor dining area shall meet all requirements of the Alcoholic Beverage Control Board and have a permit for such service as well as any other federal, state, or local laws and regulations governing the sale and consumption of alcoholic beverages.

SECTION 4. 18.100 Definitions Amendments

Chapter 18.100 is hereby amended to include the following definitions:

Outdoor Dining Facility. Outdoor dining may consist of a defined area with tables and chairs for dining with or without a temporary pavilion, tent and/or umbrellas, and adjacent to and on the same parcel and serviced by a restaurant with an indoor dining component. If the outdoor dining structure requires a building permit, it is not considered outdoor dining. Outdoor bars are not outdoor dining facilities.

Section 6. 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 7. 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 Peters at a regular meeting of the City Council of the City of Fort Bragg held on April 8, 2024, and adopted at a regular meeting of the City of Fort Bragg held on May 13, 2024, by the following vote:

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

**Bernie Norvell
Mayor**

ATTEST:

**Diana Sanchez
City Clerk**

**PUBLISH: May 2, 2024 and May 23, 2024 (by summary).
EFFECTIVE DATE: June 13, 2024.**



City of Fort Bragg

416 N Franklin Street
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Phone: (707) 961-2823
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Text File

File Number: 24-700

Agenda Date: 5/13/2024

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: 5C.

Adopt by Title Only, and Waive Further Reading of, Ordinance 989-2024 Amending Chapter 18.71.090 - Planned Development Permit of Division 18 of the Fort Bragg Municipal Code to Allow Planned Unit Development Permits on Parcels of One Acre or More, Subject to Previously Approved Mitigated Negative Declaration.

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

**AN ORDINANCE AMENDING 18.71.090 -
PLANNED DEVELOPMENT PERMIT OF
DIVISION 18 OF THE FORT BRAGG
MUNICIPAL CODE TO ALLOW PLANNED
DEVELOPMENT PERMITS ON PARCELS OF
1 ACRE OR MORE SUBJECT TO
PREVIOUSLY APPROVED MITIGATED
NEGATIVE DECLARATION**

ORDINANCE NO. 989-2024

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 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 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, pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Section 15074 of the CEQA Guidelines, a Mitigated Native Declaration (MND) was prepared and circulated for public comment for the zoning code amendment; and

WHEREAS, a Notice of Intent to Adopt an MND was published on December 7, 2023, and the twenty-day review period was from December 7 through December 27, 2023; and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 10, 2024 to consider the Zoning Code Amendment, accept public testimony and adopted a resolution recommending that City Council adopt a zoning amendment to modify the City’s PUD regulations; and

WHEREAS, the City Council held a duly noticed public hearing on April 8, 2024 to consider the Zoning Code Amendment, and accept public testimony regarding a zoning amendment to modify the City’s Planned Development (18.71.090) regulations; 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 April 8, 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: LEGISLATIVE FINDINGS

1. The foregoing recitals are true and correct and made a part of this Ordinance.
2. On January 10, 2024, 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; and
3. On April 8, 2024, the City Council held a properly noticed public hearing to consider adoption of the minor amendment to the Inland Land Use and Development Code; and

SECTION 2: INLAND LAND USE AND DEVELOPMENT CODE AMENDMENT FINDINGS

Pursuant to Fort Bragg Municipal Code Section 18.94.060, the City Council makes the following findings for adoption of the proposed amendments to the Fort Bragg Inland 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 the General Plan, as the amendments would result only in a change in the minimum parcel size for a Planned Development and the existing ordinance complies with the General Plan. There are no policies in the General Plan that only apply to parcels of 5 acres or more, and all policies in the General Plan apply equally to all parcels regardless of size. Additionally, all Planned Development permit approvals must make the following finding: *“The project is consistent with the General Plan and any applicable specific plan, and allowed within the applicable zoning district.”*

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

The proposed amendment would retain permit requirements that: *“The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the*

proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.”

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

The proposed amendment would not change the ordinance’s existing consistency with the Development Code; indeed the goal of the PUD permitting process is to allow the City to carve out exceptions to the code so long as all permit findings can be made. All Planned Development permit approvals would be required to make the following finding: “The project complies with all applicable provisions of this Development Code other than those modified by the Planned Unit Development Permit.”

- 4. The project is subject to CEQA, and a properly noticed MND was prepared for the project, circulated for public review, and adopted on April 8, 2024 immediately prior to the consideration of this Ordinance. This project is a necessarily included element of the project considered as part of Resolution 989-2024 approved as part of Agenda Item 24-537. The Mitigated Negative Declaration adequately addressed the effects of the proposed project. No substantial changes have been made in the project, no substantial changes have occurred in the circumstances under which the project is being undertaken, and no new information of substantial importance to the project which was not known or could not have been known when the Mitigated Negative Declaration was adopted; therefore no further environmental review is required.
- 5. The documents and other material constituting the record for these proceedings are located at the Community Development Department, and

SECTION 3. *Based on the foregoing, the City Council does hereby Amend chapter 18.71.090 Planned Development as follows:*

18.71.090 - Planned Unit Development Permit (PUD)

A. Purpose. The Planned Unit Development Permit is intended to provide for flexibility in the application of Development Code standards to proposed development under limited and unique circumstances. The purpose is to allow consideration of innovation in site planning and other aspects of project design, and more effective design responses to site features, uses on adjoining properties, and environmental impacts than the Development Code standards would produce without adjustment. The City expects each Planned Unit Development project to be of obvious, significantly higher quality than would be achieved through conventional design practices and standards.

B. Applicability. A Planned Unit Development Permit application may be filed and processed only under the following circumstances:

1. Minimum site area. A Planned **Unit** Development Permit may be requested for a residential, commercial, industrial, or mixed-use development on a site ~~larger than 5~~ of one acre or more.

2. Timing of permit. No Building or Grading Permit shall be issued on a site for which a Planned **Unit** Development Permit is proposed until the Planned **Unit** Development Permit has been approved in compliance with this Section.

3. Scope of approval.

a. Planned **Unit** Development Permit approval may adjust or modify, where determined by the review authority to be necessary and justifiable, any applicable development standard of this Development Code (e.g., building height, setbacks, parking, street layout, etc.); provided, that the approval shall not authorize a land use that is not allowed in the applicable zoning district by Article [2](#).

b. A project proposing increased residential density may only be approved by the Council in compliance with Chapter [18.31](#) (Density Bonuses and Affordable Housing Incentives).

C. Application filing and processing. An application shall be filed in compliance with Chapter [18.70](#) (Permit Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Planned **Unit** Development Permit applications. It is the responsibility of the applicant to provide evidence in support of the findings, as required by Subsection (F) of this Section (Commission action).

D. Review authority. A Planned **Unit** Development Permit may be granted by the Commission.

E. Project review, notice, and hearing.

1. Application review. Each Planned **Unit** Development Permit application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Section. The Director shall submit a staff report and recommendation to the Commission for their consideration.

2. Public hearing. The Commission shall conduct a public hearing on an application for a Planned **Unit** Development Permit before the approval or disapproval of the permit. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter [18.96](#) (Public Hearings).

F. Commission action. Following a public hearing, the Commission may approve or disapprove a Planned **Unit** Development Permit, and shall record the decision and the findings upon which the decision is based.

1. Required findings. The Commission may approve a Planned **Unit** Development Permit only after first finding that:

- a. The project is consistent with the General Plan and any applicable specific plan, and allowed within the applicable zoning district;
- b. The project complies with all applicable provisions of this Development Code other than those modified by the Planned **Unit** Development Permit;
- c. The approved modifications to the development standards of this Development Code are necessary and appropriate to accommodate the superior design of the proposed project, its compatibility with adjacent land uses, and its successful mitigation of any identified environmental impacts;
- d. The development authorized by the Planned **Unit** Development Permit approval will be of significantly higher quality, more energy efficient, more conserving of resources, and will produce fewer and less serious environmental impacts than development that could otherwise occur in compliance with the requirements of this Development Code without adjustment;
- e. The project complies with all applicable provisions of the City's Design Guidelines;
- f. The project can be adequately, conveniently, and reasonably served by public facilities, services, and utilities;
- g. The planning concepts and design features of the project are reasonably suited to the characteristics of the site and the surrounding neighborhood;
- h. The location, size, planning concepts, design features, and operating characteristics of the project are and will be compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the General Plan;
- i. The site is adequate for the project in terms of size, shape, topography, and circumstances; and
- j. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

2. Conditions of approval. In approving a Planned **Unit** Development Permit, the Commission may impose any conditions deemed reasonable and necessary to

ensure that the project will comply with the findings required by Subsection (F)(1) of this Section.

G. Time limit and expiration.

1. A Planned **Unit** Development Permit may specify a development completion period acceptable to the review authority.
2. If a time limit is not specified in the permit, the completion period shall not exceed 2 years.
3. If project construction has not commenced within the required time limit, the Planned **Unit** Development Permit shall automatically be terminated and deemed void, with no further action required by the City.

H. Planned **Unit Development Permit amendment.**

1. **Commission action on requested changes.** Any requested change in the Planned **Unit** Development Permit, other than those allowed by Subsection (H)(3) of this Section shall be submitted to the review authority that originally approved the permit for review and approval following the same review notice and hearing procedures as for the original approval.
2. **Added conditions.** The review authority may, as a condition of approval, impose added changes or conditions on the Planned **Unit** Development Permit amendment, as it deems reasonable and necessary to carry out the purpose and intent of the original Planned **Unit** Development Permit and this Section.
3. **Minor changes by Director.** Minor changes in the Planned **Unit** Development Permit which do not involve an increase in building area, an increase in the number of dwelling units, or a change of use may be approved by the Director in compliance with § [18.76.080](#) (Changes to an Approved Project).

I. Post approval procedures. The procedures and requirements in Chapter [18.76](#) (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article [9](#) (Land Use and Development Code Administration), shall apply following a decision on an application for Planned **Unit** Development Permit approval.

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 Peters at a regular meeting of the City Council of the City of Fort Bragg held on April 8, 2024, and adopted at a regular meeting of the City of Fort Bragg held on May 13, 2024 by the following vote:

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

**Bernie Norvell
Mayor**

ATTEST:

**Diana Sanchez
City Clerk**

**PUBLISH: May 2, 2024 and May 23, 2024 (by summary).
EFFECTIVE DATE: June 13, 2024.**



City of Fort Bragg

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

File Number: 24-701

Agenda Date: 5/13/2024

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: 5D.

Adopt by Title Only, and Waive Further Reading of Ordinance 991-2024, Amending Division 18 of the Fort Bragg Municipal Code and Parking Standards Established for the Central Business District- Categorically Exempt from CEQA.

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE AMENDING DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE (ILUDC 1-24) TO AMEND CHAPTER 18.36.030 "GENERAL PARKING REGULATIONS" AND TO AMEND CHAPTER 18.36.060 "BICYCLE PARKING" AND TO AMEND CHAPTER 18.36.080 "REDUCTION OF PARKING REQUIREMENTS."

ORDINANCE NO. 991-2024

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 adopted an Inland General Plan, including its Circulation Element, and certified an Environmental Impact Report Addendum ("EIR Addendum") for the General Plan on December 2, 2012; and

WHEREAS, Circulation Element Section 5 Parking establishes goals, policies and related programs, for adequate off-street parking essential for Central Business District business, provision for an in-lieu fee to build additional off-street parking facilities and mentions the community-wide benefit of providing additional off-street parking facilities in the Central Business District; and

WHEREAS, the adoption of an Inland Land Use and Development Code is necessary to provide a regulatory framework for implementation of the Inland General Plan and to update zoning regulations in accordance with City Council policy direction; and

WHEREAS, the City adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014, including [ILUDC Chapter 18.36 Parking and Loading](#), §18.36.060 *Bicycle Parking*, §18.36.080 *Reduction of Parking Requirements*, and establishing requirements for the Central Business District Special Parking Combining Zone; and

WHEREAS, the City has prioritized policies to keep the downtown vibrant; access to public transit on the Mendocino Coast is extremely limited; visitors and locals are often dependent on vehicles as a mode of transportation and beginning in 2022 the City desired to develop a *Comprehensive Parking Strategy*; and

WHEREAS, on January 23, 2023, the City Council sought proposals to create a *Comprehensive Downtown Parking Strategy* where the study would be substantially funded through an approved MCOG OWP planning grant; and

WHEREAS, on March 27, 2023, the City Council awarded a Professional Services Agreement to Walker Consultants for the preparation of a comprehensive downtown parking strategy and the term of this agreement was subsequently extended to April 30, 2023 by City Manager Isaac Whippy; and

WHEREAS, throughout 2023, the City of Fort Bragg technical advisory committee, including Assistant Planner Sarah Peters, Assistant Engineering Director Chantel O’Neal, Director Juliana Cherry, and Police Chief Neil Cervenka, met regularly with Walker Consultants to discuss Circulation Element goals, policies, and programs; Inland and Coastal Land Use and Development Codes; existing on-street parking practices and to survey the Central Business District parking on August 16, 2023; for the purpose of developing a comprehensive downtown parking strategy recommendation; and

WHEREAS, on August 16, 2023, the City of Fort Bragg hosted a walking tour of the Central Business District’s on-street and off-street parking; and

WHEREAS, on August 17, 2023 and at Community Town Hall, Walker Consultants facilitated the Fort Bragg Downtown Parking and Access Study, which was an interactive workshop about on-street and off-street parking in the Central Business District; and the workshop was well attended by the public; and

WHEREAS, throughout August 2023, the public were invited to complete an online survey about parking in the Central Business District; and

WHEREAS, on December 11, 2023, and for the last dozen years, the City Council annually adopted a resolution to waive the in-lieu parking fee required by ILUDC §18.36.080.C.3; and

WHEREAS, on December 13, 2023, the Fort Bragg Planning Commission, as a Conduct of Business matter, participated in a downtown parking strategy study session facilitated by Walker Consultants; and

WHEREAS, adoption of this ordinance is not subject to CEQA because the adoptions are not a project, in that they do not involve any commitment to any specific project (CEQA Guidelines Section 15378(b)(4)), and because it can be seen with certainty that as the City, in practice, has not enforced parking minimums in the Central Business District (CBD) since the year 2012, there is no possibility that the formal removal of parking minimums or in-lieu fees in the CBD will have a significant effect on the environment, in that this ordinance and resolution contains no provisions modifying the physical design, development, or construction of residences or nonresidential structures per CEQA Guidelines Section 15061(b)(3). §15306. Also, CEQA Guideline Section 15306 exempts basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. Additionally, increasing bicycle parking space requirements across zones, and mandating that only required parking and loading spaces be limited to those uses in the absence of a Limited Term Permit, reduces impacts on the environment as these amendments lessen prioritization of vehicular traffic over alternative uses and modes of transportation; and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 28, 2024, to consider, accept, and receive a 2024 *Comprehensive Downtown Parking Strategy*

prepared by Walker Consultants and to hear public testimony on said report, and accepted said *Comprehensive Downtown Parking Strategy*; and

WHEREAS, on February 28, 2024, the Planning Commission held a duly noticed public hearing to consider ILUDC Chapter 18.36 *Parking and Loading Standards* amendments, accepted testimony and adopted a resolution recommending that Fort Bragg City Council amend Division 18 of the Fort Bragg Municipal Code and Parking Standards established for the Central Commercial District; including Chapter 18.36.030 “General Parking Regulations: and Chapter 18.36.060 “Bicycle Parking”, and 18.36.080 “Reduction of Parking Requirements.”

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 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 Planning Commission meeting of February 28, 2024 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:

SECTION 1: LEGISLATIVE FINDINGS

Pursuant to Fort Bragg Municipal Code Section 18.94.060, the Planning Commission recommends that the City Council make the following findings for adoption of the proposed amendments to the Fort Bragg Inland Land Use and Development Code:

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
 - 1. The proposed project is consistent with the land use designations of the Land Use Element of the Inland General Plan because the amendment would promote places for people, active uses, and economic vibrancy in the Central Business District, including new infill development and the regeneration of buildings that may be vacant or in disrepair; as overabundant parking would not support these outcomes, and seeing the appropriate supply of parking that supports necessary vehicle access without overburdening downtown with parking lots and vehicle congestion; and the City strives to be mindful of what constitutes adequate off-street parking; and
 - 2. The proposed amendment is consistent with the following applicable Inland General Plan including its Land Use Policies LU-3.2, LU-3.3, LU-3.4, and LU-3.5; and Circulation Policy C-5.1, Circulation Goal C-6, and Policy C-6.1 and Program C-6.1.1; and Community Design Goal CD-2, Policies CD-2.2 and CD-2.4, and Program CD-2.4.3; and
- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
 - 1. As recommended by the Planning Commission, the proposed amendment supports safe and effective traffic circulation including adequate off-street parking and efficient ways to satisfy the need for parking in the Central Business District; and
- c. The proposed amendment is internally consistent with other applicable provisions of this

Development Code.

1. The proposed Zoning Code Amendment is consistent with ILUDC standards as amended and recommended in the February 28, 2024 Downtown Comprehensive Parking Strategy.

SECTION 2: GENERAL FINDINGS:

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

SECTION 3: Based on the foregoing, the Fort Bragg City Council does hereby:
Amend Chapter 18.36.030 "General Parking Regulations"

18.36.030 - General Parking Regulations

- A. Parking and loading spaces to be permanent.** ~~Each~~Any required parking and loading space shall be permanently available, marked, and maintained for parking or loading purposes for the use it is intended to serve; provided, that the approval of a Limited Term Permit (§ [18.71.030](#)) may allow the temporary use of a parking or loading space for other purposes.
- B. Parking and loading to be unrestricted.** A lessee, owner, tenant, or other person having control of the operation of a premises for which parking or loading spaces are required by this Chapter shall not prevent, prohibit, or restrict authorized persons from using the spaces without the prior approval of the Director.
- C. Vehicles for sale.** Only one vehicle or trailer owned by the lessee, owner, or renter of the property may be displayed for the purpose of sale for a maximum of 1 month, on parcels that are not authorized car sale lots.
- D. Large motor vehicle and nonmotorized vehicle parking.**
 1. The storage (parking for any period longer than 72 hours) of a large motor vehicle or nonmotorized vehicle (as defined in § [10.02.010](#)) in a residential zoning district shall be allowed only when all portions of the large motor vehicle or nonmotorized vehicle are located entirely within the property boundaries and do not extend into the setbacks or the public right-of-way. Except that vehicles can be located within required setbacks with approval of a Minor Use Permit.
 2. Parking within setback areas shall also comply with § [18.30.100](#)(D). (Limitations on the use of setbacks).

(Ord. 930, § 2, passed 06-12-2017)

SECTION 4: Based on the foregoing, the Fort Bragg City Council does hereby:
Amend Chapter 18.36.060 "Bicycle Parking"

18.36.060 - Bicycle Parking

Each multifamily project of 5 or more units and nonresidential ~~projectsland-use~~ shall provide bicycle parking in compliance with this Section.

A. Number of bicycle spaces required.

1. **Multifamily project.** A multifamily project of 5 or more units shall provide bicycle parking spaces equal to a minimum of 10% of the required vehicle spaces, ~~or one bicycle parking space per each two units, whichever is greater,~~ unless separate secured garage space is provided for each unit. The bicycle spaces shall be distributed throughout the project. ~~A minimum number of 2 bicycle parking spaces shall be provided.~~

2. **Nonresidential project.** A nonresidential project (e.g., retail, office, etc.) shall provide bicycle parking spaces equal to a minimum of 10% of the required vehicle spaces, ~~or 1 bicycle parking space per 2,500 sq. ft. of net floor area, dining area, or indoor display area, whichever is greater,~~ distributed to serve customers and employees of the project. A minimum number of 2 bicycle parking spaces shall be provided.

B. Bicycle parking design and devices. Each bicycle parking space shall include a stationary parking device to adequately secure the bicycle, shall be a minimum of 2 feet in width and 6 feet in length, with a minimum of 7 feet of overhead clearance, and shall be conveniently located and generally within proximity to the main entrance of a structure.

SECTION 5: Based on the foregoing, the Fort Bragg City Council does hereby:
Amend Chapter 18.36.080 "Reduction of Parking Requirements" including Central Business District (CBD) Special Parking Combining Zone and Table 3-8.

18.36.080 - Reduction of Parking Requirements

A. Shared on-site parking.

1. Where 2 or more adjacent uses have distinct and differing peak parking usage periods (e.g., a theater and a bank), a reduction in the required number of parking spaces may be allowed through Minor Use Permit approval granted in compliance with § [18.71.060](#).

2. Approval shall also require a recorded covenant running with the land, recorded by the owner of the parking lot, guaranteeing that the required parking will be maintained exclusively for the use served for the duration of the use.

B. Reduction of required parking. The Director may reduce the number of parking spaces required by § [18.36.040](#) (Number of Parking Spaces Required), through the granting of a Minor

Use Permit in compliance with § [18.71.060](#), based on quantitative information provided by the applicant that documents the need for fewer spaces (e.g., sales receipts, documentation of customer frequency, information on parking standards required for the proposed land use by other cities, etc.). Parking requirements may be reduced by the review authority, where the project facilitates bicycle use by providing bicycle storage, lockers, changing rooms and showers and/or bicycles for employee use.

C. Central Business District (CBD) Special Parking Combining Zone. ~~The following parking requirements shall apply to~~ There are no minimum automobile parking requirements for areas within the CBD shown on the CBD Special Parking Combining Zone Map, below. ~~An applicant may either comply with the parking requirements identified in § [18.36.040](#) (Number of Parking Spaces Required), meet the alternative CBD parking requirements identified in Subsection (C)(2) of this Section, or pay the parking in-lieu fee identified in Subsection (C)(3) of this Section.~~

~~1. Exemptions from the off-street parking requirements.~~ The following uses located within the CBD Special Parking Combining Zone are exempt from the off-street parking requirements identified in this Chapter:

- ~~a. Replacement of an existing use with a new use determined to be similar by the Director.~~
- ~~b. On the ground floor, any intensification of a commercial use except for bars, cocktail lounges, restaurants, and taverns.~~
- ~~c. Any use with hours of operation exclusively after 5:00 p.m.~~
- ~~d. Residential dwelling units located above ground floor commercial uses.~~

~~2. Number of parking spaces required for uses in the CBD Special Parking Combining Zone.~~

- ~~a. Off-street parking for uses in the CBD Special Parking Combining Zone shall comply with the requirements in Table 3-8.~~
- ~~b. A land use not specifically listed by Table 3-8 shall provide parking as required by the Director. The Director shall use the requirements in Table 3-8 as a guide in determining the appropriate number of off-street parking spaces required for the use.~~
- ~~c. In any case where Table 3-8 expresses a parking requirement based on floor area in square feet (for example: 1 space for each 400 square feet of floor area), the floor area shall be construed to mean gross interior floor area.~~
- ~~d. A single use with accessory components shall provide parking for each component. For example, a hotel with a gift shop shall provide the parking spaces required by Table 3-8 for a hotel (e.g., the guest rooms), and for the gift shop.~~
- ~~e. If a fractional number is obtained in calculations performed in compliance with this~~

Subsection, 1 additional parking space shall be required for a fractional unit of 0.50 or above, and no additional space shall be required for a fractional unit of less than 0.50.

TABLE 3-8 – RESERVED PARKING REQUIREMENTS IN THE CBD BY LAND USE

| Land Use Type: | Vehicle Spaces Required |
|--|---|
| Bars, cocktail lounges, restaurants, and taverns | 1 space for each 8 seats or 1 space for each 400-sf of floor area, whichever would yield more spaces. |
| Lodging | - |
| Bed and breakfast inns Hotels or motels | 1 space for each unit, plus 1 space for the manager or owner. |
| Residential dwelling units | 1 space for each dwelling unit. |
| Retail commercial and office uses | 1 space for each 600 sf of floor area. |

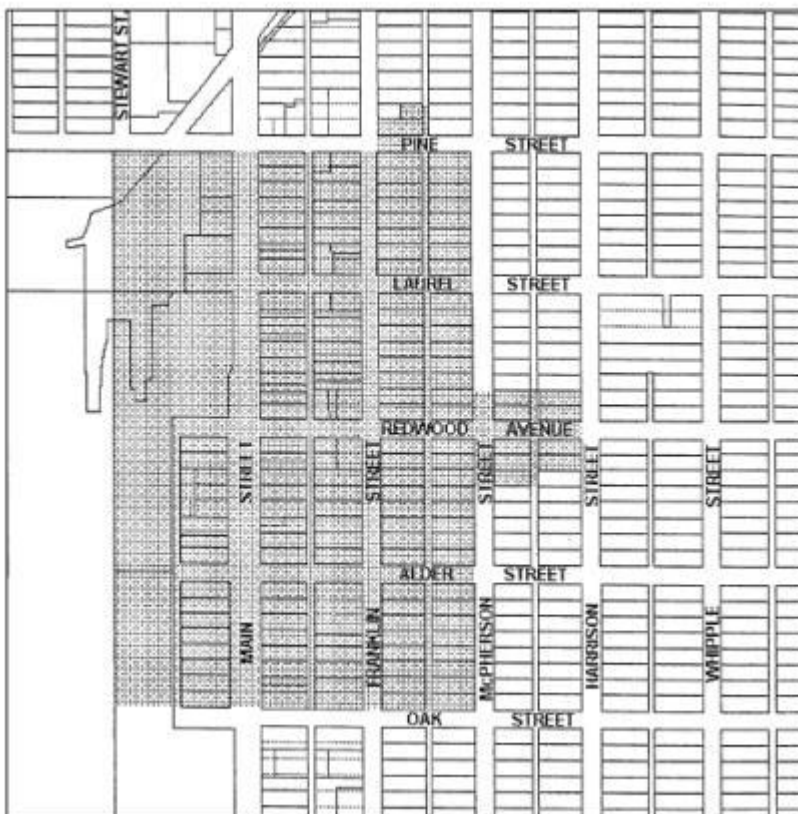


Figure 3-7 - CBD Special Parking Combining Zone

3. Parking in-lieu fee. Parking requirements in the CBD Special Parking Combining Zone may be waived at the discretion of the approval authority, if the owner of the subject

~~property pays a parking in-lieu fee to the City in compliance with this Subsection.~~

~~a.— In lieu of providing the off-street parking spaces required by this Subsection, these requirements may be satisfied by the payment to the City of an in-lieu parking fee established by the Council and identified in the City’s Fee Schedule for both the use of existing structures and for new structures for each required off-street parking space which is not provided.~~

~~b.— Parking in-lieu fees may be authorized in the CBD Special Parking Combining Zone for changes of use or projects for which provision of sufficient parking on site is not possible. Parking in-lieu fees are discouraged for changes of use or new development that can accommodate required parking on site. The funds shall be deposited with the City in a special fund and shall be used and expended for the purpose of acquiring and developing off-street parking facilities located insofar as reasonable in the general vicinity of the structures for which in-lieu payments were made as well as for meeting parking needs through strategies to reduce parking demand or to improve access to parking.~~

D. Parking reduction for small recycling collection facilities.

1. A reduction in vehicle parking spaces as provided in Table 3-9 may be allowed within an established nonresidential parking facility to accommodate a small recycling collection facility, when developed in compliance with § [18.42.150](#) (Recycling Facilities).

TABLE 3-9 - PARKING REDUCTION FOR RECYCLING

| Number of Available Vehicle Parking Spaces | Maximum Reduction (in vehicle spaces) |
|--|---------------------------------------|
| 0-25 | 0 |
| 26-35 | 2 |
| 36-49 | 3 |
| 50-99 | 4 |
| 100+ | 5 |

2. A maximum 5-space reduction shall be allowed when not in conflict with parking needs of the host nonresidential use.

(Ord. 930, § 2, passed 06-12-2017)

Section 6. 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 7. 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 Norvell at a regular meeting of the City Council of the City of Fort Bragg held on April 22, 2024 and adopted at a regular meeting of the City Council of the City of Fort Bragg held on May 13, 2024, by the following vote:

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

Bernie Norvell, Mayor

ATTEST:

Diana Sanchez, City Clerk

PUBLISH: May 2, 2024 and May 23, 2024 (by summary).
EFFECTIVE DATE: June 13, 2024



City of Fort Bragg

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Text File

File Number: 24-722

Agenda Date: 5/13/2024

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: 5E.

Adopt City Council Resolution Identifying Priority Projects for Funding by SB 1 Road Maintenance and Rehabilitation Account for the 2024-2025 Fiscal Year

Prior to receiving an apportionment of Road Maintenance and Rehabilitation Account (RMRA) funds from the California State Controller in a fiscal year, the city must submit to the Commission an adopted list of projects proposed to be funded with these funds by July 1st of each year. All projects proposed to receive the fiscal year funding must be adopted by resolution by the city council at a regular public meeting each fiscal year [Streets and Highways Code (SHC) Section 2034(a)(1)].

RESOLUTION NO. XXXX-2024

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL
ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2023-24 FUNDED BY
SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the public is aware of the projects proposed for funding and which projects have been completed each fiscal year; and

WHEREAS, the City must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City, will receive an estimated One Hundred Seventy-Six Thousand Eight Hundred Twenty-Four Dollars (\$180,759.00) in RMRA funding in Fiscal Year of 2024-25 from SB 1; and

WHEREAS, this is the seventh (8th) year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City uses the Traffic Modification Requests and service requests submitted by citizens and approved by the Traffic Committee in combination with the field maintenance observations of issues throughout the year to develop the SB 1 project locations to ensure revenues are being used on the most high-priority and cost-effective maintenance projects for our community; and

WHEREAS, the funding from SB 1 will help the City focus on the procurement and operational needs for pavement maintenance and rehabilitation citywide; and

WHEREAS, the 2021 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and alleyways are in fair condition and this revenue will help the City sustain the overall fair quality of the City's road system over the next decade; and

WHEREAS, the SB 1 project list, and the City's overall investment in local streets and roads infrastructure with a focus on basic maintenance and safety will have significant positive impacts on the City's ability to procure equipment and materials for road maintenance work performed by Public Works staff; and

NOW, THEREFORE, BE IT RESOLVED that the Fort Bragg City Council does hereby find, determine, and resolve as follows:

1. The foregoing recitals are true and correct.
2. The following list of newly proposed projects will be funded in part or solely with Fiscal Year 2024-25 Road Maintenance and Rehabilitation Account revenues for the fiscal year 2024-25:

Project Title: PP01-2024. Street and Alley Pavement Maintenance

Project Description: Procurement of RMRA Eligible Public Works Equipment, Road Maintenance and Rehab Materials, and Public Works Staffing to perform Small Scale pavement repair and patching. The goal of this project is to prevent street and alley pavement on local/residential streets with low Pavement Condition Index (PCI) ratings from deteriorating to an unusable state, as these street categories often go unselected for rehabilitation due to the algorithm used in the Pavement Management Program.

Project Location: Citywide

Estimated Project Schedule: Start (07/24) - Completion (06/25)

Estimated Project Useful Life: Depending on Materials used and existing pavement conditions, project benefits will last two to ten years.

Project Title: PP02-2024. Sub-Surface Storm Drainage Maintenance and Repairs

Project Description: Procurement of RMRA Eligible Public Works Equipment, Storm drain Maintenance and Rehab Materials, and Public Works Staffing to perform sub-surface drainage facilities and repair overlying pavement. The goal of this project is to repair structural damage caused by storms or failures or damaged drainage facilities including curb and gutter, valley gutters, pipes, inlets, and outlets, which convey storm water off and away from the roadways.

Project Location: Citywide

Estimated Project Schedule: Start (07/24) - Completion (06/25)

Estimated Project Useful Life: Drainage facility improvement will last 10-30 years.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, 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:
RECUSED:

BERNIE NORVELL
Mayor

ATTEST:

Diana Sanchez
City Clerk



City of Fort Bragg

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

Text File

File Number: 24-724

Agenda Date: 5/13/2024

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Consent Calendar

Agenda Number: 5F.

Approve Purchase Order for Gym Equipment and Free Weights for the CV Starr Center from Opti-Fit Fitness Solutions



Toll Free: 888-601-4350
Fax: 866-274-3488

Terms and Conditions

Terms: 50% deposit required prior to ordering; balance due on delivery. Terms and Conditions of sale which appear on purchaser's document (including Purchase Orders) and which are inconsistent with these terms shall be voided. All other terms and credit lines are subject to credit approval. Invoice will be due and payable, based on the original requested installation date, unless notified in writing 60 days prior of the requested installation date. We accept cash, checks, money orders, wire transfers of funds, and credit cards. A late payment fee will be assessed at a rate of 1.5% (18% annual) per month on any unpaid balance remaining 30 days after the due date. Special Orders: A 100% prepayment is required for all customized products including but not limited to custom colors, sports flooring and products with logos such as plates, dumbbells and platforms. A 3% convenience fee will be applied to all credit card transactions.

Return Policy: Any returns require approval in writing by Opti-Fit Project Management. A minimum 20% restocking fee, plus freight, and any design/consulting work will be incurred for all non-custom products returned. Customized products are nonreturnable. All products with color choices are defined as custom products.

Bolt Down Requirements: Matrix, Hoist, Escape, Torque, TRX & Atlantis recommends that all strength training equipment be secured to the floor in order to prevent tipping, rocking or displacement which might occur in the event of unanticipated use of the equipment. Escape, Torque, TRX requires that certain strength training equipment (specifically the Motion Cage, Power Racks, Half Rack/Short Base, Xult Series Rigs, Xult Racks. In the case of Escape Storage Bays, Torque X-Create and TRX Studio Suspension Bays. the customer acknowledges:

- Customer has determined the proper placement of the equipment to be secured. **Customer Initial** MW
- Customer has identified and informed Opti-Fit of the location of any utility, service lines, including but not limited to post tension cables. It is the customer's responsibility to identify the locations of any cables or lines prior to installation unless floor scan is stated in proposal. **Customer Initial** MW
- Customer has confirmed that the subfloor consists of no less than 4.75 inches of concrete. **Customer Initial** MW
- Customer has obtained any and all consents to the drilling of holes in the flooring and subflooring. **Customer Initial** MW

If your order includes any of the equipment requiring bolting to the floor, initials are required above and an additional signed waiver will be required to place the order. Additional products may require bolting to the floor, wall or ceiling. Bolting is not included on these products unless otherwise noted on the quotation. Customer is responsible for bolting these products to meet the manufacturer's requirements. This includes TRX, Escape, Torque, Boxing mounts and other products that require bolting to the facility structure.

Wall & Ceiling Attached Items: The installation of any items such as TRX Multi Mounts., X Mounts, Wall Mat Racks, etc. that require bolting to walls or ceilings are not included in the proposal unless otherwise noted.

Flooring Installation: Refer to the product specifications to ensure that the sub floor meets the material installation requirements. Freight offloading, inside delivery, adhesive, moisture tests, moisture reducers, base boards, sub floor prep, sub floor cleaning, transition strips and existing floor removal and disposal are not included unless otherwise noted on the quotation.

Storage: We reserve the right to assess storage fees not to exceed 1.5% of total order cost per month, or fraction thereof and request payment in full on the related customer's invoice, when a customer's original requested delivery date is delayed by circumstances beyond our control.

Taxes: We collect sales or use taxes only in jurisdictions where we are licensed to do so. Tax will be calculated at current rates at the time of invoicing. Customer agrees to accept sole liability and responsibility to pay for any and all uncollected sales or use tax liabilities, related penalties and interest that arise as a result of the purchase of products and/or services from our company.

Security: Until all products are paid in full, customer hereby grants to, and Opti-Fit shall retain, a security interest in and lien on all products sold to the customer.

I accept the terms and conditions of this proposal.

Signature: *Moneque Wooden*
 Name: *Moneque Wooden*
 Date: *12/20/23*
 Customer Requested Install Date: *as soon as possible*

Quote No. 021267-R0 | Date: December 21, 2023



INV900682
December 21, 2023

Toll Free: 888-601-4350
Fax: 866-274-3488

Eric Konz
Principal / CFO
ekonz@opti-fit.com
Direct: 702-375-7098


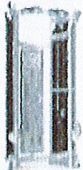
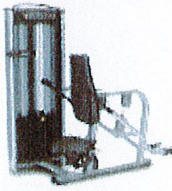
This Quotation Was Prepared Exclusively For Buyer:

Lead Time: 4-8 Weeks
Terms: 50% Down / 50% Upon Delivery

Frame/Upholstery: Silver / Black
P.O. Number:
Ship to:

Mendocino Coast Recreation and Park District
Attn: Mike Mihos
Office: 707-272-3767
Cell: 707-272-3767
mikemihos@hotmail.com
300 South Lincoln Street
Fort Bragg, California 95437

Mendocino Coast Recreation and Park District
Attn: Mike Mihos
Office: 707-272-3767
Cell: 707-272-3767
mikemihos@hotmail.com
300 South Lincoln Street
Fort Bragg, California 95437

| ITEM | DESCRIPTION | QTY | LIST PRICE | YOUR PRICE | TOTAL |
|-------------|---|-----|------------|------------|------------|
| G3S60 | Matrix - Aura Dip / Chin Assist | 1 | 4,795.00 | 3,836.00 | \$3,836.00 |
| |  | | | | |
| G3MSFT4 | Matrix - Aura Functional Trainer 400 lb | 1 | 8,490.00 | 6,792.00 | \$6,792.00 |
| |  | | | | |
| VS-S42-USB2 | Matrix - Versa Series Triceps Press 230 lb Heavy Weight Stack | 1 | 3,465.00 | 2,772.00 | \$2,772.00 |
| |  | | | | |
| MG-A82 | Matrix - Magnum Multi-Adjustable Bench Low Profile | 1 | 1,405.00 | 1,124.00 | \$1,124.00 |



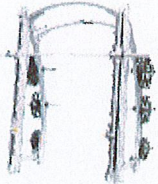

Quote No. 021267-R0 | Date: December 21, 2023

Opti-Fit International • PO Box 6716 • Folsom, CA 95763 • opti-fit.com



Quote No. 021267-R0
December 21, 2023

Toll Free: 888-601-4350
Fax: 866-274-3488

| ITEM | DESCRIPTION | QTY | LIST PRICE | YOUR PRICE | TOTAL |
|---|--|-----|------------|------------|------------|
|  | | | | | |
| MG-PL70 | Matrix - Magnum 45 Degree Leg Press | 1 | 5,285.00 | 4,228.00 | \$4,228.00 |
|  | | | | | |
| CF-3753 | Hoist - 7-Degree Smith | 1 | 4,499.00 | 3,599.20 | \$3,599.20 |
|  | | | | | |
| MG-MX690-02 | Matrix - Magnum MX Half Rack | 1 | 3,296.00 | 2,472.00 | \$2,472.00 |
|  | | | | | |
| MG-MX07-02 | Matrix - Matrix Magnum MX Angled Lat Bar Grips | 1 | 236.00 | 177.00 | \$177.00 |
| XR27C-4-02 | Matrix - Matrix Magnum 12 inch Weight Storage Horn: 4-Pack | 2 | 332.00 | 249.00 | \$498.00 |
| XR27CS-02 | Matrix - Matrix Magnum 6-inch Weight Storage Horn | 2 | 88.00 | 66.00 | \$132.00 |
| XT-45RUBR-PLATE | Matrix - XULT 45 lb Rubber Plate - Black (each) | 24 | 160.00 | 120.00 | \$2,880.00 |

Quote No. 021267-R0 | Date: December 21, 2023

Opti-Fit International • PO Box 6716 • Folsom, CA 95763 • opti-fit.com



Quote No. 021267-R0
December 21, 2023

Toll Free: 888-601-4350
Fax: 866-274-3488

| ITEM | DESCRIPTION | QTY | LIST PRICE | YOUR PRICE | TOTAL |
|--|---|-----|------------|------------|----------|
|  | | | | | |
| XT-35RUBR-PLATE | Matrix - XULT 35 lb Rubber Plate - Black (each) | 6 | 125.00 | 93.75 | \$562.50 |
|  | | | | | |
| XT-25RUBR-PLATE | Matrix - XULT 25 lb Rubber Plate - Black (each) | 12 | 89.00 | 66.75 | \$801.00 |
|  | | | | | |
| XT-10RUBR-PLATE | Matrix - XULT 10 lb Rubber Plate - Black (each) | 12 | 36.00 | 27.00 | \$324.00 |
|  | | | | | |
| XT-05RUBR-PLATE | Matrix - XULT 5 lb Rubber Plate - Black (each) | 12 | 18.00 | 13.50 | \$162.00 |
|  | | | | | |
| XT-02.5RUBR- | Matrix - XULT 2.5 lb Rubber Plate - Black | 6 | 9.00 | 6.75 | \$40.50 |

Quote No. 021267-R0 | Date: December 21, 2023



Quote No. 021267-R0
December 21, 2023

Toll Free: 888-601-4350
Fax: 866-274-3488

| ITEM | DESCRIPTION | QTY | LIST PRICE | YOUR PRICE | TOTAL |
|------|-------------|-----|------------|------------|-------|
|------|-------------|-----|------------|------------|-------|

PLATE (each)



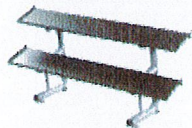
| | | | | | |
|----------------------|--|---|----------|----------|------------|
| XT-5-50URE- HEX-P | Matrix - 5-50 lbs Urethane Hex Plus Dumbbell Set (10 pairs, 5 lb increments) | 1 | 1,945.00 | 1,458.75 | \$1,458.75 |
|----------------------|--|---|----------|----------|------------|



| | | | | | |
|------------------------|--|---|----------|----------|------------|
| XT-55-100URE- HEX-P | Matrix - 55-100 lbs Urethane Hex Plus Dumbbell Set (10 pairs, 5 lb increments) | 1 | 5,480.00 | 4,236.60 | \$4,236.60 |
|------------------------|--|---|----------|----------|------------|



| | | | | | |
|---------|---|---|----------|----------|------------|
| MG-A528 | Matrix - Magnum Series 2-Tier Flat Dumbbell Rack (91 inch rack holds 5-70lbs or 55-100 lbs) | 2 | 1,705.00 | 1,705.00 | \$3,410.00 |
|---------|---|---|----------|----------|------------|



100% in Advance

EIN # 45-4551652

This Quotation is in effect for 30 days.
Delivery Date: TBD from Buyer's placement of order.

| | |
|---------------|--------------------|
| Subtotal: | \$39,505.55 |
| Freight | 3,830.00 |
| Tax: | 3,506.12 |
| Total: | \$46,841.67 |

Quote No. 021267-R0 | Date: December 21, 2023

Opti-Fit International • PO Box 6716 • Folsom, CA 95763 • opti-fit.com



Quote No. 021267-R0
December 21, 2023

Toll Free: 888-601-4350
Fax: 866-274-3488

Quote No. 021267-R0 | Date: December 21, 2023

Opti-Fit International • PO Box 6716 • Folsom, CA 95763 • opti-fit.com



City of Fort Bragg

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

Text File

File Number: 24-739

Agenda Date: 5/13/2024

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: 5G.

Adopt City Council Resolution Amending the Water Capacity Fees; Categorical Exemption

RESOLUTION NO. ____-2024
RESOLUTION OF THE FORT BRAGG CITY COUNCIL
AMENDING THE WATER CAPACITY FEES

WHEREAS, the Fort Bragg City Council finds it appropriate to charge fees for certain services provided by the City; and

WHEREAS, the City maintains a comprehensive "Consolidated Fee Schedule" to provide members of the public and City staff with a convenient method for determining fees and charges that apply to certain City services; and

WHEREAS, included in the Consolidated Fee Schedule is a list of impact fees and capacity charges ("facility fees") that help to ensure that developers pay a "fair share" of the capital costs associated with the public facilities that are necessitated by or serve their development projects; and

WHEREAS, facility fees do not fund costs attributable to existing deficiencies in public facilities, but can include the costs attributable to the increased demand for public facilities reasonably related to a development project in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan; and

WHEREAS, March 11, 2024, the City Council last reviewed and proposed changes to impact fees with the adoption of a Nexus Fee Study (Resolution No. 4763-2024 & Resolution No. ID 486-2024) and Ordinance 987-2024; and

WHEREAS, water, sewer, and drainage impact fees are generally increased using Engineering News Record-20 City Construction Record (or any successor to such index), Ordinance 987-2024; and

WHEREAS, Government Code 66004 and 66018 a public hearing is required prior to adopting a new fee or increasing an existing fee;

WHEREAS, the City was awarded a grant from the Clean Water State Revolving Fund covering the entire cost of the Water Treatment Plant Upgrade project resulting in a decrease in the amount of water capacity to fee be collected previously calculated in the Nexus Fee Study as a result of having new resources available; and

WHEREAS, since this is a reduction in fees, no public hearing is required, nor is a waiting period for the implementation of the reduced fee; and

WHEREAS, Adoption of this resolution is found to be categorically exempt from the California Environmental Quality Act (CEQA) because the adoption of this resolution is not a project, in that it is a government funding mechanism that does not involve any commitment to any specific project (CEQA Guidelines Section 15378(b)(4)), and because it can be seen with certainty that there is no possibility that the fees may have a significant effect on the environment, in that this ordinance contains no provisions modifying the physical design, development, or construction of residences or nonresidential structures per CEQA Guidelines Section 15061(b)(3)).

WHEREAS, based on all the evidence presented at the time of the public hearing on this matter, the City Council find as follows:

1. Modifications to the current fees, as identified in Exhibit "A," have been reviewed and are found to be reasonable based on work performed under the previously adopted Nexus Fee Study.
2. No Public Hearing was required, since this is a reduction to an existing fee.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby adopt the fee modifications as shown on Exhibit "A," attached, showing the water capacity fee to be charged for the services described therein; and

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to update the Consolidated Fee Schedule to reflect the fees described in Exhibit "A;" and

BE IT FURTHER RESOLVED that these fees shall become effective May 13, 2024.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, 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:
- RECUSED:

BERNIE NORVELL
Mayor

ATTEST:

Diana Sanchez
City Clerk

EXHIBIT A
WATER CAPACITY CHARGES
(Adopted 05/13/2024)

| City of Fort Bragg | | | | |
|--|--------------------------|------|-------------------|---------------|
| WATER FACILITIES FEES | | | | |
| CATEGORY | | | Rate (March 2024) | Proposed Rate |
| Single Family Residential | per dwelling | | \$3,280.20 | \$3,169.10 |
| Multi Family Residential | per dwelling | | \$2,394.55 | \$2,313.44 |
| WATER FACILITIES FEES FOR NON-RESIDENTIAL DEVELOPMENT | | | | Proposed |
| CATEGORY | Unit | EDU | Rate/Unit | Rate/Unit |
| Car Wash (Self Serve) | stall | 1.36 | \$4,461.07 | \$4,309.98 |
| Car Wash (Full Service) | tunnel | 1.82 | \$5,969.96 | \$5,767.76 |
| Schools | 1,000 sq ft of classroom | 0.86 | \$2,820.97 | \$2,725.43 |
| Laundromats | Washing machine | 1.18 | \$3,870.64 | \$3,739.54 |
| Hospitals | bed | 0.55 | \$1,804.11 | \$1,743.01 |
| Convalescent Homes | bed | 0.55 | \$1,804.11 | \$1,743.01 |
| Church | 1,000 sq ft | 0.45 | \$1,476.09 | \$1,426.10 |
| Retail/Wholesale | 1,000 sq ft | 0.59 | \$1,935.32 | \$1,869.77 |
| Professional Office | 1,000 sq ft | 0.59 | \$1,935.32 | \$1,869.77 |
| Dental/Medical Office | 1,000 sq ft | 0.68 | \$2,230.54 | \$2,154.99 |
| Beauty Shops | 1,000 sq ft | 0.68 | \$2,230.54 | \$2,154.99 |
| Brewery | 1,000 sq ft | 2.73 | \$8,954.95 | \$8,651.64 |
| Theater | seat | 0.09 | \$295.22 | \$285.22 |
| Gas Stations | 1,000 sq ft | 0.91 | \$2,984.98 | \$2,883.88 |
| Garage | 1,000 sq ft | 0.27 | \$885.65 | \$855.66 |
| Bar | 1,000 sq ft patron area | 2.27 | \$7,446.05 | \$7,193.86 |
| Counter Service Food/Dining | 1,000 sq ft prep area | 1.82 | \$5,969.96 | \$5,767.76 |
| Lodging [1] | room | 0.68 | \$2,230.54 | \$2,154.99 |
| Restaurant (table service) | 1,000 sq ft dining area | 2.73 | \$8,954.95 | \$8,651.64 |
| Supermarket | 1,000 sq ft | 0.73 | \$2,394.55 | \$2,313.44 |
| [1] For lodging development that includes both lodging and a restaurant, the restaurant square footage will be charged the restaurant fee separately from the per room fee. | | | | |
| [2] The water fee for a non-residential development is calculated by multiplying the Single Family Rate by the EDU and the number of units. | | | | |
| [3] If a proposed commercial/industrial use category is not listed in the fee table, the City Engineer can prepare an estimated water flow for the use. The estimated usage is to be divided by the average single family residential customer water demand (110 gallons/day). | | | | |
| [4] Fort Bragg City Council Resolution 4762-2024 dated February 12, 2024, Establishes the Water Facilities Fee Deferral Program for eateries in the Central Business District which expires on December 31, 2025. A list of locations that have been granted a deferral under this Resolution is on file with the City Clerk's Office. | | | | |



City of Fort Bragg

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

Text File

File Number: 24-723

Agenda Date: 5/13/2024

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: 5H.

Adopt City Council Resolution to Oppose Initiative No. 21-0042A1, The Taxpayer Protection and Government Accountability Act



| | |
|-----------------------|-----------------------|
| AGENCY: | City Council |
| MEETING DATE: | May 13, 2024 |
| DEPARTMENT: | Administration |
| PREPARED BY: | I. Whippy |
| EMAIL ADDRESS: | iwhippy@fortbragg.com |

AGENDA ITEM SUMMARY

TITLE:

Receive Report and Adopt City Council Resolution to Oppose Initiative No. 21-0042A1, The Taxpayer Protection and Government Accountability Act

BACKGROUND/ISSUE:

The League of California Cities (CalCities) monitors policies coming from Sacramento and Washington on behalf of local municipalities. CalCities frequently publishes alerts when policy, legal decisions, or initiatives will positively or negatively impact local government.

On Jan. 4, 2022, the California Business Roundtable filed the “Taxpayer Protection and Government Accountability Act” or AG# 21-0042A1. On Feb. 1, 2023, the measure qualified for the November 2024 ballot. The Taxpayer Protection and Government Accountability Act would amend the California Constitution with provisions that limit voters’ authority and input, adopt new and stricter rules for raising taxes and fees, and may make it more difficult to impose fines and penalties for violation of state and local laws.

The title and summary will read as follows on the November 2024 ballot:

LIMITS ABILITY OF VOTERS AND STATE AND LOCAL GOVERNMENTS TO RAISE REVENUES FOR GOVERNMENT SERVICES. INITIATIVE CONSTITUTIONAL AMENDMENT.

CalCities, along with a broad coalition of local governments, labor, public safety, education, and infrastructure advocates, strongly oppose this initiative. This item is to request the City Council to consider approving the updated resolution language and oppose this measure as it puts billions of local government tax and fee revenues at risk statewide with related core public service impacts. The measure would have significant negative impacts on the City of Fort Bragg’s operations and core service delivery. The proposed constitutional initiative is sponsored by the California Business Roundtable and contains the following provisions.

The Taxpayer Protection and Government Accountability Act limits voters’ authority, adopts new and stricter rules for raising taxes and fees, and makes it more challenging to hold violators of state and local laws accountable.

ANALYSIS:

The League of California Cities, along with a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses, strongly opposes this initiative.

Local government revenue-raising authority is currently substantially restricted by state statute and constitutional provisions, including the voter-approved provisions of Proposition 13 of 1978, Proposition 218 of 1996, and Proposition 26 of 2010. The Taxpayer Protection and Government Accountability Act adds and expands restrictions on voters and local government tax and fee authority.

This Measure:

1. Limits voter authority and accountability
 - Limits voter input. Prohibits local voters from providing direction on how local tax dollars should be spent by prohibiting local advisory measures.
 - Invalidates the Upland decision that allows a majority of local voters to pass special taxes. Taxes proposed by the initiative are subject to the same rules as taxes placed on the ballot by a city council. All measures passed between January 2022 and November 2022 would be invalidated unless reenacted within 12 months.
2. Restricts local fee authority to provide local services
 - Impacts franchise fees. Sets new standard for fees and charges paid for the use of local and state government property. The standard may significantly restrict the amount oil companies, utilities, gas companies, railroads, garbage companies, cable companies, and other corporations pay for the use of local public property. Rental and sale of local government property must be “reasonable” which must be proved by “clear and convincing evidence.”
 - Except for licensing and other regulatory fees, fees and charges may not exceed the “actual cost” of providing the product or service for which the fee is charged. “Actual cost” is the “minimum amount necessary.” The burden to prove the fee or charge does not exceed “actual cost” is changed to “clear and convincing” evidence.
3. Restrict the authority of state and local governments to issue fines and penalties for violations of law
 - Requires voter approval of fines, penalties, and levies for corporations and property owners that violate state and local laws unless a new, undefined adjudicatory process is used to impose the fines and penalties.
4. Restrict local tax authority to provide local services
 - Taxes and fees adopted after Jan. 1, 2022, that do not comply with the new rules, are void unless reenacted.
 - Invalidates Upland decision that allows a majority of local voters to pass special taxes. The measure specifies that taxes proposed by the initiative are subject to the same rules as taxes placed on the ballot by a city council.
 - Expressly prohibits local advisory measures that allow local voters to express a preference for how local general tax dollars should be spent.
 - Requires voter approval to expand existing taxes (e.g., Utility, Transient Occupancy) to new territory (e.g., annexations) or to expand the tax base (e.g., new utility service)

- New taxes can only be imposed for a specific time period.
- City charters may not be amended to include a tax or fee.
- All state taxes require majority voter approval.

5. Fees and Taxes

Local governments levy a variety of fees and other charges to provide core public services.

Major examples of affected fees and charges are:

- Nuisance abatement charges, such as for weed, rubbish, and general nuisance abatement to fund community safety, code enforcement, and neighborhood cleanup programs.
- Commercial franchise fees.
- Emergency response fees, such as in connection with DUI.
- Advanced Life Support (ALS) transport charges.
- Document processing and duplication fees.
- Transit fees, tolls, parking fees, and public airport and harbor use fees.
- Facility use charges, fees for parks and recreation services, garbage disposal tipping fees.

6. Fines and Penalties

Under existing law, cities are required to provide due process before imposing a penalty or fine for violation of its municipal code:

1. A local agency must adopt administrative procedures that govern imposing fines and penalties, including providing a reasonable period of time for a person responsible for a continuing violation to correct or remedy the violation [Gov't Code 53069.4].
2. Notice must be given to the violating party before imposing the penalty; and give the party an opportunity to be heard and present any facts or arguments [*Merco Construction Engineers v. Los Angeles Unified School District* (1969) 274 CA 2d 154, 166].
3. The fine may not be "excessive" [U.S. Constitution amendments VIII and XIV].

The initiative converts administratively imposed fines and penalties into taxes unless a new, undefined, and ambiguous "adjudicatory due process" is followed. This provision may put at risk the authority to impose fines and penalties for violations of state and local law.

Virtually every city, county, and special district must regularly (e.g., annually) adopt increases to fee rates and charges and revise rate schedules to accommodate new users and activities. Most of these would be subject to new standards and limitations under threat of legal challenge. Based on the current volume of fees and charges imposed by local agencies, including council-adopted increases to simply accommodate inflation, Cal Cities estimates the amount of local government fee and charge revenue at risk is approximately

\$2 billion per year including those adopted since Jan. 1, 2022. Over ten years, \$20 billion of local government fee and charge revenues will be at heightened legal peril.

Hundreds of local tax measures were approved in 2022 that likely do not comply with the provisions of the initiative. Nearly \$2 billion of annual revenues from these voter-approved measures will cease a year after the effective date of the measure, reducing the local public services funded by these measures, unless the tax is re-submitted for voter approval.

Reductions in local government tax revenues have impacts on core services and infrastructure including fire and emergency response, law enforcement, streets and roads, drinking water, sewer sanitation, parks, libraries, affordable housing, homelessness prevention, and mental health services.

RECOMMENDED ACTION:

Approve and Adopt a Resolution opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act.

ALTERNATIVE ACTION(S):

1. Do not adopt the Resolution opposing Initiative No. 21-0042A1;
2. Provide alternative direction to City staff and/or refer policy matter to a Council Subcommittee for further deliberation and policy development.

FISCAL IMPACT:

The Taxpayer Protection and Government Accountability Act would significantly impact local government municipal finances and services which puts billions of dollars currently dedicated to state and local services at risk, and could force cuts to public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more.

Major examples of affected fees from this initiative are listed below:

1. Certain water, wastewater, and garbage fees.
2. Fees for recreational services
3. Fees for processing of land use and development applications such as plan check fees, use permits, design review, plan amendment, and subdivision map changes.
4. Emergency response fees- such as in connection with DUI.
5. Code enforcement fees.
6. Facility use charges.
7. Fines, penalties.
8. Code Enforcement fees.

GREENHOUSE GAS EMISSIONS IMPACT:

N/A

CONSISTENCY:

The potential impact on new fees will require further legal analysis to determine the extent of that impact.

IMPLEMENTATION/TIMEFRAMES:

List implementation actions necessary and anticipated timeframes for completion.

ATTACHMENTS:

1. Att. 1 - Resolution
2. Att. 2 - CBRT Opposition Letter

NOTIFICATION:

1. Regional Public Affairs Office
2. League of California Cities

RESOLUTION NO. ____-2024

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL OPPOSING
INITIATIVE NO. 210042A1, THE TAXPAYER PROTECTION AND
GOVERNMENT ACCOUNTABILITY ACT**

WHEREAS, an association representing California’s wealthiest corporations is spending tens of millions of dollars to promote a deceptive ballot measure currently eligible for the November 2024 statewide ballot; and

WHEREAS, the measure creates constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, which could force residents and taxpayers to pay more to maintain services; and

WHEREAS, the measure threatens billions of dollars every year in local government funding for services like fire and emergency response, law enforcement, affordable housing, services to support homeless residents, mental health services, and more; and

WHEREAS, the measure is an attack on voters’ rights, containing undemocratic provisions that would make it more difficult for local voters to pass measures to fund services, provisions that retroactively cancel measures recently passed by voters, and provisions that prevent voters from passing advisory measures that provide direction on how they want their local tax dollars spent; and

WHEREAS, the measure contains intentionally restrictive language that will encourage hundreds of frivolous lawsuits against cities and local governments – costing taxpayers many millions and stopping investments in vital local services; and

WHEREAS, the measure would make it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods; and

WHEREAS, the measure is opposed by hundreds of local governments, teachers, firefighters, working families, and local elected officials.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Fort Bragg does hereby opposes Initiative #21-0042A1

BE IT FURTHER RESOLVED, that the City of Fort Bragg will join the “Stop the Taxpayer Deception Act” coalition, a growing coalition of public safety, education, labor, local government, and infrastructure groups throughout the state.

BE IT FURTHER RESOLVED, that the City Council direct staff to email a copy of this adopted resolution to the League of California Cities at BallotMeasures@calcities.org.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, 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:
RECUSED:**

BERNIE NORVELL
Mayor

ATTEST:

Diana Sanchez
City Clerk



CITY OF FORT BRAGG

Incorporated August 5, 1889

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

May 13, 2024

League of California Cities
C/o Public Affairs Department
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Letter Opposing Initiative 21-0042A1

On May 13, 2024, the City Council of the City of Fort Bragg voted to oppose initiative #21-0042A1, a November 2024 statewide ballot proposition. The measure is a significant threat to local control and voters' rights that could jeopardize the cities' ability to provide essential services and infrastructure for our residents.

The measure includes undemocratic provisions that would make it more difficult for local voters to pass measures needed to fund local services and projects and would limit voter input by prohibiting local advisory measures where voters can express a preference on how they want their local tax dollars spent.

This measure creates new constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, which could force residents and taxpayers to pay more to maintain services.

The measure puts billions of dollars currently dedicated to local services at risk and could force cuts to fire and emergency response, law enforcement, services to support homeless residents, and more.

Furthermore, the measure contains intentionally vague and restrictive language that will encourage hundreds of frivolous lawsuits against cities and local governments — costing taxpayers millions and blocking investments, development, and long-term planning.

Major examples of affected fees from this initiative are listed below:

1. Certain water, wastewater, and garbage fees.
2. Fees for recreational services
3. Fees for processing of land use and development applications such as plan check fees, use permits, design review, plan amendment, and subdivision map changes.
4. Emergency response fees- such as in connection with DUI.
5. Code enforcement fees.
6. Facility use charges.
7. Fines, penalties.

8. Code Enforcement fees.

The measure benefits wealthy corporations and real estate developers while decimating our local communities and neighborhoods.

You may list the City of Fort Bragg in formal opposition to Initiative #21-0042A1 and include our city as part of the growing coalition of public safety, labor, local government, infrastructure advocates, and other organizations throughout the state opposed to this deceptive proposition.

Sincerely,

Bernie Norvell
Mayor

Jason Godeke
Vice Mayor

Teresa K. Albin-Smith
Councilmember

Lindy Peters
Councilmember

Marcia Rafanan
Councilmember



City of Fort Bragg

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

Text File

File Number: 24-725

Agenda Date: 5/13/2024

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Committee Minutes

Agenda Number: 5I.

Receive and File Minutes of the January 30, 2024 Community Development Committee Meeting



City of Fort Bragg

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

Meeting Minutes Community Development Committee

Tuesday, January 30, 2024

4:00 PM

Town Hall, 363 N. Main Street and
Via Video Conference

Special Meeting

MEETING CALLED TO ORDER

Chair Godeke called the meeting to order at 4:01 p.m.

ROLL CALL

Staff Present: Community Development Director Cherry, Assistant Planner Peters,
Administrative Assistant Flynn

Present: 2 - Jason Godeke and Bernie Norvell

1. APPROVAL OF MINUTES

- 1A. [23-468](#) Approve the Minutes of the October 24, 2023 Community Development Committee Meeting

A motion was made by Committee Member Norvell, seconded by Committee Member Godeke that the Minutes of the October 24, 2023 Community Development Committee be approved for Council review. The motion carried by the following vote:

Aye: 2 - Godeke and Norvell

- 1B. [23-464](#) Approve the Minutes of the November 28, 2023 Community Development Committee Meeting

A motion was made by Committee Member Norvell, seconded by Committee Member Godeke that the Minutes of the November 28, 2023 Community Development Committee be approved for Council review. The motion carried by the following vote:

Aye: 2 - Godeke and Norvell

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

3. CONDUCT OF BUSINESS

- 3A. [23-471](#) Receive Oral Update on Central Business District Revitalization Report

Assistant Planner Peters presented.

Public Comment: None

Discussion: Chair Godeke elaborated on the Art and Recycling Beautification Project noting that there are over fifty receptacles that will display art created by local middle and high school students.

3B. [24-556](#) Discussion About an Assessment of City Trees and Potential Resources and Strategies to Increase Tree Quantities

Chair Godeke gave an update: Conservation Works selected two Climate Action Fellows and secured office space and will be working on securing sites, doing research, sourcing trees, and gathering volunteers.

Public Comment: None

Discussion: None

3C. [23-523](#) Receive report and provide direction regarding the 2024 Community Development Committee Meeting Schedule

Community Development Director Cherry discussed the 2024 Community Development Committee meeting schedule and February 27, 2024 Special Meeting which will be a Housing Workshop.

Public Comment: None.

Discussion: None.

4. MATTERS FROM COMMITTEE / STAFF

Mayor Norvell requested a to have a discussion about installing exercise equipment on the Coastal Trail.

ADJOURNMENT

Chair Godeke adjourned the meeting at 4:16 p.m.



City of Fort Bragg

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

Text File

File Number: 24-726

Agenda Date: 5/13/2024

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Committee Minutes

Agenda Number: 5J.

Receive and File Minutes of the March 26, 2024 Community Development Committee Meeting



City of Fort Bragg

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

Meeting Minutes Community Development Committee

Tuesday, March 26, 2024

4:00 PM

Town Hall, 363 N. Main Street and
Via Video Conference

MEETING CALLED TO ORDER

Chair Godeke called the meeting to order at 4:00 p.m.

ROLL CALL

Staff Present: Assistant Planner Peters, Code Enforcement Officer Stump, Administrative Assistant Flynn, Consultant Jones.

Present: 2 - Jason Godeke and Bernie Norvell

1. APPROVAL OF MINUTES

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Ron White

3. CONDUCT OF BUSINESS

3A. [24-629](#) Receive Oral Update on Central Business District Revitalization Report

Assistant Planner Peters presented the report.

Public Comment: Shelley Green

Discussion: None.

3B. [24-669](#) Discussion about an Assessment of City Trees and Potential Resources and Strategies to Increase Tree Quantities

Chair Godeke gave an update: an Advisory Committee has been established, preliminary site assessments have been made, research on overall tree canopy in the City, with focus on locations between East Oak and East Chestnut streets and South Sanderson and South Main streets. Chair Godeke is working with the City's Public Works Department to offer tools, labor, and irrigation to assist with implementation.

Public Comment: Shelley Green

Discussion: None

3C. [24-639](#) Discussion on Mobile Vending Vehicles and Direction Regarding Ordinance Amendments to Fort Bragg Municipal Code, Chapter 10.20.150

Assistant Chair Peters presented the memo.

Public Comment: Susan Winding, Jacob Patterson, Shelley Green.

Discussion: The Committee discussed their preference for placing mobile vending vehicles in a

centralized spot, specifically behind the Tall Guy Brewery and on vacant lots. They discussed modeling it after other jurisdictions where the street is closed to through vehicle traffic and only open to pedestrian traffic and mobile vending vehicles.

3E. [24-670](#) Receive Report and Provide Direction on Proposed Code Enforcement Cost Recovery Fees and Vacant Property Registration

Code Enforcement Officer Stump presented the report regarding Cost Recovery Fees.

Public Comment: Paul Clark, Jenny Shattuck

Discussion: Mayor Norvell clarified the history of the CDBG grant that funded Code Enforcement and Officer Stump clarified the process for handling nuisance calls. Committee members directed staff to bring the item to City Council for discussion.

Code Enforcement Officer Stump presented the report on Vacant Property Registration and committee members requested clarification on what qualifies as a vacant building.

Public Comment: Paul Clark, Garrett Dinyard, Jenny Shattuck

Discussion: Committee members discussed the difference between vacant properties that are maintained and vacant buildings that are posing a nuisance. Committee members directed staff to return to the Community Development Committee with an updated report which provides clearer definitions, a process for exemptions, registration of vacant commercial properties, timelines of inspections, defined thresholds that would trigger a property to require registration, a narrowed scope of properties to which the registration would apply.

4. MATTERS FROM COMMITTEE / STAFF

Mayor Norvell directed Staff to bring forward the discussion of installing exercise equipment on the Coastal Trail.

ADJOURNMENT

Chair Godeke adjourned the meeting at 5:30 p.m.



City of Fort Bragg

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

Text File

File Number: 24-734

Agenda Date: 5/13/2024

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: 5K.

Approve Minutes of April 22, 2024



City of Fort Bragg

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

Meeting Minutes City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT
NO. 1 AND THE FORT BRAGG REDEVELOPMENT
SUCCESSOR AGENCY*

Monday, April 22, 2024

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

CALL TO ORDER

Mayor Norvell called the meeting to order at 6: 00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 5 - Mayor Bernie Norvell, Vice Mayor Jason Godeke, Councilmember Tess Albin-Smith, Councilmember Lindy Peters and Councilmember Marcia Rafanan

CLOSED SESSION REPORT

None.

AGENDA REVIEW

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

1A. [24-644](#) Presentation of Proclamation Declaring May 5 -11, 2024 as Rhododendron Week

Vice Mayor Godeke read this proclamation.

1B. [24-690](#) Professional Municipal Clerks Week

Councilmember Rafanan read this proclamation. City Clerk Diana Sanchez received it.

1C. [24-716](#) Proclamation for Down Home Foods

Mayor Norvell read the proclamation. Mrs. Miklose accepted the proclamation and thanked the community for all of there support.

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

- (1) Jacob Patterson, Jay Rosenquist
- (2) Dustin Fredicey

3. STAFF COMMENTS

Police Chief Neil Cervenka addressed the uptick in gang activity and outlined the measures being taken to address it. He mentioned that there are instances when they are unable to divulge more information to the public to avoid jeopardizing the prosecution of ongoing cases.

Public Works Director John Smith has announced that the Noyo Harbor Blue Economy Volunteer Outreach will take place on Saturday, April 25, 2024, at Town Hall, starting at 9 AM. New attendees are requested to arrive at 8:30 AM for a briefing on the progress.

Assistant Director of Engineering, Chantell O'Neal has informed us about several upcoming events and updates:

Shred Event: A shred event will be held at the City Hall parking lot on Saturday, April 27, 2024, from 9:30 AM to 1:30 PM.

Haz Mobile Event: The Haz Mobile Event is scheduled for June 6 and 7, 2024, from 9 AM to 1 PM at the Caspar Transfer Station.

Bulky Item Pickup: Customers are reminded that the Bulky Item Pickup process has changed. They can now contact C&S Waste directly to notify them of bulky waste items for pickup on their regularly scheduled pickup day. Each customer can dispose of up to two bulky items per year. Chantell also provided updates on ongoing construction projects, including ongoing striping and the upcoming slurry seal phase scheduled for the first week of May.

City Manager Isaac Whippy announced that May is Water Safety Month. A free event will be held at CV Starr Center on May 18, 2024. Further details will be provided closer to the event date.

4. MATTERS FROM COUNCILMEMBERS

Vice Mayor Godeke expressed gratitude to the City for its support of the Alleyway Art Project. He mentioned that last Thursday, 100 middle school students had the opportunity to view nine murals in downtown and analyze them, subsequently writing about their experiences.

Councilmember Albin-Smith reported on a recent meeting of the Noyo Ocean Collective, which brought together businesses and college researchers. They are collaborating to develop a blue economy focused on utilizing the ocean as a resource for economic growth.

Councilmember Lindy Peters announced the passing of former longtime planning commissioner, Georgia Lucas, on April 21, 2024. He requested a moment of silence in her memory and to honor her dedicated service to the City of Fort Bragg.

Mayor Norvell shared his recent attendance at the California League of Cities Summit in Sacramento. He discussed Fort Bragg's Community Resource Unit (CRU), which aids in addressing homelessness and mental illness, garnering significant interest in our approach. Additionally, the City of Sausalito expressed interest in Fort Bragg's ongoing Blue Economy Project.

5. CONSENT CALENDAR

Councilmember Albin-Smith pulled item 5A from the Consent Calendar for Discussion.

Moved by Councilmember Peters, seconded by Vice Mayor Godeke, that the Consent Calendar be approved. The motion carried by the following vote:

Aye: 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

- 5B. [24-697](#) Authorize Scope of Work for On-Call Engineering & Surveying Services Request for Proposal

This Scope of Work was approved on the Consent Calendar.

Aye: 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

- 5C. [24-705](#) Resolution of the Fort Bragg City Council Approving Contract Amendment with Burke, Williams & Sorensen, LLP for Legal Counsel in Filing of Eminent Domain Proceedings for Reconstruction of the City's Raw Water Line and Approving Budget Amendment 2023/24-15 (Amount Not to Exceed \$80,000)

This Resolution was adopted on the Consent Calendar.

Aye: 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

- 5D. [24-717](#) Approve Minutes of January 8, 2024

These Minutes were approved on the Consent Calendar.

- 5E. [24-718](#) Approve Minutes of January 22, 2024

These Minutes were approved on the Consent Calendar.

- 5F. [24-714](#) Approve Minutes of Special Closed Session of March 25, 2024

These Minutes were approved on the Consent Calendar.

- 5G. [24-715](#) Approve Minutes of March 25, 2024

These Minutes were approved on the Consent Calendar.

- 5H. [24-709](#) Approve Minutes of April 8, 2024

These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT

- 5A. [24-659](#) Approve Scope of Work for a Request for Proposals Seeking Professional Services for Sea Level Rise, Tsunami Hazards, and Erosion Resilience Strategy for Noyo Harbor

A motion was made by Councilmember Albin-Smith, seconded by Councilmember Peters, that the Scope of Work be approved. The motion carried by the following vote:

Aye: 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None.

7. PUBLIC HEARING

7A. [24-539](#) (1) Introduce, by Title Only, and Waive Further Reading of Ordinance XXX-2024 (ILUDC 1-24) Amending Division 18 of the Fort Bragg Municipal Code and Parking Standards Established for the Central Business District-Categorically Exempt from CEQA; and

(2) Consider the Fort Bragg Planning Commission’s Recommendation that the City Council Submit a Local Coastal Plan Amendment (LCP 1-24) Application to the Coastal Commission Amending Division 17 of the Fort Bragg Municipal Code and Revise Parking Standards Established for the Central Business District - Statutorily Exempt from CEQA

Assistant Planner Sarah Peters and Ben Weber of Walker Consultants presented on this item.

Mayor Norvell opened the public hearing at 7:18 PM.

Public Comment: Jay Rosenquist, Shelley Green

Mayor Norvell closed the public hearing at 7:25 PM.

Councilmember Peters stressed the significance of having clear and adequately sized signs. Following extensive discussion, the councilmembers unanimously agreed with the amendments including the language about Bicycle Parking and accepted the Comprehensive Downtown Parking Study.

A motion was made by Councilmember Rafanan, seconded by Vice Mayor Godeke, that the Ordinance be approved. The motion carried by the following vote:

Aye: 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

A motion was made by Councilmember Rafanan, seconded by Vice Mayor Godeke, that the Resolution be adopted. The motion carried by the following vote:

Aye: 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

8. CONDUCT OF BUSINESS

- 8A. [24-683](#)** Receive Report, Approve Conceptual Designs of Melton Design Group for Bainbridge Park Enhancement Project, PWP-00096, and Authorize Consultant to Proceed with Construction Documents; Categorical Exemption

Assistant Director of Engineering Chantell and Patrick Farrar of Melton Design Group presented on this item.

Public Comment: Jacob Patterson, Jay Rosenquist.

Discussion: After thorough consideration, Ms. O'Neal was instructed to follow up with the project designer regarding the addition of a Gazebo or Pavilion with a stage.

This Staff Report was not acted on.

Mayor Norvell recessed the meeting at 8:36 PM; The meeting reconvened at 8:46 PM.

- 8B. [24-682](#)** Adopt City Council Resolution Approving Professional Services Agreements with Lumos & Associates to Provide Design Services and Construction Documents for the 2025 Pavement Preservation Project, PWP-00132 and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$222,941.00)

Assistant Director of Engineering Chantell O'Neal presented on this item.

Public Comment: Jacob Patterson, Dustin Fredicey

Discussion: Clarification was provided regarding Requests for Proposals, emphasizing that the City is required to select the most qualified bidder rather than simply the lowest bidder.

A motion was made by Councilmember Peters, seconded by Vice Mayor Godeke, that the Resolution be adopted. The motion carried by the following vote:

Aye: 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

- 8C. [24-707](#)** Discuss and Receive Direction from Council for Placement of "The Last Whistle" Sculpture

Public Works Director John Smith presented on this item, with artist Ken Newman available for any additional questions from the council.

Public Comment: Jay Rosenquist

Discussion: After extensive discussion, the council made the decision to proceed and unanimously agreed to place the "Last Whistle Sculpture" on the Guest House Museum lawn.

9. CLOSED SESSION

None.

ADJOURNMENT

Mayor Norvell adjourned the meeting at 9:27 PM.

**NEXT REGULAR CITY COUNCIL MEETING:
6:00 P.M., MONDAY, May 13, 2024.**



City of Fort Bragg

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

Text File

File Number: 24-735

Agenda Date: 5/13/2024

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: 5L.

Approve Minutes of Special Closed Session of April 29, 2024



City of Fort Bragg

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

Meeting Minutes Special City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT
NO. 1 AND THE FORT BRAGG REDEVELOPMENT
SUCCESSOR AGENCY*

Monday, April 29, 2024

4:00 PM Town Hall, 363 N Main Street, 266 Keisner Rd. Loleta CA
95551 and Via Video Conference

Special Closed Session

CALL TO ORDER

Mayor Norvell called the meeting to order at 4:01 PM.

ROLL CALL

Councilmember Albin-Smith participated via Zoom.

Present: 5 - Mayor Bernie Norvell, Vice Mayor Jason Godeke, Councilmember Tess Albin-Smith, Councilmember Lindy Peters and Councilmember Marcia Rafanan

1. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None.

2. CLOSED SESSION

Mayor Norvell recessed the meeting at 4:02 PM; the meeting reconvened to Closed Session at 4:04 PM.

2A. [24-729](#)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation Pursuant to Paragraph (1) of Subdivision (d) of Gov. Code Section 54956.9 City of Fort Bragg v. Mendocino Railroad

Mayor Norvell reconvened the meeting to Open Session at 5:24 PM and reported that no reportable action was taken on the Closed Session item.

ADJOURNMENT

Mayor Norvell adjourned the meeting at 5:24 PM.

BERNIE NORVELL, MAYOR

Diana Sanchez, City Clerk

IMAGED (_____)



City of Fort Bragg

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

Text File

File Number: 24-702

Agenda Date: 5/13/2024

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Ordinance

Agenda Number: 7A.

Conduct Public Hearing and (1) Introduce, by Title Only, and Waive Further Reading of Ordinance xxx-2024 Amending Chapter 18.42.175 - "Tiny Homes", of Division 18 of the Fort Bragg Municipal Code to Modify Regulations and Standards for Tiny Homes; Subject to Previously Approved MND; and (2) Adopt a Resolution xxx-2024 approving a Local Coastal Plan Amendment Application (LCP 4-23) to the Coastal Commission to Amend Chapter 17.42.175 - "Tiny Homes", of Division 17 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes; Categorical Exemption.



Tiny Homes

Amendments to the CLUDC and
ILUDC, City of Fort Bragg

Marie Jones Consulting May 13 2024

PROJECT INFORMATION

| | |
|-------------------------------------|--|
| APPLICATION #: | Tiny Homes ILUDC Amendment (ILUDC 4-23) and LCP Amendment (LCP 4-23) |
| APPLICANT: | City of Fort Bragg |
| PROJECT: | Consider Recommendation of the Fort Bragg Planning Commission Regarding Proposed Amendments to the Inland and Coastal Land Use and Development Codes to 1) Amend the Tiny Homes Ordinance in the ILUDC, and 2) Prepare a Tiny Homes LCP amendment for the Local Coastal Program. |
| LOCATION: | Residential and commercial zoning districts in the Coastal Zone and the Inland Area. |
| APN: | Various |
| LOT SIZE: | Various |
| ZONING: | RS, (Suburban Residential), RL (Low Density Residential). RM (Medium Density Residential), RH (High Density Residential); RVH (Very High Density Residential), CN (Neighborhood Commercial), CG (General Commercial). |
| ENVIRONMENTAL DETERMINATION: | An MND has been prepared, circulated and was adopted on April 8, 2024 by the City Council. |
| APPROVALS: | This project constitutes a change to the City of Fort Bragg Local Coastal Program and the City's Inland Land Use and Development Code. |

PROJECT BACKGROUND

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 Homes.

Program H-1.3.5 Allow Tiny Homes as Second Units. Consider revising the zoning ordinance so that people can park mobile residencies (residences built under the vehicle code) as a second unit, so long as the residence looks like a house (e.g., external siding that is compatible with the residential neighborhood, skirted if the wheels would otherwise be visible from the public right of way, etc.).

On April 22, 2022, the City Council adopted Ordinance 980 establishing a Tiny Home Ordinance, but the ordinance was subsequently found to have some conflicts with State law, specifically: by allowing up to three tiny homes on a lot, it conflicts with state regulations regarding mobile home parks as any parcel with two or more mobile homes is considered a mobile home park by the State. Additionally, the proposed ordinance revision would regulate both Tiny Homes and Park Model RVs as equivalent housing types subject to the same updated requirements.



Tiny Home



Park Model RV

The Community Development Committee heard this item on May 17, 2023. The CDC did not provide recommendations regarding the proposed revised tiny home ordinance.

On March 27, 2024 and again on April 10, 2024, the Planning Commission held public hearings and provided the direction regarding the Tiny Home Ordinance. The table below provides a brief description of the direction and how it was implemented in the revised ordinance.

| Recommendation | Implementation |
|--|---|
| 1. Allowable Zoning Districts: Allow a Tiny Home as a permitted use in the CN and CG zoning districts on a parcel with a single-family home or duplex. Allow a Tiny Home on the CH zoning district with a Use Permit on a parcel with a single-family home or duplex. Don't allow Tiny Homes in the CBD or the office commercial zoning districts. | Implemented as directed in the Use Tables. |
| 2. Revise section 17.42.174 C1 to allow a Tiny Home before or after construction of the primary unit. | Implemented as suggested, see C1. Additionally, language was added to clarify that if a Tiny Home was built prior to the primary unit, it should be located on the back half of the property. |
| Revise Section 17.42.175C2i to allow a Tiny Home in addition to an ADU. Allow a Tiny home as an alternative to an ADU for a multifamily project. | Implemented as requested, see C2d |

| | |
|---|---|
| 3. Revise Section 17.42.174C2c to change the rear and side setbacks for a Tiny home to 4 feet. Require a minimum setback of ten feet between a Tiny Home and any other structure on a parcel. | Implemented as requested, see C2b |
| 4. Complete additional research to determine if it is possible to require a fire inspection prior to occupancy of the Tiny Home. | MJC reached out to the Fire Marshal who confirmed that he can inspect a Tiny home to ensure that it has a smoke detector and a fire extinguisher. C2f was added to the ordinance. |
| 5. Confirm with the Building Department the requirement for conformance with Appendix Q to put a tiny home on a foundation. | MJC confirmed that to install a Tiny Home on a foundation it must comply with the Appendix Q of the UBC, which is included as Attachment 5 to this staff report. |
| 6. Revise section 17.42.1743b. to delete b requirements regarding roof pitch. | This section has been deleted. |
| 7. Request that City Council consider either not changing Capacity Fees for Tiny Homes or to require a prorated capacity fee based on the square feet of the Tiny Home. | This has been included in the staff report and resolution that will go forward to City Council. |

Additionally, MJC provided clarification under C3b that a paved pad is only required if the unit is not on a permanent foundation.

RECOMMENDED ACTION

1. Hold a Public Hearing, Deliberate and Introduce by Title Only an Ordinance Amending Division 18 of the Fort Bragg Municipal Code (ILUDC 4-23) to Amend Chapter 18.42.175 “Tiny Homes”, of Division 18 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.
2. Adopt a Resolution of the Fort Bragg City Council Approving an LCP Amendment to the Coastal Commission to Amend Chapter 17.42.175 “Tiny Homes”, of Division 17 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.

ALTERNATIVE ACTION(S)

Provide alternative direction to staff and the consultant.

ENVIRONMENTAL ANALYSIS

- **ILUDC Amendment.** The proposed project is subject to CEQA and a MND was adopted on April 8, 2024.
- **CLUDC Amendment.** 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.

Fiscal Impact

No impact. The proposed ordinance does not propose to eliminate capacity fees for tiny homes.

Greenhouse Gas Emissions Impact

Greenhouse gas emissions would be reduced as residential density is added to the City as it reduces the miles traveled for residents to access services, jobs and community activities.

Consistency

The consistency of the proposed ordinance amendments with the Coastal General Plan and Inland General Plan has been analyzed in Attachments 3 of this report.

Implementation/Timeframes

This effort includes two amendments, which are processed differently as the CLUDC amendment will be a Local Coastal Program application to the Coastal Commission which will be approved by the Coastal Commission, while the ILUDC amendment will be approved as an ordinance by the City Council. While the two amendments are similar, they are not identical, as Tiny Home Communities in the Coastal Zone would be subject to the Coastal Development Permit process.

- October– Prepared and circulated CEQA document.
- April – Recommendation from Planning Commission.
- May– First reading of the ordinance by City Council.
- May – Second reading of the ordinance and adoption by City Council.
- June – Ordinance goes into effect.

NOTIFICATION

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

ATTACHMENTS

1. An Ordinance Amending Division 18 of the Fort Bragg Municipal Code (ILUDC 4-23) to Amend Chapter 18.42.175 “Tiny Homes”, of Division 18 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.
2. A Resolution of the Fort Bragg City Council Approving an LCP Amendment to the Coastal Commission to Amend Chapter 17.42.175 “Tiny Homes”, of Division 17 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.
3. Resolution of the Fort Bragg Planning Commission Recommending that the City Council Amend Chapter 18.42.175 “Tiny Homes”, of Division 18 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.
4. Resolution of the Fort Bragg Planning Commission Recommending that the City Council Amend Chapter 17.42.175 “Tiny Homes”, of Division 17 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.
5. Tiny Home General Plan Consistency Analysis
6. Track Changes Compare of the Original and Revised Ordinance
7. Appendix Q of the UBC

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

AN ORDINANCE AMENDING DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE (ILUDC 4-23) TO AMEND CHAPTER 18.42.175 “TINY HOMES”, OF DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE, TO MODIFY REGULATIONS AND STANDARDS FOR TINY HOMES.

ORDINANCE NO. XX-2024

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 of Fort Bragg (“City”) adopted an Inland General Plan and certified an Environmental Impact Report Addendum (“EIR Addendum”) for the Inland 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, 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 Homes. *Program H-1.3.5 Allow Tiny Homes as Second Units. Consider revising the zoning ordinance so that people can park mobile residencies (residences built under the vehicle code) as a second unit, so long as the residence looks like a house (e.g., external siding that is compatible with the residential neighborhood, skirted if the wheels would otherwise be visible from the public right of way, etc.); and*

WHEREAS, On April 22, 2022, the City Council adopted Ordinance 980 establishing a Tiny Home Ordinance, but the ordinance was subsequently found to have some conflicts with State law; and

WHEREAS, on May 17 of 2023, the Community Development Committee received a Tiny Home presentation from Marie Jones Consulting and discussed this item without providing recommendations regarding ordinance revisions; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Section 15074 of the CEQA Guidelines, a Mitigated Native Declaration (MND) was prepared and circulated for public comment for the zoning amendment; 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 Zoning Amendment, accept public testimony; and formally Introduce the Ordinance by Title Only; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Section 15074 of the CEQA Guidelines, a Mitigated Native Declaration (MND) was prepared and circulated for public comment; and

WHEREAS, a Notice of Intent to Adopt an MND was published on December 7, 2023, and the twenty-day review period was from December 7 through December 27, 2023; and for the MND was certified by the City Council on April 8, 2024; and

NOW, THEREFORE, BE IT RESOLVED that the 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 of the City of Fort Bragg does hereby make the following findings and determinations:

SECTION 1: INLAND LAND USE AND DEVELOPMENT CODE AMENDMENT FINDINGS

Pursuant to Fort Bragg Municipal Code Section 18.94.060, the City Council makes the following findings for adoption of the proposed amendments to the Fort Bragg Inland 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 the following applicable General

Plan policies: Policy LU-6.1, Policy PF-1.2, Policy PF-2.1, Policy C-9.2, Program H-1.3.5, Program H-2.3.2, Policy H-1.6, and Program H-3.2

- b. 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.

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

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

SECTION 2: GENERAL FINDINGS:

- a. The foregoing recitals are true and correct and made a part of this Ordinance.
- b. On March 27 and April 10, 2024, 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; and
- c. On May 13, 2024, the City Council held a properly noticed public hearing to consider adoption of the minor amendment to the Inland Land Use and Development Code; and
- d. The documents and other material constituting the record for these proceedings are located in the Community Development Department.

SECTION 3. Based on the foregoing, the City Council hereby:

Amend Title 18.21.030 & 18.21.050 Land Use Tables as follows:

Amend 18.21.030(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 | | P Permitted Use, Zoning Clearance required MU P Minor Use Permit required (see Section 18.71.060) UP Use Permit required (see Section 18.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed | | | | | |
|---|-----------------------------|--|----------|----------|----------|----------|--------------------------|
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | | | Specific Use Regulations |
| | RR | RS | RL | R M | R H | RV H | |
| RESIDENTIAL USES | | | | | | | |
| Tiny Home | P | P | P | P | P | P | 18.42.175 |

Amend 18.22.030(C) 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 18.71.060) UP Use Permit required (see Section 18.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed | | | | | |
|--|-----------------------------|---|------|----|----|--------------------------|--|
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | | Specific Use Regulations | |
| | CN | C O | CB D | CG | CH | | |
| RESIDENTIAL USES | | | | | | | |

| 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 18.71.060) | | | | |
| | UP | Use Permit required (see Section 18.71.060) | | | | |
| | S | Permit requirement set by Specific Use Regulations | | | | |
| | — | Use not allowed | | | | |
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | | Specific Use Regulations |
| | CN | C O | CB D | CG | CH | |
| Primary Residential Unit | P(3) | -- | P(4) | P(4) | -- | |
| Tiny Home | P(6) | - | - | P(6) | UP (6) | 18.42.175 |

(6) Use permitted only on parcels with existing single residential unit or existing/proposed multifamily development, and only in compliance with § 18.42.175.

Chapter 18.42.175 is hereby repealed and replaced in its entirety as follows:

18.42.175 Tiny Homes & Model Park RVs

A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), Tiny Homes and Park Model RVs shall comply with the standards of this section.

B. **Definitions.**

Tiny Home. A Tiny Home is a small towable residential unit (on wheels) that is not on a permanent foundation, and that meets the design and construction criteria listed in C below. Tiny homes shall meet either the provisions of ANSI 119.5 or NFPA 1192. It shall be the burden of the applicant to show compliance with these standards. Tiny homes shall be licensed and registered with the California Department of Motor Vehicles and may only be transported upon the public highway with permit issued pursuant to Vehicle Code Section 35780.

Park Model RV (PMRV). As defined in Health and Safety Code Section 18009.3, a Park Model RV is a trailer designed for human habitation that meets the following requirements:

1. It contains 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; and
2. It may not exceed 14 feet in width at the maximum horizontal projection; and
3. It is built upon a single chassis; and
4. It 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.

A Park Model RV is not a self-propelled recreational vehicle.

C. Tiny Home and Park Model RV Standards. Tiny Homes and Park Model RVs shall be subject to all of the following additional criteria:

1. Limitations on Location & Timing

- a. A Tiny Home or Park Model RV is allowed as an accessory residential use to a Primary Residential Unit and may be constructed/installed before, during or after the Primary Residential Unit.
 - i. If installed prior to the primary residential unit, the Tiny Home or PMRV must be installed in the back half of the parcel.
 - ii. If installed concurrently or after the primary residential unit, the Tiny Home or PMRV must be installed behind or to the side of the primary residential unit.
- b. One Tiny Home or Park Model RV is permitted in Multifamily Residential Zoning Districts as a type of detached ADU under Section 18.42.170.

2. Development Standards. Tiny Homes and Park Model RVs (Unit) shall conform with the following requirements:

- a. **Height.** The unit shall have a maximum height of 13' 6" to comply with Department of Motor Vehicles (DMV) towing requirements.
- b. **Setbacks.** A unit shall comply with front and street side setbacks but may have a 4+-foot setback from the inside or rear parcel lines. The unit must be located a minimum distance of 10 feet from all other structures.
- c. **Size.** Units shall be at least 150 square feet in compliance with the California Health & Safety Code, but no more than 400 square feet.
- d. **Number of Units Allowed.** Units are allowed on a parcel in the following configurations:
 - i. On a parcel with an existing primary unit, a maximum of one Tiny home or Park Model RV unit is permitted. One tiny home or Park Model RV is permitted in addition to one detached ADU on the property. Neither is permitted if there are four or more residential units on a low density residentially zoned parcel.

- ii. Tiny homes and Park Model RVs are permitted in Tiny Home Communities, and the maximum allowed is determined by Section 18.42.110.
 - e. **Permanent Foundation.** Tiny Homes may be placed on a temporary or permanent foundation only if the Tiny Home has been constructed in compliance with the Appendix Q Tiny Houses of the UBC. Park Model RVs may be placed on a permanent foundation.
 - f. **Fire Inspection.** Prior to occupancy, each Tiny home and Park Model RV shall be inspected by the Fire Marshal to ensure adequacy of the smoke alarm and fire extinguisher.
3. **Design Standards.** A Tiny Home and Park Model RV shall maintain a residential appearance through the following design standards.
- a. **Skirting.** The undercarriage (wheels, axles, tongue and hitch) shall be hidden from view with a solid wood, metal or concrete apron when parked.
 - b. **Paved Pad.** A paved parking pad shall be required, unless that Tiny Home or Park Model RV are placed on a permanent foundation (per C2e above), and include bumper guards, curbs, or other installations adequate to prevent movement of the unit. Alternative paving methods may be permitted at the discretion of the Community Development Director.
 - c. **Mechanical Equipment.** Mechanical equipment shall be incorporated into the structure and not be located on the roof (except for solar panels).
 - d. **Materials.** Materials for the exterior wall covering shall include wood, hardipanel or equivalent material as determined by the Community Development Director.
 - e. **Windows.** Windows shall be double pane glass or better, labeled for building use, and be trimmed out.
 - f. **Utility Connections.** The unit shall be connected to City water and sewer utilities through dedicated pipes. The unit shall be connected to electrical power in compliance with the Building Code.
4. **Ownership.** Ownership of the Tiny Home or Park Model RV is not required.
5. **Short Term Rentals.** Tiny Homes and Park Model RV shall not be used as short-term rentals of less than 30 days.

D. Parking Requirements.

- 1. **Parking Exemption.** No parking is required for a Tiny Home or Park Model RV.
- 2. **Replacement Parking Exemption.** No replacement parking space(s) are required for the primary unit, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of a Tiny Home.

Section 6. 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

RESOLUTION NO. CC -2024

A RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING AN LCP AMENDMENT TO THE COASTAL COMMISSION TO AMEND CHAPTER 17.42.175 "TINY HOMES", OF DIVISION 17 OF THE FORT BRAGG MUNICIPAL CODE, TO MODIFY REGULATIONS AND STANDARDS FOR TINY HOMES

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 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 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 Homes. *Program H-1.3.5 Allow Tiny Homes as Second Units. Consider revising the zoning ordinance so that people can park mobile residencies (residences built under the vehicle code) as a second*

unit, so long as the residence looks like a house (e.g., external siding that is compatible with the residential neighborhood, skirted if the wheels would otherwise be visible from the public right of way, etc.); 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, On April 22, 2022, the City Council adopted Ordinance 980 establishing a Tiny Home Ordinance, but the ordinance was subsequently found to have some conflicts with State law; and

WHEREAS, on May 17 of 2023, the Community Development Committee received a Tiny Home presentation from Marie Jones Consulting and discussed this item without providing recommendations regarding ordinance revisions; 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 Zoning Amendment, accept public testimony; and formally Introduce the Ordinance by Title Only; 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 Planning Commission of the City of Fort Bragg 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 Planning Commission recommends that the City Council make 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

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-1.2, Policy PF-2.1, Policy CD-1.1, CD-2.5, Program H-1.3.5, Program H-2.3.2, Policy H-1.6, Program H-3.2
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 ILUDC standards for setbacks, parking, height, lot coverage, and density limits as illustrated in the attached consistency analysis.
7. 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
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 in 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 | PERMIT REQUIRED BY DISTRICT | | | | | | | Specific Use Regulations |
|---|-----------------------------|----------|----------|----------|----------|----------|------------------|--------------------------|
| | RR | RS | RL | R M | R H | RV H | | |
| | | | | | | | | |
| Tiny Home | P | P | P | P | P | P | 17.42.175 | |

Amend 17.22.030(C) 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 | PERMIT REQUIRED BY DISTRICT | | | | | Specific Use Regulations |
|--|-----------------------------|----|-----|----|----|--------------------------|
| | CN | CO | CBD | CG | CH | |
| | | | | | | |

RESIDENTIAL USES

| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | | Specific Use Regulations |
|--------------------------|-----------------------------|----|------|------|-------|--------------------------|
| | CN | CO | CBD | CG | CH | |
| Primary Residential Unit | P(3) | -- | P(4) | P(4) | -- | |
| Tiny Home | P(6) | — | — | P(6) | UP(6) | <u>17.42.175</u> |

(6) Use permitted only on parcels with existing single residential unit or existing/proposed multifamily development, and only in compliance with § 17.42.175.

SECTION 3. *Based on the foregoing, the City Council hereby repeal and replace Chapter 17.42.175 in its entirety as follows:*

17.42.175 Tiny Homes & Model Park RVs

A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), Tiny Homes and Park Model RVs shall obtain an administrative Coastal Development Permit and comply with the standards of this section and

B. **Definitions.**

A Tiny Home. A Tiny Home is a small towable residential unit (on wheels) that is not on a permanent foundation, and that meets the design and construction criteria listed in C below. Tiny homes shall meet either the provisions of ANSI 119.5 or NFPA 1192. It shall be the burden of the applicant to show compliance with these standards. Tiny homes shall be licensed and registered with the California Department of Motor Vehicles and may only be transported upon the public highway with permit issued pursuant to Vehicle Code Section 35780.

Park Model RV. As defined in Health and Safety Code Section 18009.3, a Park Model RV is a trailer designed for human habitation that meets the following requirements:

1. It contains 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; and
2. It may not exceed 14 feet in width at the maximum horizontal projection; and
3. It is built upon a single chassis; and
4. It 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.

A Park Model RV is not a self-propelled recreational vehicle.

C. **Tiny Home and Park Model RV Standards.** Tiny Homes and Park Model RVs shall be subject to all of the following additional criteria:

1. Limitations on Location & Timing & Permit Requirements

a. **Accessory to a Primary Residence.** A Tiny home or Park Model RV is allowed as an accessory residential use to a Primary Residential Unit and may be constructed/installed before, during or after the Primary Residential Unit.

- i. If installed prior to the primary residential unit, the Tiny Home or PMRV must be installed in the back half of the parcel.
- ii. If installed concurrently or after the primary residential unit, the Tiny Home or PMRV must be installed behind or to the side of the primary residential unit.

b. **As an ADU Equivalent in Multifamily.** One tiny homes or one Park Model RV is permitted in Multifamily Residential Zoning Districts as a type of detached ADU under Section 17.42.170 or as part of a Tiny Home Community under Section 17.42.110.

- c. **Permit Requirements.** A Tiny Home shall be subject to a Coastal Development Permit if it is located on a permanent foundation or if site improvements are required to establish it.
2. **Development Standards.** Tiny Homes and Park Model RVs (Unit) shall conform with the following requirements:
- a. **Height.** The unit shall have a maximum height of 13' 6" to comply with Department of Motor Vehicles (DMV) towing requirements.
 - b. **Setbacks.** A unit shall comply with front and street side setbacks but may have a 4+-foot setback from the inside or rear parcel lines. The unit must be located a minimum distance of 10 feet from all other structures.
 - c. **Size.** Units shall be at least 150 square feet in compliance with the California Health & Safety Code, but no more than 400 square feet.
 - d. **Number of Units Allowed.** Units are allowed on a parcel in the following configurations:
 - i. On a parcel with an existing primary unit, a maximum of one Tiny home or Park Model RV unit is permitted. One tiny home or Park Model RV is permitted in addition to one detached ADU on the property. Neither is permitted if there are four or more residential units on a low density residentially zoned parcel.
 - ii. Tiny homes and Park Model RVs are permitted in Tiny Home Communities, and the maximum allowed is determined by Section 17.42.110.
 - e. **Foundation.** Tiny Homes shall not be placed on a temporary or permanent foundation unless the Tiny Home has been constructed in compliance with the Appendix Q Tiny Houses of the UBC. Park Model RVs may be placed on a permanent foundation.
 - f. **Fire Inspection.** Prior to occupancy, each Tiny home and Park Model RV shall be inspected by the Fire Marshal to ensure adequacy of the smoke alarm and fire extinguisher.
3. **Design Standards.** A Tiny Home and Park Model RV shall maintain a residential appearance through the following design standards.
- a. **Skirting.** The undercarriage (wheels, axles, tongue and hitch) shall be hidden from view with a solid wood, metal or concrete apron when parked.
 - b. **Paved Pad.** A paved parking pad shall be required, unless that Tiny Home or Park Model RV are placed on a permanent foundation (per C2e above), and include bumper guards, curbs, or other installations adequate to prevent movement of the unit. Alternative paving methods may be permitted at the discretion of the Community Development Director.
 - c. **Mechanical Equipment.** Mechanical equipment shall be incorporated into the structure and not be located on the roof (except for solar panels).
 - d. **Materials.** Materials for the exterior wall covering shall include wood, hardipanel or equivalent material as determined by the Community Development Director.

- e. **Windows.** Windows shall be double pane glass or better, labeled for building use, and be trimmed out.
- f. **Utility Connections.** The unit shall be connected to City water and sewer utilities through dedicated pipes. The unit shall be connected to electrical power in compliance with the Building Code.

4. **Ownership.** Ownership of the Tiny Home or Park Model RV is not required.

5. **Short Term Rentals.** Tiny Homes and Park Model RV shall not be used as short-term rentals of less than 30 days.

D. Parking Requirements.

- 1. **Parking Exemptions & Requirements:** No parking is required unless the Tiny Home is located in a neighborhood, which provides public parking and public access to the coast. In Fort Bragg this includes all residential parcels that directly abut Glass Beach Drive. All other parcels are not required to provide parking.
- 2. **Replacement Parking Exemption.** No replacement parking space(s) are required for the primary unit, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of a Tiny Home.

E. Tiny Homes and Park Model RV's Proposed for Sensitive Habitats, Scenic Areas, and areas subject to Sea Level Rise.

- 1. **Visual Resources.** Tiny Homes and Park Model RVs shall be reviewed for impacts to visually resources in visually sensitive areas as designated in Map CD-1 of the Coastal General Plan.
- 2. **Sensitive Habitat.** Tiny Homes and Park Model RVs shall be reviewed for impacts to sensitive habitats in areas as designated in Map OS-1 of the Coastal General Plan.
- 3. **Areas Sensitive to Sea Level Rise.** Tiny Homes and Park Model RVs that are proposed for areas that are vulnerable to sea level rise and other coastal hazards shall meet all LCP requirements for new development to be safe from such hazards, but that also addresses the need for future sea level rise adaptations including future removal and risk disclosure.

BE IT FURTHER RESOLVED that the City Council does hereby approve an LCP Amendment to the Coastal Commission to Amend Chapter 17.42.175 "Tiny Homes", of Division 17 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.

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**

RESOLUTION NO. PC 13-2024

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL AMEND CHAPTER 18.42.175 “TINY HOMES”, OF DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE, TO MODIFY REGULATIONS AND STANDARDS FOR TINY HOMES.

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 of Fort Bragg (“City”) adopted an Inland General Plan and certified an Environmental Impact Report Addendum (“EIR Addendum”) for the Inland 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, 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 Homes. *Program H-1.3.5 Allow Tiny Homes as Second Units. Consider revising the zoning ordinance so that people can park mobile residencies (residences built under the vehicle code) as a second unit, so long as the residence looks like a house (e.g., external siding that is compatible with the residential neighborhood, skirted if the wheels would otherwise be visible from the public right of way, etc.); and*

WHEREAS, On April 22, 2022, the City Council adopted Ordinance 980 establishing a Tiny Home Ordinance, but the ordinance was subsequently found to have some conflicts with State law; and

WHEREAS, on May 17 of 2023, the Community Development Committee received a Tiny Home presentation from Marie Jones Consulting and discussed this item without providing recommendations regarding ordinance revisions; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Section 15074 of the CEQA Guidelines, a Mitigated Native Declaration (MND) was prepared and circulated for public comment for the zoning amendment; 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

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 application; all reports and public testimony submitted as part of the Planning Commission meeting of December 13, 2023 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:

SECTION 1: INLAND LAND USE AND DEVELOPMENT CODE AMENDMENT FINDINGS

Pursuant to Fort Bragg Municipal Code Section 18.94.060, the Planning Commission recommends that the City Council make the following findings for adoption of the proposed amendments to the Fort Bragg Inland 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 the following applicable General Plan policies: Policy LU-6.1, Policy PF-1.2, Policy PF-2.1, Policy C-9.2, Program H-1.3.5, Program H-2.3.2, Policy H-1.6, Program H-3.2

- b. 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.

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

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

SECTION 2: GENERAL FINDINGS:

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

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend that the City Council amend Chapter 18.42.175 “Tiny Homes”, of Division 18 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend that the City Council update the Fee Schedule to-exempt Tiny Homes from the payment of capacity fees.

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

The above and foregoing Resolution was introduced by Vice Chair Logan seconded by Commissioner Jensen, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 10th day of April 2024, by the following vote:

AYES: Stavely, Jensen, Neils, Logan, Deitz

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Scott Dietz, Chair

ATTEST:

Maria Flynn, Administrative Assistant

Attachment 2 - Draft Ordinance

Amends Title 18.21.030 & 18.21.050 Land Use Tables as follows:

Amends 18.21.030(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 | | | | | | |
|---|--|--|----|-----|-----|------|--------------------------|
| | P | Permitted Use, Zoning Clearance required | | | | | |
| | MU | Minor Use Permit required (see Section 18.71.060) | | | | | |
| | P | Use Permit required (see Section 18.71.060) | | | | | |
| | UP | Use Permit required (see Section 18.71.060) | | | | | |
| | S | Permit requirement set by Specific Use Regulations | | | | | |
| | — | Use not allowed | | | | | |
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | | | Specific Use Regulations |
| | RR | RS | RL | R M | R H | RV H | |
| RESIDENTIAL USES | | | | | | | |
| Tiny Home | P | P | P | P | P | P | 18.42.175 |

Amends 18.22.030(C) 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 18.71.060) | | | | |
| | UP | Use Permit required (see Section 18.71.060) | | | | |
| | S | Permit requirement set by Specific Use Regulations | | | | |
| | — | Use not allowed | | | | |
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | | Specific Use Regulations |
| | CN | C O | CB D | CG | CH | |

RESIDENTIAL USES

| | | | | | | |
|--------------------------|------|----|------|------|--------|---------------------------|
| Primary Residential Unit | P(3) | -- | P(4) | P(4) | -- | |
| Tiny Home | P(6) | - | - | P(6) | UP (6) | 18.42.175 |

(6) Use permitted only on parcels with existing single residential unit or existing/proposed multifamily development, and only in compliance with § 18.42.175.

18.42.175 Tiny Homes & Model Park RVs

A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), Tiny Homes and Park Model RVs shall comply with the standards of this section.

B. **Definitions.**

Tiny Home. A Tiny Home is a small towable residential unit (on wheels) that is not on a permanent foundation, and that meets the design and construction criteria listed in C below. Tiny homes shall meet either the provisions of ANSI 119.5 or NFPA 1192. It shall be the burden of the applicant to show compliance with these standards. Tiny homes shall be licensed and registered with the California Department of Motor Vehicles and may only be transported upon the public highway with permit issued pursuant to Vehicle Code Section 35780.

Park Model RV (PMRV). As defined in Health and Safety Code Section 18009.3, a Park Model RV is a trailer designed for human habitation that meets the following requirements:

1. It contains 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; and
2. It may not exceed 14 feet in width at the maximum horizontal projection; and
3. It is built upon a single chassis; and
4. It 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.

A Park Model RV is not a self-propelled recreational vehicle.

C. Tiny Home and Park Model RV Standards. Tiny Homes and Park Model RVs shall be subject to all of the following additional criteria:

1. Limitations on Location & Timing

- a. A Tiny Home or Park Model RV is allowed as an accessory residential use to a Primary Residential Unit and may be constructed/installed before, during or after the Primary Residential Unit.
 - i. If installed prior to the primary residential unit, the Tiny Home or PMRV must be installed in the back half of the parcel.
 - ii. If installed concurrently or after the primary residential unit, the Tiny Home or PMRV must be installed behind or to the side of the primary residential unit.
- b. One Tiny Home or Park Model RV is permitted in Multifamily Residential Zoning Districts as a type of detached ADU under Section 18.42.170.

2. Development Standards. Tiny Homes and Park Model RVs (Unit) shall conform with the following requirements:

- a. **Height.** The unit shall have a maximum height of 13' 6" to comply with Department of Motor Vehicles (DMV) towing requirements.
- b. **Setbacks.** A unit shall comply with front and street side setbacks but may have a 4+ foot setback from the inside or rear parcel lines. The unit must be located a minimum distance of 10 feet from all other structures.
- c. **Size.** Units shall be at least 150 square feet in compliance with the California Health & Safety Code, but no more than 400 square feet.
- d. **Number of Units Allowed.** Units are allowed on a parcel in the following configurations:
 - i. On a parcel with an existing primary unit, a maximum of one Tiny home or Park Model RV unit is permitted. One tiny home or Park Model RV is permitted in addition to one detached ADU on the property. Neither is permitted if there are four or more residential units on a low density residentially zoned parcel.

- ii. Tiny homes and Park Model RVs are permitted in Tiny Home Communities, and the maximum allowed is determined by Section 18.42.110.
 - e. **Permanent Foundation.** Tiny Homes may be placed on a temporary or permanent foundation only if the Tiny Home has been constructed in compliance with the Appendix Q Tiny Houses of the UBC. Park Model RVs may be placed on a permanent foundation.
 - f. **Fire Inspection.** Prior to occupancy, each Tiny home and Park Model RV shall be inspected by the Fire Marshal to ensure adequacy of the smoke alarm and fire extinguisher.
3. **Design Standards.** A Tiny Home and Park Model RV shall maintain a residential appearance through the following design standards.
- a. **Skirting.** The undercarriage (wheels, axles, tongue and hitch) shall be hidden from view with a solid wood, metal or concrete apron when parked.
 - b. **Paved Pad.** A paved parking pad shall be required, unless that Tiny Home or Park Model RV are placed on a permanent foundation (per C2e above), and include bumper guards, curbs, or other installations adequate to prevent movement of the unit. Alternative paving methods may be permitted at the discretion of the Community Development Director.
 - c. **Mechanical Equipment.** Mechanical equipment shall be incorporated into the structure and not be located on the roof (except for solar panels).
 - d. **Materials.** Materials for the exterior wall covering shall include wood, hardipanel or equivalent material as determined by the Community Development Director.
 - e. **Windows.** Windows shall be double pane glass or better, labeled for building use, and be trimmed out.
 - f. **Utility Connections.** The unit shall be connected to City water and sewer utilities through dedicated pipes. The unit shall be connected to electrical power in compliance with the Building Code.
4. **Ownership.** Ownership of the Tiny Home or Park Model RV is not required.
5. **Short Term Rentals.** Tiny Homes and Park Model RV shall not be used as short-term rentals of less than 30 days.

D. Parking Requirements.

- 1. **Parking Exemption.** No parking is required for a Tiny Home or Park Model RV.
- 2. **Replacement Parking Exemption.** No replacement parking space(s) are required for the primary unit, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of a Tiny Home.

RESOLUTION NO. PC 12-2024

A RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN LCP AMENDMENT TO THE COASTAL COMMISSION TO AMEND CHAPTER 17.42.175 “TINY HOMES”, OF DIVISION 17 OF THE FORT BRAGG MUNICIPAL CODE, TO MODIFY REGULATIONS AND STANDARDS FOR TINY HOMES.

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 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 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 Homes. *Program H-1.3.5 Allow Tiny Homes as Second Units. Consider revising the zoning ordinance so that*

people can park mobile residencies (residences built under the vehicle code) as a second unit, so long as the residence looks like a house (e.g., external siding that is compatible with the residential neighborhood, skirted if the wheels would otherwise be visible from the public right of way, etc.); 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, On April 22, 2022, the City Council adopted Ordinance 980 establishing a Tiny Home Ordinance, but the ordinance was subsequently found to have some conflicts with State law; and

WHEREAS, on May 17 of 2023, the Community Development Committee received a Tiny Home presentation from Marie Jones Consulting and discussed this item without providing recommendations regarding ordinance revisions; 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

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 March 27, 2024 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:

SECTION 1: COASTAL LAND USE AND DEVELOPMENT CODE AMENDMENT FINDINGS

Pursuant to Fort Bragg Municipal Code Section 17.94.060, the Planning Commission recommends that the City Council make 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 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-1.2, Policy PF-2.1, Policy CD-1.1, CD-2.5, Program H-1.3.5, Program H-2.3.2, Policy H-1.6, Program H-3.2

- b. 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.

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

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

SECTION 2: GENERAL FINDINGS:

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

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend that the City Council approve an LCP Amendment to the Coastal Commission to Amend Chapter 17.42.175 “Tiny Homes”, of Division 17 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend that the City Council update the Fee Schedule to exempt Tiny Homes from the payment of capacity fees.

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

The above and foregoing Resolution was introduced by Commissioner Neils, seconded by Commissioner Stavely, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 10th day of April 2024, by the following vote:

AYES: Stavely, Jensen, Neils, Logan, Deitz

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Scott Dietz, Chair

ATTEST:

Maria Flynn, Administrative Assistant
Attachment 2 - Draft Ordinance

Amends Title 17.21.030 & 17.21.050 Land Use Tables as follows:

Amends 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 | PERMIT REQUIRED BY DISTRICT | | | | | | | Specific Use Regulations |
|---|--|----------|----------|----------|----------|----------|------------------|--------------------------|
| | RR | RS | RL | R M | R H | RV H | | |
| | P Permitted Use, Zoning Clearance required MU P 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 | | | | | | | |
| RESIDENTIAL USES | | | | | | | | |
| Tiny Home | P | P | P | P | P | P | 17.42.175 | |

Amend 17.22.030(C) 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 | |

RESIDENTIAL USES

| | | | | | | |
|--------------------------|------|----|------|------|-------|---------------------------|
| Primary Residential Unit | P(3) | -- | P(4) | P(4) | -- | |
| Tiny Home | P(6) | — | — | P(6) | UP(6) | 17.42.175 |

(6) Use permitted only on parcels with existing single residential unit or existing/proposed multifamily development, and only in compliance with § 17.42.175.

17.42.175 Tiny Homes & Model Park RVs

A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), Tiny Homes and Park Model RVs shall obtain an administrative Coastal Development Permit and comply with the standards of this section and

B. **Definitions.**

A Tiny Home. A Tiny Home is a small towable residential unit (on wheels) that is not on a permanent foundation, and that meets the design and construction criteria listed in C below. Tiny homes shall meet either the provisions of ANSI 119.5 or NFPA 1192. It shall be the burden of the applicant to show compliance with these standards. Tiny homes shall be licensed and registered with the California Department of Motor Vehicles and may only be transported upon the public highway with permit issued pursuant to Vehicle Code Section 35780.

Park Model RV. As defined in Health and Safety Code Section 18009.3, a Park Model RV is a trailer designed for human habitation that meets the following requirements:

1. It contains 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; and
2. It may not exceed 14 feet in width at the maximum horizontal projection; and
3. It is built upon a single chassis; and
4. It 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.

A Park Model RV is not a self-propelled recreational vehicle.

C. Tiny Home and Park Model RV Standards. Tiny Homes and Park Model RVs shall be subject to all of the following additional criteria:

1. Limitations on Location & Timing & Permit Requirements

- a. **Accessory to a Primary Residence.** A Tiny home or Park Model RV is allowed as an accessory residential use to a Primary Residential Unit and may be constructed/installed before, during or after the Primary Residential Unit.
 - i. If installed prior to the primary residential unit, the Tiny Home or PMRV must be installed in the back half of the parcel.
 - ii. If installed concurrently or after the primary residential unit, the Tiny Home or PMRV must be installed behind or to the side of the primary residential unit.
- b. **As an ADU Equivalent in Multifamily.** One tiny homes or one Park Model RV is permitted in Multifamily Residential Zoning Districts as a type of detached ADU under Section 17.42.170 or as part of a Tiny Home Community under Section 17.42.110.
- c. **Permit Requirements.** A Tiny Home shall be subject to a Coastal Development Permit if it is located on a permanent foundation or if site improvements are required to establish it.

2. Development Standards. Tiny Homes and Park Model RVs (Unit) shall conform with the following requirements:

- a. **Height.** The unit shall have a maximum height of 13' 6" to comply with Department of Motor Vehicles (DMV) towing requirements.
- b. **Setbacks.** A unit shall comply with front and street side setbacks but may have a 4+ foot setback from the inside or rear parcel lines. The unit must be located a minimum distance of 10 feet from all other structures.
- c. **Size.** Units shall be at least 150 square feet in compliance with the California Health & Safety Code, but no more than 400 square feet.
- d. **Number of Units Allowed.** Units are allowed on a parcel in the following configurations:
 - i. On a parcel with an existing primary unit, a maximum of one Tiny home or Park Model RV unit is permitted. One tiny home or Park

Model RV is permitted in addition to one detached ADU on the property. Neither is permitted if there are four or more residential units on a low density residentially zoned parcel.

- ii. Tiny homes and Park Model RVs are permitted in Tiny Home Communities, and the maximum allowed is determined by Section 17.42.110.
 - e. **Foundation.** Tiny Homes shall not be placed on a temporary or permanent foundation unless the Tiny Home has been constructed in compliance with the Appendix Q Tiny Houses of the UBC. Park Model RVs may be placed on a permanent foundation.
 - f. **Fire Inspection.** Prior to occupancy, each Tiny home and Park Model RV shall be inspected by the Fire Marshal to ensure adequacy of the smoke alarm and fire extinguisher.
3. **Design Standards.** A Tiny Home and Park Model RV shall maintain a residential appearance through the following design standards.
- a. **Skirting.** The undercarriage (wheels, axles, tongue and hitch) shall be hidden from view with a solid wood, metal or concrete apron when parked.
 - b. **Paved Pad.** A paved parking pad shall be required, unless that Tiny Home or Park Model RV are placed on a permanent foundation (per C2e above), and include bumper guards, curbs, or other installations adequate to prevent movement of the unit. Alternative paving methods may be permitted at the discretion of the Community Development Director.
 - c. **Mechanical Equipment.** Mechanical equipment shall be incorporated into the structure and not be located on the roof (except for solar panels).
 - d. **Materials.** Materials for the exterior wall covering shall include wood, hardipanel or equivalent material as determined by the Community Development Director.
 - e. **Windows.** Windows shall be double pane glass or better, labeled for building use, and be trimmed out.
 - f. **Utility Connections.** The unit shall be connected to City water and sewer utilities through dedicated pipes. The unit shall be connected to electrical power in compliance with the Building Code.
4. **Ownership.** Ownership of the Tiny Home or Park Model RV is not required.
5. **Short Term Rentals.** Tiny Homes and Park Model RV shall not be used as short-term rentals of less than 30 days.

D. Parking Requirements.

1. **Parking Exemptions & Requirements:** No parking is required unless the Tiny Home is located in a neighborhood which provides public parking and public access to the coast. In Fort Bragg this includes all residential parcels that directly abut Glass Beach Drive. All other parcels are not required to provide parking.

2. Replacement Parking Exemption. No replacement parking space(s) are required for the primary unit, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of a Tiny Home.

E. Tiny Homes and Park Model RV's Proposed for Sensitive Habitats, Scenic Areas, and areas subject to Sea Level Rise.

1. Visual Resources. Tiny Homes and Park Model RVs shall be reviewed for impacts to visually resources in visually sensitive areas as designated in Map CD-1 of the Coastal General Plan.
2. Sensitive Habitat. Tiny Homes and Park Model RVs shall be reviewed for impacts to sensitive habitats in areas as designated in Map OS-1 of the Coastal General Plan.
3. Areas Sensitive to Sea Level Rise. Tiny Homes and Park Model RVs that are proposed for areas that are vulnerable to sea level rise and other coastal hazards shall meet all LCP requirements for new development to be safe from such hazards, but that also addresses the need for future sea level rise adaptations including future removal and risk disclosure.

ATTACHMENT 3 - CONSISTENCY ANALYSIS

This attachment analyzes each Tiny Home code amendment’s consistency with their respective Inland or Coastal General Plan policies and the regulations in the City of Fort Bragg Inland Land Use and Development Code (ILUDC) and Coastal Land Use and Development Code (CLUDC).

1. COASTAL GENERAL PLAN & CLUDC CONSISTENCY ANALYSIS

The CLUDC 17.95.060(B) states than an amendment to the Development Code may be approved if the following findings are made:

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

As analyzed below, the Accessory Dwelling Unit code amendments are consistent with relevant policies of the City’s Coastal General Plan and CLUDC.

Coastal 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 |
|---|--|
| <p>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 significant adverse effects, either individually or cumulatively, on coastal resources.</p> | <p>The Tiny Home ordinance will result in increased infill development by allowing a Tiny Home on a lot with a primary residence in a residential zoning district.</p> |

| Policy | Analysis |
|---|--|
| <p>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.</p> | <p>The proposed amendment requires off-street parking for Tiny Homes in neighborhoods that provide coastal recreational access.</p> |
| <p>Policy LU-10.1: Preserve Neighborhoods: Preserve and enhance the character of the City’s existing residential neighborhoods.</p> | <p>As proposed the amendment would allow Tiny Homes to be placed behind or to the side of the primary residential unit and would not impact the character of existing neighborhoods.</p> |
| <p>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.</p> | <p>A Tiny Home would only be permitted on parcels that are already served by infrastructure and services. The City recently upgraded its Sewer Treatment Facility and has plans to develop additional water storage which together ensure adequate sewer and water services throughout Fort Bragg.</p> |
| <p>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.</p> | <p>In the proposed CLUDC amendment, an applicant for a Tiny Home must provide onsite parking where visitor-serving parking is constrained.</p> |

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

Coastal Public Facilities Element

Relevant policies in the Public Facilities Element are analyzed below:

| |
|--|
| <p>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</p> |
| <p>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</p> |

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 of 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 provides no exemption from paying capacity fees for Tiny Homes.

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

Coastal 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 a proposed tiny home would be located in an area that has the potential to impact Environmentally Sensitive Habitat, Wetlands, visual resources or on other Coastal Act resources as illustrated in the Maps of the Coastal General Plan.

Coastal Circulation Element

The proposed amendment to the CLUDC is **consistent** with the following General Plan policy:

| Policy | Analysis |
|---|---|
| <p>Policy C-9.2: Require Sidewalks. Require a sidewalk on both sides of all collector and arterial streets and on at least one side of local streets as a condition of approval for new development.</p> | <p>There are a small number of single-family residential units that do not currently have sidewalks, and they would be required to add sidewalks as part of the Tiny Home permitting process.</p> |

There are no other applicable coastal circulation policies that would affect the CLUDC’s consistency with the CGP.

Coastal Community Design, Safety, and Noise Elements

The proposed project is in conformance with any goals, policies, and programs in this element and does not conflict with anything in the element.

| Policy | Analysis |
|---|--|
| <p>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.</p> <p>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.</p> | <p>As amended, a Tiny Home would require a CDP, which would necessitate a visual analysis if visual resources would be impacted by a proposed project.</p> |

Coastal 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 |
|--|---|
| Program H-1.3.5 Allow Tiny Homes as Second Units. Consider revising the zoning ordinance so that people can park mobile residences (residences built under the vehicle code) as a second unit, so long as the residence looks like a house (e.g., external siding that is compatible with the residential neighborhood, skirted if the wheels would otherwise be visible from the public right of way, etc. | The proposed CLUDC amendment will allow a Tiny Home on any parcel where there is an existing primary residential unit, and would only be permitted on a parcel without a detached 2 nd unit. |
| Program H-1.3.2 No Development Impact Fees for Secondary Units: Continue to refrain from charging Capacity Fees for second units. | The proposed CLUDC amendment does not refrain from charging capacity fees for Tiny Homes, as they are not ADUs. |
| Policy H-1.6 Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure. | The proposed code will allow the development of a Tiny Home on parcels that are developed for residential uses. |
| 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 small units for rent, which would increase affordability for seniors and people with some disabilities. |

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

CONSISTENCY WITH EXISTING CLUDC SITE PLANNING AND PROJECT DESIGN STANDARDS

The proposed amendment of the CLUDC is consistent with coastal site planning and project design standards for setbacks, height limits, lot coverage, density limits and other regulations of the CLUDC.

COASTAL RESOURCES ANALYSIS

All Tiny Home projects will require an administrative Coastal Development Permit. The Coastal Commission's staff has reviewed a draft of the ordinance and found it to be compatible with the Coastal Act, with suggested modifications.

2. INLAND GENERAL PLAN & ILUDC CONSISTENCY ANALYSIS

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

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

Inland Land Use Element

The proposed amendment to the ILUDC is consistent with the following General Plan Policies 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 Tiny Home ordinance will result in increased development by allowing a Tiny Home on a lot with a primary unit. |

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

Inland Public Facilities Element

Relevant policies in the Public Facilities Element are analyzed below:

Relevant policies in the Public Facilities Element are analyzed below:

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 of 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 provides no exemption from paying capacity fees for Tiny Homes.

There are no other Public Facilities Policies applicable to the proposed ILUDC update.

Inland Conservation, Open Space, Energy, and Parks Element

The proposed amendment is consistent with the policies of Inland Element 4.

Inland Circulation Element

The proposed amendment to the ILUDC is consistent with the following General Plan circulation policy:

| Policy | Analysis |
|---|---|
| <p>Policy C-9.2: Require Sidewalks. Require a sidewalk on both sides of all collector and arterial streets and on at least one side of local streets as a condition of approval for new development.</p> | <p>There are a small number of single-family residential units that do not currently have sidewalks, and they would be required to add sidewalks as part of the Tiny Home permitting process.</p> |

There are no other applicable circulation policies that would affect the amendment’s consistency with the Inland General Plan.

Inland Community Design, Safety, and Noise Elements

The proposed project is in conformance with any goals, policies, and programs in this element and does not conflict with anything in the element.

Inland Housing Element 2019

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 |
|--|--|
| Program H-1.3.5 Allow Tiny Homes as Second Units. Consider revising the zoning ordinance so that people can park mobile residences (residences built under the vehicle code) as a second unit, so long as the residence looks like a house (e.g., external siding that is compatible with the residential neighborhood, skirted if the wheels would otherwise be visible from the public right of way, etc. | The proposed ILUDC amendment will allow a Tiny Home on any parcel where there is an existing primary residential unit. |
| Program H-1.3.2 No Development Impact Fees for Secondary Units: Continue to refrain from charging Capacity Fees for second units. | The proposed ILUDC amendment does not refrain from charging capacity fees for Tiny Homes. However, this policy applies to ADUs. |
| Policy H-1.6 Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure. | The proposed code will allow the development of a Tiny Homes on parcels with a primary residential unit. |
| 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 small units for rent, which would increase affordability for seniors and people with some disabilities. |

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

CONSISTENCY WITH ILUDC SITE PLANNING AND PROJECT DESIGN STANDARDS

The proposed amendment of the ILUDC is consistent with coastal site planning and project design standards for setbacks, height limits, lot coverage, density limits and other regulations of the ILUDC.

17.42.175 Tiny Homes & Model Park RVs

A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), Tiny Homes and Park Model RVs shall obtain an administrative Coastal Development Permit and comply with the standards of this section and

B. **Definitions.**

A Tiny Home. A Tiny Home is a small towable residential unit (on wheels) that is not on a permanent foundation, and that meets the design and construction criteria listed in C below. Tiny homes shall meet either the provisions of ANSI 119.5 or NFPA 1192. It shall be the burden of the applicant to show compliance with these standards. Tiny homes shall be licensed and registered with the California Department of Motor Vehicles and may only be transported upon the public highway with permit issued pursuant to Vehicle Code Section 35780.

Park Model RV. As defined in Health and Safety Code Section 18009.3, a Park Model RV is a trailer designed for human habitation that meets the following requirements:

1. It contains 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; and
2. It may not exceed 14 feet in width at the maximum horizontal projection; and
3. It is built upon a single chassis; and
4. It 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.

A Park Model RV is not a self-propelled recreational vehicle.

C. **Tiny Home and Park Model RV Standards.** Tiny Homes and Park Model RVs shall be subject to all of the following additional criteria:

1. **Limitations on Location & Timing & Permit Requirements**

- a. **Accessory to a Primary Residence.** A Tiny home or Park Model RV is allowed as an accessory residential use to a Primary Residential Unit and may be constructed/installed before, during or after the Primary Residential Unit.
 - i. If installed prior to the primary residential unit, the Tiny Home or PMRV must be installed in the back half of the parcel.
 - ii. If installed concurrently or after the primary residential unit, the Tiny Home or PMRV must be installed behind or to the side of the primary residential unit.
- b. **As an ADU Equivalent in Multifamily.** One tiny homes or one Park Model RV is permitted in Multifamily Residential Zoning Districts as a type of detached ADU under Section 17.42.170 or as part of a Tiny Home Community under Section 17.42.110.

- e. **Windows.** Windows shall be double pane glass or better, labeled for building use, and be trimmed out.
- f. **Utility Connections.** The unit shall be connected to City water and sewer utilities through dedicated pipes. The unit shall be connected to electrical power in compliance with the Building Code.

4. **Ownership.** Ownership of the Tiny Home or Park Model RV is not required.

5. **Short Term Rentals.** Tiny Homes and Park Model RV shall not be used as short-term rentals of less than 30 days.

D. Parking Requirements.

- 1. **Parking Exemptions & Requirements:** No parking is required unless the Tiny Home is located in a neighborhood which provides public parking and public access to the coast. In Fort Bragg this includes all residential parcels that directly abut Glass Beach Drive. All other parcels are not required to provide parking.
- 2. **Replacement Parking Exemption.** No replacement parking space(s) are required for the primary unit, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of a Tiny Home.

E. Tiny Homes and Park Model RV's Proposed for Sensitive Habitats, Scenic Areas, and areas subject to Sea Level Rise.

- 1. **Visual Resources.** Tiny Homes and Park Model RVs shall be reviewed for impacts to visually resources in visually sensitive areas as designated in Map CD-1 of the Coastal General Plan.
- 2. **Sensitive Habitat.** Tiny Homes and Park Model RVs shall be reviewed for impacts to sensitive habitats in areas as designated in Map OS-1 of the Coastal General Plan.
- 3. **Areas Sensitive to Sea Level Rise.** Tiny Homes and Park Model RVs that are proposed for areas that are vulnerable to sea level rise and other coastal hazards shall meet all LCP requirements for new development to be safe from such hazards, but that also addresses the need for future sea level rise adaptations including future removal and risk disclosure.

Attachment 5 Appendix Q Tiny Houses

User note:

About this appendix: Appendix Q relaxes various requirements in the body of the code as they apply to houses that are 400 square feet in area or less. Attention is specifically paid to features such as compact stairs, including stair handrails and headroom, ladders, reduced ceiling heights in lofts and guard and emergency escape and rescue opening requirements at lofts.

Section AQ101 General

AQ101.1 Scope

This appendix shall be applicable to *tiny houses* used as single dwelling units. *Tiny houses* shall comply with this code except as otherwise stated in this appendix.

Section AQ102 Definitions

AQ102.1 General

The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

EGRESS ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements of Section R310.2.

LANDING PLATFORM. A landing provided as the top step of a stairway accessing a loft.

LOFT. A floor level located more than 30 inches (762 mm) above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.

TINY HOUSE. A dwelling that is 400 square feet (37 m²) or less in floor area excluding lofts.

Section AQ103 Ceiling Height

AQ103.1 Minimum Ceiling Height

Habitable space and hallways in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions including, but not limited

to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

Exception: Ceiling heights in lofts are permitted to be less than 6 feet 8 inches (2032 mm).

Section AQ104 Lofts

AQ104.1 Minimum Loft Area and Dimensions

Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AQ104.1.1 through AQ104.1.3.

AQ104.1.1 Minimum Area

Lofts shall have a floor area of not less than 35 square feet (3.25 m²).

AQ104.1.2 Minimum Dimensions

Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

AQ104.1.3 Height Effect on Loft Area

Portions of a loft with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

Exception: Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50-percent slope), portions of a loft with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

AQ104.2 Loft Access

The access to and primary egress from lofts shall be of any type described in Sections AQ104.2.1 through AQ104.2.4.

AQ104.2.1 Stairways

Stairways accessing lofts shall comply with this code or with Sections AQ104.2.1.1 through AQ104.2.1.5.

AQ104.2.1.1 Width

Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The width below the handrail shall be not less than 20 inches (508 mm).

AQ104.2.1.2 Headroom

The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

AQ104.2.1.3 Treads and Risers

Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height.
2. The riser height shall be 15 inches (381 mm) minus three-fourths of the tread depth.

AQ104.2.1.4 Landing Platforms

The top tread and riser of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the loft. The landing platform shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 to 18 inches (406 to 457 mm) in height measured from the landing platform to the loft floor.

AQ104.2.1.5 Handrails

Handrails shall comply with Section R311.7.8.

AQ104.2.1.6 Stairway Guards

Guards at open sides of stairways shall comply with Section R312.1.

AQ104.2.2 Ladders

Ladders accessing lofts shall comply with Sections AQ104.2.1 and AQ104.2.2.

AQ104.2.2.1 Size and Capacity

Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm), and 10-inch (254 mm) to 14-inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200-pound (75 kg) load on any rung. Rung spacing shall be uniform within $\frac{3}{8}$ inch (9.5 mm).

AQ104.2.2.2 Incline

Ladders shall be installed at 70 to 80 degrees from horizontal.

AQ104.2.3 Alternating Tread Devices

Alternating tread devices accessing lofts shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

AQ104.2.4 Ships Ladders

Ship's ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm).

AQ104.2.5 Loft Guards

Loft guards shall be located along the open side of lofts. Loft guards shall be not less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.

Section AQ105 Emergency Escape and Rescue Openings

AQ105.1 General

Tiny houses shall meet the requirements of Section R310 for emergency escape and rescue openings.

Exception: Egress roof access windows in lofts used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.



CITY OF FORT BRAGG

Incorporated August 5, 1889
416 N. Franklin St.
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Fort Bragg City Council will conduct a public hearing at a regular meeting to be held at 6:00 p.m., or as soon thereafter as the matter may be heard, on Monday, May 13, 2024 at Town Hall, southwest corner of Main and Laurel Streets (363 N. Main Street), Fort Bragg, California 95437. The public hearing will concern the following item:

Conduct Public Hearing and (1) Introduce, by Title Only, and Waive Further Reading of Ordinance xxx-2024 Amending Chapter 18.42.175 - "Tiny Homes", of Division 18 of the Fort Bragg Municipal Code to Modify Regulations and Standards for Tiny Homes; and (2) Adopt a Resolution xxx-2024 approving a Local Coastal Plan Amendment Application (LCP 4-23) to the Coastal Commission to Amend Chapter 17.42.175 - "Tiny Homes", of Division 17 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.

The hearing will be opened for public participation. All interested persons are invited to appear at that time to present their comments. The public comment period runs from the date this notice is published until the date of the hearing to allow sufficient time for submission of comments by mail. Written communications must be directed to the City Clerk, 416 N. Franklin Street, Fort Bragg, CA 95437, or emailed to dsanchez@fortbragg.com, and received no later than the meeting date.

The Agenda Item Summary and supporting documents that will be considered by the Councilmembers will be available for review at Fort Bragg City Hall and on the City's website: <https://city.fortbragg.com/> on or after May 2, 2024. At the conclusion of the public hearing, the City Council will consider a decision on the matter.

DATED: May 2, 2024

Diana Sanchez
City Clerk

PUBLISH: May 2, 2024

STATE OF CALIFORNIA)
) ss.
COUNTY OF MENDOCINO)

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg in the Administrative Services Department; and that I posted this Notice in the City Hall Notice case on May 2, 2024.

Diana Sanchez
City Clerk



City of Fort Bragg

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

Text File

File Number: 24-704

Agenda Date: 5/13/2024

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Ordinance

Agenda Number: 7B.

Conduct Public Hearing and (1) Introduce, by Title Only, and Waive Further Reading of Ordinance xxx-2024 Amending Chapter 18.42.110 "Mobile Home Parks" of Division 18 of the Fort Bragg Municipal Code and Replace it with Chapter 18.42.110 "Tiny Home & Manufactured Home Communities" to Establish Standards for Tiny Home Communities; and (2) Adopt Resolution xxx-2024 approving a Local Coastal Plan Amendment Application (LCP 5-23) to the Coastal Commission to Amend 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



Tiny Home & Manufactured Home Communities

Amendments to the CLUDC and
ILUDC, City of Fort Bragg

Marie Jones Consulting May 2024

PROJECT INFORMATION

| | |
|-------------------------------------|--|
| APPLICATION #: | ILUDC Amendment (ILUDC 5-23) and LCP Amendment (LCP 5-23) –Tiny Home Communities & Planned Development Permit |
| APPLICANT: | City of Fort Bragg |
| PROJECT: | Provide Policy Direction Regarding a Proposed Amendment to the Inland and Coastal Land Use and Development Codes to: 1) Repeal and Replace the Mobile Home Ordinance with a Tiny Home Communities Ordinance in the ILUDC; and 2) Prepare a Tiny Home Communities LCP amendment for the Local Coastal Program to Repeal and Replace the Mobile Home Ordinance with a Tiny Home Communities Ordinance in the Coastal Zone. |
| LOCATION: | Residential and Commercial Zoning Districts in the Coastal Zone and the Inland Area. |
| APN: | Various |
| LOT SIZE: | Greater than 0.25 acres |
| ZONING: | Coastal and Inland: Low Density (RL), Medium Density (RM), High Density (RH) and Very High-Density (RVH) Residential Zoning Districts, and possibly, General Commercial (CG), Highway Visitor Commercial (CH), Neighborhood Commercial (CN), and Commercial Office (CO) Zoning Districts. |
| ENVIRONMENTAL DETERMINATION: | An MND has been prepared and adopted for this project. |
| APPROVALS: | This project constitutes a change to the City of Fort Bragg Local Coastal Program and the City’s Inland Land Use and Development Code. |

PROJECT BACKGROUND

Tiny Home Communities. In 2019, the City of Fort Bragg amended the Housing Element of the General Plan for conformance with State housing law. That Housing Element

amendment the following new 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.

The proposed attached zoning amendments would partially implement these programs; however, it may not be advisable to do a Tiny Home Community through a subdivision process (see discussion below).

The City's Mobile Home Park ordinance (Attachment 5) is outdated and limiting because it requires a parcel of 3 acres or more. Additionally, mobile homes themselves have changed significantly such that Park Model RVs and Tiny Homes are similar in look and design, hence it does not make sense to have two separate ordinances to address these very similar mobile living units. MJC recommends creating one ordinance to address both Tiny Home and Park Model RVs in communities. MJC recommends the term Tiny Home Community to refer to communities that include a mix of Tiny Homes and Park Model RVs, because it has a more pedestrian friendly and walkable community design connotation.

PROJECT DESCRIPTION

This section summarizes various changes to the CLUDC and the ILUDC for City Council's consideration. These amendments are voluntary, as they are not required by the State. However, the State does mandate how Mobile Home Parks are regulated and those laws must be considered while developing regulations for a Tiny Home Community, as it is a type of Mobile Home Park. However, the City Council does have decision-making leeway regarding most aspects of this zoning amendment. Please review the attached ordinances and consider providing direction on the following key policy points.

The Planning Commission held a public hearing on March 27th and April 8th and provided the following direction regarding the Tiny Home Communities Ordinance, which were implemented as noted.

| Direction | Implementation |
|--|---|
| 1. Allow Tiny Home Communities with a Use Permit and Design Review in RL, RM, RH and RVH, CN, CO, CG and CH zoning districts. | See use tables. |
| 2. Include a reference in the ordinance that all Tiny Home Community projects are also subject to HCD regulations. Clarify that a manager's unit is only required, if it is required by HCD. | See A1 and A2a |
| 3. Allow Tiny Home Communities on any size parcel. | See A3b |
| 4. Eliminate the Tiny Home orientation requirement in 18.42.110A4a | This was modified rather than eliminated, as it is important to ensure that the backside of a tiny home is not facing the street. See modified language of A4a. |
| 5. Clarify that Tiny Homes may be owned by a single entity, a cooperative or in a condominium type ownership. | See A5. |

Policy Considerations for Tiny Home Communities & Mobile Home Parks

Please review Attachments 1 through 3 while you consider the following key policy questions.

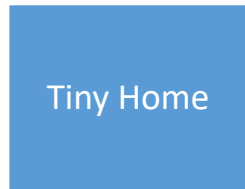
1. **Permissible Home Types in Tiny Home Communities.** What types of “mobile Homes” should be permissible in a Tiny Home Community?
 - **Recreation Vehicles (RVs)** are driven for transportation and do not look like a home. The look of a Tiny Home Community with many RVs will inevitably grate on some people’s aesthetic sense. While it is possible to allow such vehicles in a Tiny Home Community, this approach would only be acceptable if the RVs are located behind fencing. The proposed ordinance excludes RVs from Tiny Home Communities. The Planning Commission voted to exclude RVs from Tiny Home Communities.

- **Park Model RVs.** Park Model RVs look like small narrow homes but are on a wheelbase and can be moved from one park to the next. Park Model RVs are generally constructed in a manufacturing assembly line and are limited to 9 feet in width (see definitions).
- **Tiny Homes.** Tiny homes are custom designed and built and tend to include more “interesting” architectural details than Park Model RVs. The City’s Tiny Home Ordinance requires that they look like a house. They can also be towed from location to location.
- **Small Manufactured Housing.** These units are towed to one location and taken off their wheelbase and placed on a permanent foundation. They are difficult to move from one location to another. Small, manufactured housing is currently regulated under our multi-family housing ordinance. MJC recommends that manufactured housing be limited to 500 or 600 SF and to 25% of all units in a Tiny Home Community. Please provide direction regarding preferred limits for manufactured housing.



2. Zoning Districts. Which zoning districts are suitable for Tiny Home Communities?

- Tiny Home Communities make sense in the RM, RH and RVH zoning districts as these districts allow sufficient residential densities to allow from 5 to 8 units on a quarter acre parcel.
- Tiny Home Communities could make sense for Low Density (RL) zoning as the City could allow up to three tiny home units on a typical residential parcel of 7,500 SF. Please note that the State considers any parcel with two or more mobile homes or tiny homes as a mobile home park, with all the associated legal obligations. The Planning Commission recommends that tiny home communities be permitted in RL zoning districts.



- The Planning Commission provided a recommendation that Tiny Home Communities should be allowed in commercial districts. Currently both the ILUDC and the CLUDC do not allow mobile home parks in commercial districts though both do allow multifamily housing with a Use Permit.

- Both MJC & the Planning Commission do not recommend Tiny Home Communities within the Central Business District as they would conflict with General Plan policies regarding the character of downtown.
3. **Subdivision or one parcel.** Should a Tiny Home Community be developed as a subdivision where each owner also owns the land or like a trailer park where each owner owns their unit and pays ground rent for a space in the community that is owned by another entity?
 - MJC recommended, and the Planning Commission concurred, that the City should regulate Tiny Home Communities as a single site rather than allowing a subdivision with each tiny homeowner owning their parcel. Most people who live in tiny homes have limited incomes. Requiring one parcel under one ownership would also allow for more cohesive design and management of the community.
 - Additionally, allowing a subdivision for a number of Tiny Homes would require the City to either change the subdivision standards or use the Planned Unit Development (PUD) process, which is not appropriate for Tiny Home Communities because the PUD process requires exceptional design and allows for exceptions to the zoning ordinance only for exceptional design.
 - The attached draft ordinance assumes that these developments would be under one ownership, and the Planning Commission concurred with this recommendation.
 4. **Permitting Requirements.** MJC recommended, and the Planning Commission concurred, that a Use Permit, Design Review Permit and Coastal Development Permit be required for a Tiny Home Community of any size.
 5. **Allowable Uses.** Please review and provide comments about the proposed list of accessory uses that are allowed, but not required, in a Tiny Home Community (see A2. Allowable Uses).
 6. **Tiny Home Community Size.** Currently the City of Fort Bragg allows Mobile Home parks on parcels of three acres or more. This regulation has the practical effect of prohibiting mobile home parks within the City, as there are few vacant parcels of this size. Table 1 illustrates the maximum housing density for each zoning district and various parcel sizes given zoning densities and ADU law (which allows up to two ADUs in each multifamily development).

MJC recommended a minimum Tiny Home Community size of a quarter-acre parcel (10,890 SF). The Planning Commission recommended that there be no minimum parcel size for a Tiny Home Community. MJC recommendation that the size be limited to a quarter acre would result in communities of 5 to 8 units, which is sufficient to serve the space needs for a unit, associated parking, and required open space. Alternatively,

a half-acre parcel size allows more flexibility and open space in a Tiny Home Community and a larger minimum lot size of 1,556 SF. Please remember that these “lot” sizes are based on maximum build out and most developments in Fort Bragg are not built at maximum density.

| Table 1: Tiny Home Community - Size Limits | | | | | |
|---|--------|-------|-------|-------|-------------------|
| Zoning District | RL | RM | RH | RVH | CG, CN, CG, CO |
| Maximum Units Per Acre | 6 | 12 | 15 | 24 | 24 |
| One Acre Size limit (43,560 SF) | | | | | |
| Number of units* | 3 | 14 | 17 | 26 | 26 |
| "Parcel Size" | 14,520 | 3,630 | 2,562 | 1,675 | 1,675 |
| Half Acre Parcel Size (21,780 SF) | | | | | |
| Number of units* | 3 | 8 | 9.5 | 14 | 14 |
| "Parcel Size" | 7,260 | 2,723 | 2,293 | 1,556 | 1,556 |
| Quarter Acre Size (10,890 SF) | | | | | |
| Number of units* | 3 | 5 | 5.75 | 8 | 8 |
| "Parcel Size" | 3,630 | 2,178 | 1,894 | 1,361 | 1,361 |
| * Assumes Maximum Density + 2 ADUs, per State Law | | | | | |
| <i>Marie Jones Consulting, 2023</i> | | | | | |

7. **Tiny Home Individual Lot size.** The ordinance does not include a specific recommendation for “lot size” but instead requires that the “lot” for each unit is sufficient to accommodate the unit, required internal setbacks and open space. This allows for more design flexibility and all proposed site plans would be reviewed and approved by the Planning Commission as part of the Design Review and Use Permit process. Additionally, one minimum “lot” size would not offer the flexibility needed to accommodate tiny homes and small manufactured homes that could vary in size from 120 SF to 600 SF.
8. **Allowable Uses.** The draft ordinance includes a narrower set of accessory uses than is enumerated in the mobile home park ordinance. MJC recommends limiting some accessory uses to reduce the overall clutter and visual impacts for these communities. See 18.42.110A.3. Allowable Uses.
9. **Site Layout and Tiny Home Orientation.** MJC recommends adding a section on site layout and Tiny Home orientation to ensure that these Tiny Home Communities are well designed. (See A4). The Planning Commission largely concurred with these recommendations with minor modifications. Please provide any recommended changes or additions to the community layout and design section which include requirements regarding home orientation, setbacks, minimum unit lot size, required and recommended accessory structures, landscaping and paths, parking locations and amounts, internal streets, solid waste enclosures, utilities, fencing and signage.

MJC recommends allowing fencing as part of Design Review, if deemed necessary, rather than requiring fencing like the current Mobile Home ordinance. Many of these communities are cute and should be integrated into the community without visual barriers.

RECOMMENDED ACTION

Provide direction regarding the proposed zoning amendment adding a Tiny Home Communities ordinance.

Environmental Analysis

- **ILUDC Amendment.** The proposed project is subject to CEQA and an MND has already been prepared, circulated and adopted on April 8, 2024 for this amendment.
- **CLUDC Amendment.** 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.

Fiscal Impact

No impact.

Greenhouse Gas Emissions Impact

Greenhouse gas emissions would be reduced as residential density is added to the City, because it reduces the miles traveled for residents to access services, jobs and community activities.

Consistency

The consistency of the proposed ordinances has been analyzed in Attachment 4, and both ordinances are consistent with their respective General Plan and zoning ordinance.

Implementation/Timeframes

This effort includes two amendments, which are processed differently as the CLUDC amendment will be a Local Coastal Program application to the Coastal Commission which will be approved by the Coastal Commission, while the ILUDC amendment will be approved as an ordinance by the City Council. While the two amendments are similar, they are not identical, as Tiny Home Communities in the Coastal Zone would be subject to the Coastal Development Permit process.

| | |
|--|---------------------------|
| Inland LUDC Zoning Code Amendment | Potential Timeline |
|--|---------------------------|

| | |
|---|--------------------|
| Planning Commission Public Hearing and Recommendation to City Council | March & April 2024 |
| City Council – Public Hearing and 1st Reading of Ordinance | May 2024 |
| City Council – 2 nd Reading of Ordinance | May 2024 |
| Ordinance become effective | June 2024 |

| Coastal LUDC Zoning Code Amendment | Potential Timeline |
|--|---------------------------|
| Planning Commission Public Hearing and Recommendation to City Council | March 2024 |
| City Council – Public Hearing and Adoption of Resolution Transmitting Zoning Amendment to Coastal Commission | May 2024 |
| Coastal Commission Review and Friendly Modifications Due | Sept 2024 |
| City Council acceptance of Friendly Modifications | Oct 2024 |

NOTIFICATION

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

ATTACHMENTS

1. An Ordinance Amending Division 18 of the Fort Bragg Municipal Code (ILUDC 4-23) to Repeal Chapter 18.42.110 “Mobile Home Parks” of Division 18 of the Fort Bragg Municipal Code and Replace it with Chapter 18.42.110 “Tiny Home & Manufactured Home Communities” to Establish Standards for Tiny Home Communities.
2. 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.
3. Resolution of the Fort Bragg Planning Commission Recommending that the City Council to Repeal Chapter 18.42.110 “Mobile Home Parks” of Division 18 of the Fort Bragg Municipal Code and Replace it with Chapter 18.42.110 “Tiny Home &

Manufactured Home Communities” to Establish Standards for Tiny Home Communities.

4. Resolution of the Fort Bragg Planning Commission Recommending that the City Council approve 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.
5. General Plan/Land Use Code Consistency Analysis
6. Photo Illustrations of Tiny Home Communities.

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE AMENDING DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE (ILUDC 5-23) TO REPEAL CHAPTER 18.42.110 “MOBILE HOME PARKS” OF DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE AND REPLACE IT WITH CHAPTER 18.42.110 “TINY HOME & MANUFACTURED HOME COMMUNITIES” TO ESTABLISH STANDARDS FOR TINY HOME COMMUNITIES.

ORDINANCE NO. XX-2024

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 of Fort Bragg (“City”) adopted an Inland General Plan and certified an Environmental Impact Report Addendum (“EIR Addendum”) for the Inland 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, 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 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 Zoning Amendment, accept public testimony; and formally Introduce the Ordinance by Title Only; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Section 15074 of the CEQA Guidelines, a Mitigated Native Declaration (MND) was prepared and circulated for public comment; and

WHEREAS, a Notice of Intent to Adopt an MND was published on December 7, 2023, and the twenty-day review period was from December 7 through December 27, 2023; and the MND was certified by the City Council on April 8, 2024; 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 Planning Commission of the City of Fort Bragg 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 March 27 and April 10, 2024, 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; and
3. On May 13, 2024, the City Council held a properly noticed public hearing to consider adoption of the minor amendment to the Inland Land Use and Development Code; and
4. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
5. The proposed ILUDC 5-23 amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

6. The proposed amendment is internally consistent with other applicable provisions of this Development Code; and
7. The project is subject to CEQA, and a properly noticed MND was prepared for the project and circulated for public review. No public comments were received regarding the MND in the public comment period. The MND was adopted by resolution by the City Council on April 8, 2024.
8. The documents and other material constituting the record for these proceedings are located at the Community Development Department.

SECTION 2: GENERAL FINDINGS:

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

Section 3. Based on the foregoing, the City Council hereby:

Amends 18.21.030(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 | | | | | | |
|---|---|----|----|----|----|-----|--------------------------|
| | P Minor Use Permit required (see MUP Section 18.71.060) | | | | | | |
| | UP Use Permit required (see UP Section 18.71.060) | | | | | | |
| LAND USE (1) | S Permit requirement set by Specific Use Regulations | | | | | | Specific Use Regulations |
| | RR | RS | RL | RM | RH | RVH | |
| | — Use not allowed | | | | | | |
| RESIDENTIAL USES | | | | | | | |
| Mobile home park | UP | UP | UP | UP | UP | UP | 18.42.110 |
| Tiny Home/ Manufactured Home Community | - | - | UP | UP | UP | UP | 18.42.110 |

Amends 18.21.030(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 | 18.42.115 |

Chapter 18.42.110 is hereby repealed and replaced in its entirety as follows:

18.42.110 - Tiny Home / Manufactured Home Community

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 individual 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 18.42.175. 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 § 18.21.030 (Residential Zoning District Allowable Land Uses and Permit Requirements). 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 Small Manufactured Homes. 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 § 18.42.020 (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 18.34 (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, playground, community center, laundry facility, and/or community garden) are preferred.
- e. **Landscaping & Paths.** Each Tiny Home 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 18.34 (Landscaping Standards).

- f. **Parking.** Parking shall be provided at the rate of one parking space per 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 with 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 § 18.30.110.
- 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 18.42.175 of this development code.
- 2. **Park Model RV Standards.** Park Model RVs shall comply with the individual standards enumerated in 18.42.175 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 Tiny Home Community.

Section 6. 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 7. 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 on May 13, 2024, and adopted at a regular meeting of the City of Fort Bragg held on _____ 2024, by the following vote:

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

Bernie Norvell, Mayor

ATTEST:

Diana Sanchez, City Clerk

PUBLISH: **Date, 2024 and Date, 2024 (by summary).**
EFFECTIVE DATE: **Date, 2024.**

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.

- 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.

- 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
- 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
- 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 | | | | | | |
|---|--|----|----|----|----|-----|--------------------------|
| | P Minor Use Permit required (see MUP Section 17.71.060) Use Permit required (see UP 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 |
| | 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 | Permitted Use, Zoning Clearance required | | | | | |
|--|--|--|-----|----|----|--------------------------|
| | P | Minor Use Permit required (see Section 17.71.060) | | | | |
| LAND USE (1) | MUP | Use Permit required (see Section 17.71.060) | | | | |
| | UP | Permit requirement set by Specific Use Regulations | | | | |
| | S | Use not allowed | | | | |
| | — | Use not allowed | | | | |
| | 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

RESOLUTION NO. PC 15-2024

A RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE 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

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 December 13, 2023 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:

SECTION 1: COASTAL LAND USE AND DEVELOPMENT CODE AMENDMENT FINDINGS

Pursuant to Fort Bragg Municipal Code Section 17.94.060, the Planning Commission recommends that the City Council make 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 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
- b. 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.

- c. 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.

SECTION 2: GENERAL FINDINGS:

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

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend that the City Council amend Chapter 17.42.110 “Tiny Home Communities”, of Division 17 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.

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

The above and foregoing Resolution was introduced by Commissioner Jensen seconded by Vice Chair Logan, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 10th day of April 2024, by the following vote:

AYES: Stavely, Jensen, Neils, Logan, Deitz

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Scott Deitz, Chair

ATTEST:

Maria Flynn
Administrative Assistant

Attachment 1: CLUDC Amendment

Amends 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 | | | | | | |
|---|--|----|----|----|----|-----|--------------|
| | P Minor Use Permit required (see MUP Section 17.71.060) Use Permit required (see UP Section 17.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed | | | | | | |
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | | | Specific Use |
| | RR | RS | RL | RM | RH | RVH | Regulations |
| 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 | UP | S | — | |
| | | Minor Use Permit required (see Section 17.71.060) | | | | |
| | | Use Permit required (see Section 17.71.060) | | | | |
| | | 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 |

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.

RESOLUTION NO. PC 14-2024

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL TO REPEAL CHAPTER 18.42.110 “MOBILE HOME PARKS” OF DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE AND REPLACE IT WITH CHAPTER 18.42.110 “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 of Fort Bragg (“City”) adopted an Inland General Plan and certified an Environmental Impact Report Addendum (“EIR Addendum”) for the Inland 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, 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, pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Section 15074 of the CEQA Guidelines, a Mitigated Negative Declaration (MND) was prepared and circulated for public comment for the zoning amendment; 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

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 application; all reports and public testimony submitted as part of the Planning Commission meeting of December 13, 2023 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:

SECTION 1: INLAND LAND USE AND DEVELOPMENT CODE AMENDMENT FINDINGS

Pursuant to Fort Bragg Municipal Code Section 18.94.060, the Planning Commission recommends that the City Council make the following findings for adoption of the proposed amendments to the Fort Bragg Inland 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 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, Program H-1.7.10, Policy H-2.9, and Program H-4.1.2

- b. 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.

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

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

SECTION 2: GENERAL FINDINGS:

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

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend that the City Council amend Chapter 18.42.110 “Tiny Home Communities”, of Division 18 of the Fort Bragg Municipal Code, to Modify Regulations and Standards for Tiny Homes.

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

The above and foregoing Resolution was introduced by Commissioner Stavely seconded by Vice Chair Logan, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 10th day of April 2024, by the following vote:

AYES: Stavely, Jensen, Neils, Logan, Deitz

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Scott Deitz, Chair

ATTEST:

Maria Flynn
Administrative Assistant

Attachment 1: ILUDC Amendment

Amends 18.21.030(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 | | | | | | |
|---|--|----|----|----|----|-----|--------------|
| | P Minor Use Permit required (see MUP Section 18.71.060) Use Permit required (see UP Section 18.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed | | | | | | |
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | | | Specific Use |
| | RR | RS | RL | RM | RH | RVH | Regulations |
| RESIDENTIAL USES | | | | | | | |
| Mobile home park | UP | UP | UP | UP | UP | UP | 18.42.110 |
| Tiny Home/ Manufactured Home Community | - | - | UP | UP | UP | UP | 18.42.110 |

Amends 18.21.030(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 | Permitted Use, Zoning Clearance required | | | | | |
|--|--|--|-----|----|----|--------------------------|
| | P | Minor Use Permit required (see Section 17.71.060) | | | | |
| LAND USE (1) | MUP | Use Permit required (see Section 17.71.060) | | | | |
| | UP | Permit requirement set by Specific Use Regulations | | | | |
| LAND USE (1) | PERMIT REQUIRED BY DISTRICT | | | | | Specific Use Regulations |
| | CN | CO | CBD | CG | CH | |
| Tiny Home/ Manufactured Home Community | UP | UP | - | UP | UP | 18.42.115 |

18.42.110 - Tiny Home / Manufactured Home Community

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 individual 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 18.42.175. 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 § [18.21.030](#) (Residential Zoning District Allowable Land Uses and Permit Requirements). [Tiny Home Communities are subject to compliance with Mobile Home Park regulations as required by the Department of Housing and Community Development \(Mobile Home Parks Act Section 18200 – 18712\).](#)

2. Allowable Uses.

- a. **Unit Type.** Tiny Home Communities may be composed of any mix of Tiny Homes and Park Model RVs and Small Manufactured Homes. 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 § 18.42.020 (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 18.34 (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, playground, community center, laundry facility, and/or community garden) are preferred.
- e. **Landscaping & Paths.** Each Tiny Home 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 18.34 (Landscaping Standards).
- f. **Parking.** Parking shall be provided at the rate of one parking space per 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 with 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 § 18.30.110.
- 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 18.42.175 of this development code.
- 2. **Park Model RV Standards.** Park Model RVs shall comply with the individual standards enumerated in 18.42.175 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 Tiny Home Community.

ATTACHMENT 4: GENERAL PLAN/LUDC - CONSISTENCY ANALYSIS

This attachment analyzes both the ILUDC and CLUDC amendments consistency with the respective General Plan and zoning code.

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 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, should 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 significant adverse effects, either individually or cumulatively, on coastal resources. | Allowing Tiny Home Communities will increase infill development within the City. The proposed ordinance includes safeguards for protection of Coastal Resources and a Coastal Development Permit would be required to ensure protection of coastal resources. |

| | |
|--|---|
| <p>Policy LU-10.4: Ensure Adequate Services and Infrastructure for New Development.</p> <p>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.</p> | <p>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 only one or two Tiny Home Communities in the next 20 years, which would easily be served by existing infrastructure.</p> |
| <p>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.</p> | <p>In the proposed CLUDC amendment, an applicant for a Tiny Home Community would not be permissible in the Central Business District.</p> |
| <p>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.</p> | <p>The proposed amendment requires off-street parking for Tiny Home Communities.</p> |
| <p>Policy LU-10.1: Preserve Neighborhoods: Preserve and enhance the character of the City's existing residential neighborhoods.</p> | <p>The Tiny Home Community amendment includes sufficient regulatory guidelines to help Fort Bragg preserve and enhance the character of the City's existing residential neighborhoods.</p> |

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.

| |
|--|
| <p>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.</p> |
| <p>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</p> |

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. Additionally, The City anticipates few Tiny Home Communities, 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 would require capacity fees for housing in Tiny Home Community.

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 impacts on 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 |
|--|---|
| <p>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.</p> | <p>Tiny Home Communities would be required to apply for a CDP, which would necessitate a visual analysis if visual resources would be impacted by a proposed project.</p> |
| <p>Policy CD-2.4 Discourage Sameness and Repetitive Residential Designs.</p> | <p>Tiny Home Communities would allow people to select or build their own tiny home and would therefore not result in sameness or repetitive design. Additionally, a tiny home community would be a new pocket neighborhood design for Fort Bragg, which would increase diversity of residential design.</p> |
| <p>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.</p> | <p>Tiny Home Communities would be required to apply for a CDP, which would necessitate a visual analysis, if visual resources would be impacted by a proposed project and thorough that process compliance with this policy is required.</p> |

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 Tiny Home Community on a variety of parcel sizes, which could result in infill development of one or more of the few remaining undeveloped parcels in the Coastal Zone. |
| 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. | The proposed ordinance would establish a mechanism to allow Tiny Home Communities. |
| Policy H-2.9 First Time Home Buyers: Encourage affordable housing for first time homebuyers. | The proposed zoning code amendment would allow low-income people to purchase a home for the first time, as Tiny Homes and Park Model RVs cost a fraction of the typical house. |
| 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 does not waive capacity fees for Tiny Homes; however, such fees would be prorated based on size. |

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 all CLUDC standards, including the following highlights.

- **Density.** Tiny home communities would be required to comply with minimum and maximum density requirements.

- **Lot Coverage:** As density would remain the same and Tiny homes are much smaller than conventional homes, lot coverage ratios for constructed Tiny Home Communities would be considerably lower than existing requirements. Regardless all communities would still comply with existing Lot Coverage Requirements.
- **Set Backs & High Limits:** The Ordinance complies with existing setback. Tiny Homes are required by State law to have much lower heights (per the vehicle code) than the City's zoning Ordinance.
- **Parking:** The Ordinance requires one parking space/unit, which is consistent with the parking regulations for multi-family parking in Chapter 3.

COASTAL RESOURCES ANALYSIS

All Tiny Home Communities are required to obtain a Coastal Development Permit and make specific findings that Coastal Act resources will not be impacted.

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 amendment to the ILUDC is **consistent** with the following General Plan Policy in the Land Use Element.

| Policy | Analysis |
|---|--|
| <p>Policy LU-6.1: Preserve Neighborhoods: Preserve and enhance the character of the City's existing residential neighborhoods.</p> | <p>The Tiny Home Community amendment includes sufficient regulatory guidelines to help Fort Bragg preserve and enhance the character of the City's existing residential neighborhoods.</p> |

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.

| |
|--|
| <p>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.</p> |
| <p>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:</p> |

- 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 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. Additionally, The City anticipates few new Tiny Home Communities, 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 would require capacity fees for housing in Tiny Home Community.

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 with 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-1.2 Discourage Sameness and Repetitive Residential Designs. | Tiny Home Communities would allow people to select or build their own tiny home and would therefore not result in sameness or repetitive design. Additionally, a tiny home community would be an entirely new pocket neighborhood design for Fort Bragg which would increase diversity of residential 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 Tiny Home Community on a variety of parcel sizes, which could result in infill development of one or more of the few remaining undeveloped parcels in the Coastal Zone. |
| 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. | The proposed ordinance would establish a mechanism to allow Tiny Home Communities. |
| Policy H-2.9 First Time Home Buyers: Encourage affordable housing for first time homebuyers. | The proposed zoning code amendment would allow low-income people to purchase a home for the first time, as Tiny Homes and Park Model RVs cost a fraction of the typical house. |
| 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 | The ordinance does not waive capacity fees for Tiny Homes; however, such fees would be prorated based on size. |

| | |
|---|--|
| Bedrooms) in order to ensure that each unit pays its fair share for capacity costs. | |
|---|--|

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 all ILUDC standards, including the following highlights.

- **Density.** Tiny home communities would be required to comply with minimum and maximum density requirements.
- **Lot Coverage:** As density would remain the same and tiny homes are much smaller than conventional homes, lot coverage ratios for constructed Tiny Home Communities would be considerably lower than existing requirements. Regardless all communities would still comply with existing Lot Coverage Requirements.
- **Set Backs & High Limits:** The Ordinance complies with existing setback. Tiny Homes are required by State law to have much lower heights (per the vehicle code) than the City's zoning Ordinance.
- **Parking:** The Ordinance requires one parking space/unit, which is consistent with the parking regulations for multi-family parking in Chapter 3.

Attachment 6: Visuals – Tiny Home Communities









CITY OF FORT BRAGG

Incorporated August 5, 1889
416 N. Franklin St.
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Fort Bragg City Council will conduct a public hearing at a regular meeting to be held at 6:00 p.m., or as soon thereafter as the matter may be heard, on Monday, May 13, 2024 at Town Hall, southwest corner of Main and Laurel Streets (363 N. Main Street), Fort Bragg, California 95437. The public hearing will concern the following item: Conduct Public Hearing and (1) Introduce, by Title Only, and Waive Further Reading of Ordinance xxx-2024 Amending Chapter 18.42.110 "Mobile Home Parks" of Division 18 of the Fort Bragg Municipal Code and Replace it with Chapter 18.42.110 "Tiny Home Communities" to Establish Standards for Tiny Home Communities; and (2) Adopt Resolution xxx-2024 approving a Local Coastal Plan Amendment Application (LCP 5-23) to the Coastal Commission to Amend 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 Communities" to Establish Standards for Tiny Home Communities.

The hearing will be opened for public participation. All interested persons are invited to appear at that time to present their comments. The public comment period runs from the date this notice is published until the date of the hearing to allow sufficient time for submission of comments by mail. Written communications must be directed to the City Clerk, 416 N. Franklin Street, Fort Bragg, CA 95437, or emailed to dsanchez@fortbragg.com, and received no later than the meeting date.

The Agenda Item Summary and supporting documents that will be considered by the Councilmembers will be available for review at Fort Bragg City Hall and on the City's website: <https://city.fortbragg.com/> on or after March 28, 2024. At the conclusion of the public hearing, the City Council will consider a decision on the matter.

DATED: May 2, 2024

Diana Sanchez
City Clerk

PUBLISH: May 2, 2024

STATE OF CALIFORNIA)
) ss.
COUNTY OF MENDOCINO)

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg in the Administrative Services Department; and that I posted this Notice in the City Hall Notice case on May 2, 2024.

Diana Sanchez
City Clerk



City of Fort Bragg

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

Text File

File Number: 24-730

Agenda Date: 5/13/2024

Version: 2

Status: Public Hearing

In Control: City Council

File Type: Staff Report

Agenda Number: 7C.

Receive Report and Conduct Public Hearing for Disclosure of Accomplishments and Closeout of Activities Funded by Community Development Block Grant (CDBG) 20-CDBG-12043



AGENCY: City Council
MEETING DATE: May 13, 2024
DEPARTMENT: Community Development
PRESENTED BY: L. Peterson
EMAIL ADDRESS: lpeterson@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

RECEIVE REPORT AND CONDUCT PUBLIC HEARING FOR DISCLOSURE OF ACCOMPLISHMENTS AND CLOSEOUT OF ACTIVITIES FUNDED BY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 20-CDBG-12043

ISSUE:

The expenditure period for the City's 2020 Community Development Block Grant Program (CDBG) award 20-CDBG-12043 ended on April 19, 2024. Funds in the amount of \$437,146.07 have been expended, funds in the amount of \$10,602.93 will be disencumbered, and the activity is complete. Per CDBG requirements, a public hearing must be conducted before the governing body to notify the public of accomplishments funded by the grant. The 2020-CDBG grant was awarded to fund a Code Enforcement program activity and General Administration. Following is a description of accomplishments resulting from the funded activities.

ANALYSIS:

In 2020, the City applied for funding for a Public Services activity from the Competitive 2020 CDBG program for a Code Enforcement Program and General Administration and was awarded \$447,749.00, including \$216,749.00 in grant funds and \$231,000.00 in Program Income in 2021. Under the 2020 CDBG funding year, a Code Enforcement program is an eligible CDBG activity and meets CDBG's low-moderate income area (LMA) National Objective.

This Code Enforcement program funded staff time for code enforcement and related activities, training, supplies, and equipment for the Code Enforcement Officers and general administration of the CDBG program. The intent of the grant was to fund the strategic development and implementation of a Code Enforcement program to benefit the predominantly low-moderate income community with an emphasis on proactive inspections regarding rental housing. Prior to the grant award, Code Enforcement was handled within the Community Development Department, without any dedicated staff person. The grant funds allowed the City to transition an Assistant Planner to a Code Enforcement Officer. In 2022, the Code Enforcement program was moved from Community Development to the Police Department, and in 2023, an additional Code Enforcement Officer was hired. At this time, the grant scope of work was revised to include targeting blight and deterioration that can be detected and accessed without entering residences, hotels and motels that serve long-term tenants (over 30 days), and commercial structures that are located in primarily residential areas or that include residential units.

The program was active for a three-year period from April 20, 2021 through April 19, 2024. Throughout the grant period, funds in the amount of \$335,684.28 were expended on staff

AGENDA ITEM NO.

time in support of program activities; \$72,169.79 were expended on training, supplies, and equipment; and \$29,292.00 were expended on general administration of the CDBG program. Funds in the amount of \$10,602.93 were unspent and will be disencumbered.

Throughout the term of the grant, Code Enforcement has made a significant impact on the quality of life and beauty of the Fort Bragg Community. Code Enforcement activity in the City increased by 207% compared to the three years prior to the grant. The closure rate for cases increased from 29.6% to 54.6%; with the addition of the second Code Enforcement Officer in 2023, all outstanding cases from 2021 and 2022 were also closed. Along with improving code enforcement activity, Code Enforcement also ensured that Code Enforcement protocols and policies were in line with state and federal requirements by updating templates, code enforcement municipal code, judicial process and administrative regulations. Code Enforcement also dedicated themselves to continuous professional development. Both Officers obtained the Certified Code Enforcement Officer certification through the California Association of Code Enforcement Officers. One Officer also achieved the necessary certifications in building, plumbing, and electrical to become a Certified Building Inspector, and became a Certified Storm water Inspector.

To spotlight recent achievements from the last year, Code Enforcement has tackled longstanding issues in both residential and commercial zones. In our commercial downtown district, Code Enforcement prompted a property owner with a large, broken shop window to get the glass replaced and remove the plywood covering, thus improving the beauty of a street that attracts many tourists. In a residential neighborhood, a particular property had continuous complaints over several years of criminal/drug activity, visual blight, and unsafe conditions. There was 30 cubic yards of trash in the yard and dilapidated sheds where criminals were illegally modifying the structures in a way that could have been dangerous for the entire neighborhood. Code Enforcement worked with the property owner to gradually clean up the trash, and remove the ability for criminal activity to take place. Finally, Code Enforcement assisted a mother and her ten-month-old baby who were unable to convince the apartment property management to deal with a seriously dangerous mold issue in their unit. Code Enforcement motivated the property management to move the mother and child to another unit as they remediated the mold issue.

City staff requested an extension of the grant in 2023, when expense projections indicated less than full grant expenditure and the 2023 CDBG Notice of Funding (NOFA) was delayed, but the request was denied by HCD. At the present time, Code Enforcement is not allowed as a standalone activity under the CDBG program, meaning that the City cannot submit a Public Services application for a Code Enforcement program under the upcoming 2024 CDBG NOFA or as a Program Income-only application. In order to apply for Code Enforcement funds under the upcoming CDBG NOFA, the City may apply for a Housing Program application including Housing Rehabilitation and Code Enforcement. The intent of this requirement is to ensure that there is funding available to bring low-moderate income housing up to code when code compliance issues are found. Concurrent rehabilitation funding and Code Enforcement funding could support the proactive, residential-focused code enforcement vision from the original application.

RECOMMENDED ACTION:

No specific action is required of Council. The purpose of this item is to provide a report and

conduct a required Public Hearing to disclose accomplishments and closeout of activities funded by CDBG #20-CDBG-12043.

ALTERNATIVE ACTION(S):

None.

FISCAL IMPACT:

The 2020 grant project was implemented with CDBG grant funds. The 2020 grant provided General Administration funding that was adequate to cover administrative costs; any on-going administrative tasks after grant close out may be covered by the City’s CDBG grant administration funds from any active CDBG award. CDBG funding is intended to assist the low- and moderate-income population; as over 50% of the population within City limits are considered low- and moderate- income as per CDBG income limits, this meets the low-moderate area National Objective.

CONSISTENCY:

The State CDBG mission is to improve the lives of low- and moderate-income residents through the creation and expansion of community and economic development opportunities, which supports livable communities for all residents. This mission is consistent with Fort Bragg City Council Priority Areas, established in City Council’s April 2019 Goal Setting process.

IMPLEMENTATION/TIMEFRAMES:

The expenditure deadline for the 2020 grant was April 19, 2024. Final Funds Requests for the grant have been submitted to HCD. Grant closeout reports, due to CDBG within 30 days of contract expiration, will be submitted to HCD after the closeout public hearing is held. The City’s Agreement with CDBG expired on April 19, 2024. It is unclear when CDBG will authorize closeout of the City’s contract with the state because final closeout is subject to U.S. Department of Housing and Urban Development (HUD) monitoring and review of State CDBG funding allocations.

ATTACHMENTS:

1. Public Hearing Notice – English
2. Public Hearing Notice – Spanish

NOTIFICATION:

1. CDBG “Notify Me” Subscribers



CITY OF FORT BRAGG

Incorporated August 5, 1889
416 N. Franklin St.
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Fort Bragg City Council will conduct a public hearing at a regular meeting to be held at **6:00 PM**, or as soon thereafter as the matters may be heard, on **MONDAY, May 13, 2024**, at Town Hall, southwest corner of Main and Laurel Streets (363 North Main Street), Fort Bragg, California 95437. The public hearing will concern the following item:

Receive Report and Conduct Public Hearing for Disclosure of Accomplishments and Closeout of Activities Funded by Community Development Block Grant (CDBG) 20-CDBG-12043

The purpose of the public hearing is to disclose grant accomplishments and to give citizens an opportunity to make their comments known. If you are not able to attend the public hearings, you may direct written comments to the City of Fort Bragg, Attention: Grants Coordinator Lacy Peterson, 416 N. Franklin Street, Fort Bragg, CA 95437 or email to lpeterson@fortbragg.com, or you may telephone Lacy Peterson, Grants Coordinator, at (707)961-2823 ext. 108. If you need a special accommodation because of a sensory or mobility impairment/disability, or have a need for an interpreter, please contact City Hall at (707) 961-2823 to arrange for those accommodations to be made.

The City of Fort Bragg promotes fair housing and makes all programs available to low and moderate-income families regardless of age, race, color, religion, sex, national origin, sexual preference, marital status, or handicap.

Dated: April 25, 2024

Diana Sanchez
City Clerk

POST/PUBLISH: May 2, 2024

STATE OF CALIFORNIA)
) ss.
COUNTY OF MENDOCINO)

I declare, under penalty of perjury, that I am employed by the City of Fort and that I caused this Notice to be posted in the City Hall Notice Case on May 2, 2024.

Diana Sanchez
City Clerk



CIUDAD DE FORT BRAGG

Incorporado el 5 de Agosto de 1889
416 N. Franklin St.
Fort Bragg, CA 95437
Teléfono: (707) 961-2823
Fax: (707) 961-2802

AVISO DE AUDIENCIA PÚBLICA

POR LA PRESENTE SE NOTIFICA que el Ayuntamiento de Fort Bragg llevará a cabo una audiencia pública en una reunión ordinaria que se llevará a cabo a las **6:00 p. m.**, o tan pronto como se escuchen los asuntos, el **LUNES 13 de mayo de 2024** en el Ayuntamiento, esquina suroeste de las calles Main y Laurel (363 North Main Street), Fort Bragg, California 95437. La audiencia pública se referirá a los siguiente tema:

Recibir informe y realizar audiencia pública para divulgación de logros y cierre de actividades financiadas por Community Development Block Grant (CDBG) 20-CDBG-12043

El propósito de la audiencia pública es divulgar los logros de la subvención y dar a los ciudadanos la oportunidad de dar a conocer sus comentarios. Si no puede asistir a las audiencias públicas, puede enviar comentarios por escrito a la Ciudad de Fort Bragg, Atención: Coordinadora de Subvenciones Lacy Peterson, 416 N. Franklin Street, Fort Bragg, CA 95437 o enviar un correo electrónico a lpeterson@fortbragg.com, o puede llamar a Lacy Peterson, Coordinadora de Subvenciones, al (707)961-2823 ext. 108. Si necesita una adaptación especial debido a un impedimento/discapacidad sensorial o de movilidad, o si necesita un intérprete, comuníquese con el Ayuntamiento al (707) 961-2823 para hacer arreglos para que se realicen esas adaptaciones.

La ciudad de Fort Bragg promueve la vivienda justa y pone todos los programas a disposición de las familias de ingresos bajos y moderados, independientemente de su edad, raza, color, religión, sexo, origen nacional, preferencia sexual, estado civil o discapacidad.

FECHA: 25 de abril de 2024

Diana Sanchez
Secretario Municipal

PUBLICAR: 2 de mayo de 2024

ESTADO DE CALIFORNIA)
) ss.
COUNTY OF MENDOCINO)

Declaro, bajo pena de perjurio, que soy empleado de la Ciudad de Fort Bragg y que hice que este Aviso se publicara en el Quiosco de Aviso del Ayuntamiento el 2 de mayo de 2024.

Diana Sanchez
Secretario Municipal

Closeout of Community Development Block Grant (CDBG) Award 20-CDBG-12043

Code Enforcement Program



Award Details

- ▶ Activity: Code Enforcement Program
- ▶ Type: Public Services
- ▶ Timeline: Three-year period from April 20, 2021 to April 19, 2024
- ▶ National Objective: Low-Moderate Area (City-wide)
- ▶ Total program funds available: \$447,749
 - ▶ \$216,749 in grant award from 2020 CDBG program
 - ▶ \$231,000 in Program Income (funds from repayment of prior loans to the City)
- ▶ Total program funds expended: \$437,146.07
- ▶ Expenditure Breakdown:
 - ▶ \$335,684.28 for staff time in support of Code Enforcement Program activities
 - ▶ \$72,169.79 for training, supplies, and equipment
 - ▶ \$29,292.00 for General Administration of the CDBG program
 - ▶ \$10,602.93 was unspent and will be disencumbered

Original Scope

- ▶ The intent of the grant was to fund the strategic development and implementation of a Code Enforcement program to benefit the predominantly low-moderate income community with an emphasis on proactive inspections regarding rental housing
- ▶ Prior to the grant award, Code Enforcement was handled within the Community Development Department, without any dedicated staff person.
- ▶ The grant funds allowed the City to transition an Assistant Planner to a Code Enforcement Officer

Revised Scope

- ▶ In 2022, the Code Enforcement program was moved from Community Development to the Police Department
- ▶ In 2023, an additional Code Enforcement Officer was hired
- ▶ The grant scope of work was revised to include targeting blight and deterioration that can be detected and accessed without entering residences, hotels and motels that serve long-term tenants (over 30 days), and commercial structures that are located in primarily residential areas or that include residential units

Achievements

- ▶ Code Enforcement activity in the City increased by 207% compared to the three years prior to the grant
- ▶ The closure rate for cases increased from 29.6% to 54.6%
- ▶ All outstanding cases from 2021 and 2022 were also closed
- ▶ Code Enforcement Officers ensured that Code Enforcement protocols and policies were in line with state and federal requirements by updating templates, code enforcement municipal code, judicial process and administrative regulations
- ▶ Both Officers obtained the Certified Code Enforcement Officer certification through the California Association of Code Enforcement Officers
- ▶ One Officer also achieved the necessary certifications in building, plumbing, and electrical to become a Certified Building Inspector, and became a Certified Stormwater Inspector

Achievements

- ▶ Code Enforcement has tackled longstanding issues in both residential and commercial zones:
 - ▶ In our commercial downtown district, Code Enforcement prompted a property owner with a large, broken shop window to get the glass replaced and remove the plywood covering, thus improving the beauty of a street that attracts many tourists
 - ▶ In a residential neighborhood, a particular property had continuous complaints over several years of criminal/drug activity, visual blight, and unsafe conditions. There was 30 cubic yards of trash in the yard and dilapidated sheds where criminals were illegally modifying the structures in a way that could have been dangerous for the entire neighborhood. Code Enforcement worked with the property owner to gradually clean up the trash, and remove the ability for criminal activity to take place
 - ▶ Code Enforcement assisted a mother and her ten-month-old baby who were unable to convince the apartment property management to deal with a seriously dangerous mold issue in their unit. Code Enforcement motivated the property management to move the mother and child to another unit as they remediated the mold issue

Community Benefit

- ▶ The Code Enforcement Program benefitted all residents within City limits by improving the safety and beauty of the City
- ▶ The population within City limits is over 50% low-moderate income per CDBG income limits, which meets the CDBG criteria for Low-Moderate Income Area (LMA) National Objective

Is there Future CDBG Funding for Code Enforcement?

- ▶ City staff requested an extension of the grant in 2023, when expense projections indicated less than full grant expenditure and the 2023 CDBG Notice of Funding (NOFA) was delayed, but the request was denied by HCD.
- ▶ At the present time, Code Enforcement is not allowed as a standalone activity under the CDBG program, meaning that the City cannot submit a Public Services application for a Code Enforcement program under the upcoming 2024 CDBG NOFA or as a Program Income-only application.
- ▶ In order to apply for Code Enforcement funds under the upcoming CDBG NOFA, the City may apply for a Housing Program application including Housing Rehabilitation and Code Enforcement.
 - ▶ The intent of this requirement is to ensure that there is funding available to bring low-moderate income housing up to code when code compliance issues are found. Concurrent rehabilitation funding and Code Enforcement funding could support the proactive, residential-focused code enforcement vision from the original application.



City of Fort Bragg

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

File Number: 24-731

Agenda Date: 5/13/2024

Version: 1

Status: Business

In Control: City Council

File Type: Staff Report

Agenda Number: 8A.

Receive Report and Provide Direction Regarding Potential Application for Funding from Permanent Local Housing Allocation (PLHA) Program 2023 Non-Entitlement Local Government Competitive Notice of Funding Availability (NOFA)



AGENCY: City Council
MEETING DATE: May 13, 2024
DEPARTMENT: Community Development
PRESENTED BY: L. Peterson
EMAIL ADDRESS: lpeterson@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

RECEIVE REPORT AND PROVIDE DIRECTION REGARDING POTENTIAL APPLICATION FOR FUNDING FROM PERMANENT LOCAL HOUSING ALLOCATION (PLHA) PROGRAM 2023 NON-ENTITLEMENT LOCAL GOVERNMENT COMPETITIVE NOTICE OF FUNDING AVAILABILITY (NOFA)

ISSUE:

The Permanent Local Housing Allocation (PLHA) Program 2023 Non-Entitlement Local Government Competitive Notice of Funding Availability (NOFA) was released on March 6, 2024. Grant applications are due June 6, 2024. Eligible activities under the 2023 PLHA Competitive NOFA include development of Affordable multifamily rental housing and assistance to persons experiencing or at risk of homelessness. Staff has investigated feasibility of the various eligible activities and recommends submittal of an application seeking up to \$1,000,000 for either the Care Response Unit or a Rental Assistance Program. Prior to preparing an application, staff is seeking City Council's direction regarding whether a HOME application should be submitted, and if so, which activity should be included in an application.

ANALYSIS:

The State PLHA program provides funding to local governments in California for housing-related projects and programs that assist in addressing the unmet housing needs of their local communities. In 2017, Governor Brown signed a 15-bill package aimed at addressing the state's housing shortage and high housing costs. Specifically, it included the Building Home and Jobs Act (SB 2, 2017), which established a \$75 recording fee on real estate documents to increase the supply of affordable homes in California. Because the number of real estate transactions recorded in each county will vary from year to year, the revenues collected will fluctuate. There are two types of assistance under PLHA:

1. Formula grants to entitlement and non-entitlement jurisdictions based on the formula prescribed under federal law for the Community Development Block Grant.
2. Competitive grants to non-entitlement jurisdictions. Funding amounts will vary based on annual revenues to the Building Homes and Jobs Trust Fund.

The City currently has an open award under Formula program, with funds dedicated to the City-incubated 501(c)(3) non-profit community land trust, Housing Mendocino Coast.

AGENDA ITEM NO.

The City received an award under the Competitive program in 2021 in partnership with Danco for development of the Plateau housing project.

The full 2023 Competitive NOFA is available at the HCD Website. In the 2023 NOFA, HCD provides that approximately \$12.5 million is available for awards. The maximum application amount, including administrative costs, for the development of new multifamily rental housing or substantial rehabilitation of a multifamily rental housing project, or development of a Navigation Center is \$5 million. The minimum application amount is \$500,000. The maximum application amount, including administrative costs, for assistance through program activities is \$1 million. The minimum application amount is \$500,000. Administrative expenses may be incurred to implement the project or program activity, up to a maximum of five percent of the grant amount. The total NOFA amount will be distributed equally to the two eligible activities, based on scores relative to all other applications. If there are insufficient eligible applications to utilize the allocation for one activity, unused funds will be used to fund any other eligible applications in the other activity.

Analysis of NOFA activities

Applicants may only include one activity are limited to one application. Eligible activities for the 2023 PLHA Competitive NOFA are limited to the following and must take place within the City's jurisdiction:

1. Development of new multifamily rental housing that is Affordable to households at or below 60 percent of AMI or substantial rehabilitation of multifamily rental housing that will be Affordable to households at or below 60 percent of AMI, but which is not currently restricted as Affordable housing. In order to be eligible as "substantial rehabilitation", a project must complete a minimum of \$40,000 per unit in hard construction costs; or
2. Assistance to persons who are experiencing or At risk of homelessness, including, but not limited to, through rapid rehousing, rental assistance, supportive services, and case management services that allow people to obtain and retain housing, operating and capital costs for Navigation Centers, or new construction, rehabilitation, or preservation of permanent or transitional rental housing.

As provided in a Frequently Asked Questions document, supportive services must be necessary to assist program participants obtain and maintain housing, which can include street outreach, mental health services, emergency health services, employment assistance and job training, life skills training, substance abuse treatment services. Case management assesses, arranges, coordinates, and monitors the delivery of individualized services to meet the needs of the program participants.

Rental Housing Development Activities

All assisted rental units must be restricted for a minimum of 55 years and all development projects must provide the following at application to demonstrate fiscal integrity:

1. The Sponsor's organizational documents;

2. A market study prepared in accordance with California Tax Credit Allocation Committee requirements, and prepared or updated within 12 months prior to the application due date, which demonstrates a market for the non-Assisted Units and documents the anticipated need for the Assisted Units;
3. An appraisal prepared or updated at the Sponsor's expense within 24 months prior to the application due date;
4. A preliminary title report;
5. For new construction projects, a Phase I Environmental Site Assessment prepared or updated within 12 months prior to the application due date, and a Phase II environmental report if recommended by the Phase I;
6. For rehabilitation projects, lead-based paint, mold, and asbestos reports.

Assistance to Persons Experiencing or At Risk of Homelessness

Applicants must demonstrate readiness by submitting documentation of the following with the application:

For Program Activities:

1. Timeline for the implementation of the activity
2. Written plan describing how funds will be used
3. Guidelines for determining amount of funds to be provided

For Navigation Centers or Permanent or Transitional Housing:

1. Site Control
2. Land use Entitlements
3. Environmental Review
4. Commitment of other funding and other resources required

Analysis of Potential Applications

At the present time, the city does not have an eligible housing development prepared for application, therefore the only feasible application under this NOFA is for a program activity providing assistance to persons experiencing or at risk of homelessness. Two potential program activities have been identified:

1. Supportive and Case Management Services: Funding for the Police Department's Care Response Unit to provide supportive services through street outreach and case management, in order to assist persons experiencing or at risk of homelessness obtain and maintain housing, by connecting them with housing resources, mental health services, and substance abuse services.
2. Rental Assistance: Funding for a Rental Assistance Program to provide rent subsidies for persons experiencing or at risk of homelessness.

Applications are evaluated for Rating and Ranking points of up to 100 points per program. Typically, applications are highly competitive. The rating selection criteria includes two sections: Priority Points (25 points) and Evaluation Criteria (75 points). Rating factors as provided in the NOFA and Fort Bragg’s likely ratings for each type of activity are provided in the table below.

| Priority Points Rating Factors | Maximum Points | CRU | Rental Assist |
|---|-----------------------|------------|----------------------|
| Population | 5 | 0 | 0 |
| Prior Award | 5 | 5 | 5 |
| Activity | 15 | 15 | 15 |
| Priority Points Total | 25 | 20 | 20 |
| Evaluation Criteria Rating Factors | Maximum Points | CRU | Rental Assist |
| Community Need | 30 | 20 | 20 |
| Applicant Administrative Experience | 15 | 5 | 5 |
| Demonstrated Capacity | 30 | 10 | 10 |
| Evaluation Criteria Total | 75 | 35 | 35 |
| Estimated Total | 100 | 55 | 55 |

The City is expected to score the same for either program. To provide context regarding other potential funding sources, the City has filed an application for funding for a Tenant-Based Rental Assistance program under HCD’s HOME Investment Partnerships Program and is awaiting notification of application funding status.

RECOMMENDED ACTION:

Provide direction regarding a potential grant application for the 2023 PLHA Competitive NOFA.

ALTERNATIVE ACTION(S):

No action will be taken other than to provide direction to staff, so no alternative actions are needed.

FISCAL IMPACT:

If an application is filed and awarded, grant funds are received on a reimbursement basis for project or program activities and administration costs of up to five percent.

CONSISTENCY:

The State PLHA mission is to provide funding to local governments in California for housing-related projects and programs that assist in addressing the unmet housing needs of their local communities. This mission is consistent with the following policy in the City’s 2019 Housing Element:

Policy H-2.8 Emergency and Transitional Housing: Continue to support emergency shelters, transitional housing and supportive housing within the City.

IMPLEMENTATION/TIMEFRAMES:

If City Council provides direction to prepare a PLHA application, an Authorizing Resolution must be adopted by City Council prior to application submittal, which would be scheduled for the May 28, 2024 City Council meeting. Applications are due June 6, 2024. It is unclear when PLHA intends to make funding announcements or when Standard Agreements for awardees will be executed.

ATTACHMENTS:

1. Permanent Local Housing Allocation Program 2023 Non-Entitlement Local Government Competitive Notice of Funding Availability

NOTIFICATION:

1. Affordable Housing "Notify Me" Subscribers
2. Homeless "Notify Me" Subscribers


**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF STATE FINANCIAL ASSISTANCE**

2020 W. El Camino Avenue, Suite 670
Sacramento, CA 95833
(916) 263-2771
www.hcd.ca.gov



March 6, 2024

MEMORANDUM FOR: All Potential Applicants

FROM: Jennifer Seeger, Deputy Director 
Division of State Financial Assistance

SUBJECT: Permanent Local Housing Allocation Program
2023 Non-Entitlement Local Government Competitive
Notice of Funding Availability

The California Department of Housing and Community Development (HCD) is pleased to announce the release of this Non-Entitlement Local Government Competitive Notice of Funding Availability for approximately **\$12.5 million** for the Permanent Local Housing Allocation (PLHA) program. This funding provides grants to Non-Entitlement Local Governments in California to assist persons experiencing or At risk of homelessness and investments that increase the supply of housing to households with incomes of 60 percent or less of Area Median Income.

Applications must be submitted electronically to the Department's website. Requirements for uploading the application workbook and required supporting documentation, including naming conventions, are described in the application instructions available at <https://hcd.ca.gov/grants-funding/active-funding/plha.shtml>. The submittal portal will be available beginning March 6, 2024.

Applicants must upload all application materials to the Department's website no later than **4:00 p.m. Pacific Daylight Time on June 6, 2024**. Please note that the online support and technical assistance closes at 3:30 p.m. Pacific Daylight Time on June 6, 2024. Personal deliveries will not be accepted. No facsimiles, incomplete applications, application revisions, or walk-in application packages will be accepted.

The PLHA application forms, webinar details, and Guidelines are posted on the Department's [website](#). To receive information on webinars and other updates, please subscribe to the PLHA listserv by clicking on "Email Sign up" on the Department's website. If you have any further questions, please contact CPLHA@hcd.ca.gov.

Attachment

Permanent Local Housing Allocation Program 2023 Non-Entitlement Local Government Competitive Notice of Funding Availability



**Gavin Newsom, Governor
State of California**

**Tomiquia Moss, Secretary
Business, Consumer Services and Housing Agency**

**Gustavo Velasquez, Director
California Department of Housing and Community Development**

2020 West El Camino Avenue, Suite 500, Sacramento, CA 95833
Telephone: (916) 263-2771

Website: <http://www.hcd.ca.gov/grants-funding/active-funding/plha.shtml>
Email: CPLHA@hcd.ca.gov

March 6, 2024

Table of Contents

| | | |
|------|--|----|
| I. | Overview | 1 |
| | A. Notice of Funding Availability | 1 |
| | B. Timeline | 1 |
| | C. Authorizing Legislation and Regulations | 1 |
| II. | Program requirements..... | 2 |
| | A. Eligible Applicants | 2 |
| | B. Eligible Activities | 3 |
| | C. Funding limits..... | 3 |
| | D. Application review and project selection | 3 |
| III. | Application submission and workshops..... | 8 |
| | A. PLHA application | 9 |
| | B. Application submittal | 9 |
| | C. Application workshops | 9 |
| IV. | Appeal | 9 |
| | A. Basis of appeal | 9 |
| | B. Appeal process and deadline | 10 |
| | C. Decisions | 10 |
| V. | Award announcements and contracts | 10 |
| | A. Award announcements | 10 |
| | B. Contracts..... | 10 |
| VI. | Other state requirements..... | 11 |
| | A. Administration, monitoring, and reporting requirements..... | 11 |
| | B. Article XXXIV | 11 |
| | C. Pet Friendly Housing Act of 2017..... | 12 |
| | D. State Prevailing Wages..... | 12 |
| | E. Relocation | 12 |
| | F. Accessibility and non-discrimination..... | 13 |
| VII. | Other Terms and Conditions..... | 13 |
| | A. Right to Modify or Suspend..... | 13 |
| | B. Disclosure of application | 14 |
| | C. Conflicts | 14 |
| | APPENDICES | 15 |

**Permanent Local Housing Allocation
2023 Non-Entitlement Local Government Competitive
Notice of Funding Availability**

I. Overview

A. Notice of Funding Availability

The California Department of Housing and Community Development (Department) is announcing the availability of approximately \$12.5 million in funding for the Permanent Local Housing Allocation (PLHA) program Non-Entitlement Local Government Competitive Notice of Funding Availability (NOFA). This NOFA is funded from moneys deposited in the Building Homes and Jobs Trust Fund (Fund) in calendar year 2022.

Funding for this NOFA is provided pursuant to Senate Bill 2 (SB 2) (Chapter 364, Statutes of 2017). SB 2 established the Fund and authorizes the Department to allocate 70 percent of moneys collected and deposited in the Fund, beginning in calendar year 2019, to Local Governments for eligible housing and homelessness activities. The intent of the bill is to provide a permanent, on-going source of funding to Local Governments for housing-related projects and programs that assist in addressing the unmet housing needs of their local communities. The Non-Entitlement competitive grant program component prioritizes assistance to persons experiencing or At risk of homelessness and investments that increase the supply of housing to households with incomes of 60 percent or less of Area Median Income (AMI).

This NOFA outlines threshold and application requirements for Non-Entitlement Local Governments as defined in Guidelines Section 101. Non-Entitlement Local Governments are governments in areas which are not metropolitan cities or part of an urban county as defined in Appendix A.

B. Timeline

| | |
|---------------------------------------|----------------------|
| NOFA Release Date | March 6, 2024 |
| Application Submittal Deadline | June 6, 2024 |
| Award Announcement | August 2024 |

C. Authorizing Legislation and Regulations

SB 2 (Chapter 364, Statutes of 2017) established the PLHA program. The program operates under the requirements of Health and Safety Code (HSC), Part 2 of Division 31, Chapter 2.5 (commencing with Section 50470).

Section 50470 (b)(2)(B)(i) of the HSC authorizes the Department to allocate 70 percent of the moneys collected and deposited in the Fund, beginning in calendar year 2019, for the PLHA program.

Section 50470 (b)(2)(B)(i)(I) of the HSC requires the Department to allocate 90 percent of PLHA funds based on the federal CDBG formula specified in U.S. Code (USC), 42 USC, Section 5306, except that the portion allocated to Non-Entitlement Local Governments is required to be distributed through a competitive grant program for Non-Entitlement Local Governments.

HSC, Section 50470 (d) authorizes the Department to adopt Guidelines to implement the PLHA program, not subject to the rulemaking provisions of the California Administrative Procedure Act.

This NOFA governs the administration of funding from the Fund (created by HSC, Section 50470, subdivision (a)(1) and appropriated by item 2240-103-3317 in the Budget Act of 2019) and made available under the PLHA program.

Capitalized terms not otherwise defined in this NOFA shall have the meanings set forth in Guidelines Section 101.

II. Program requirements

The following is provided as a summary for the allocation of the Competitive PLHA funds to Non-Entitlement Local Governments and is not to be considered a complete representation of all program requirements, terms and conditions that will be further set forth in the Standard Agreement.

A. Eligible Applicants

An Applicant must be a Non-Entitlement Local Government. A Non-Entitlement Local Government means:

1. A Local Government in an area which is not a metropolitan city or part of an urban county;
2. A Local Government that, as of September 1, 2017, was an incorporated city with a population of less than 50,000 or a county with an unincorporated area population of less than 200,000 persons, which had not entered into a three-year Urban County Cooperation Agreement; or
3. A Local Government that was not otherwise entitled to receive CDBG funds directly from the U.S. Department of Housing and Urban Development (HUD).

See Appendix A for a list of eligible Applicants for Non-Entitlement Local Government for fiscal year 2023-24

For applications that include the development of a Rental Housing project, the Sponsor must be a Co-Applicant with the Non-Entitlement Local Government, pursuant to Guidelines Section 400. Sponsor includes the general partner(s); if there are two general partners, both must submit all the required Co-Applicant documents.

B. Eligible Activities

Pursuant to Guidelines Section 401, eligible activities under this PLHA competitive NOFA are limited to the following and must take place within the jurisdiction of the Applicant Local Government:

1. Development of new multifamily rental housing that is Affordable to households at or below 60 percent of AMI or substantial rehabilitation of multifamily rental housing that will be Affordable to households at or below 60 percent of AMI, but which is not currently restricted as Affordable housing. In order to be eligible as “substantial rehabilitation”, a project must complete a minimum of \$40,000 per unit in hard construction costs; or
2. Assistance to persons who are experiencing or At risk of homelessness, including, but not limited to, through rapid rehousing, rental assistance, supportive services, and case management services that allow people to obtain and retain housing, operating and capital costs for Navigation Centers, or new construction, rehabilitation, or preservation of permanent or transitional rental housing.

C. Funding limits

The maximum application amount, including administrative costs, for the development of new multifamily rental housing or substantial rehabilitation of a multifamily rental housing project, or development of a Navigation Center is \$5 million. The minimum application amount shall be \$500,000.

The maximum application amount, including administrative costs, for assistance through program activities is \$1 million. The minimum application amount shall be \$500,000.

Administrative expenses may be incurred to implement the project or program activity, up to a maximum of 5 percent of the grant amount.

The total NOFA amount will be distributed equally to the two eligible activities, based on scores relative to all other applications.

If there are insufficient eligible applications to utilize the allocation for one activity, unused funds will be used to fund any other eligible applications in the other activity set forth in Guidelines Section 401(a) and this NOFA.

D. Application review and project selection

The application review process consists of two phases: 1) threshold; and 2) rating and ranking.

1. Threshold

An Applicant must submit a complete application and other documents by the deadline stated in this NOFA. Applications submitted in response to this NOFA

must meet the threshold requirements set forth in Guidelines Section 402 in detail. Threshold requirements include:

- (a) For new construction projects, a Phase I Environmental Site Assessment prepared or updated within **12 months prior to** application due date, and a Phase II environmental report if recommended by the Phase I;
- (b) Housing Element Compliance: The Applicant must have a housing element that has been adopted by the jurisdiction's governing body and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to GC Section 65585 by the award date.
- (c) The Annual Progress Report (APR) required by Government Code Section 65400 for the current or prior year by the application deadline date;
- (d) A complete application, which shall meet the following minimum requirements:
 - (1) Requests a grant pursuant to Guidelines Section 100(b)(3) in order to carry out one of the eligible activities set forth in Guidelines Section 401 and this NOFA.
 - (2) Is authorized by the governing board of the Applicant and by the developer Co-Applicant, if any.
 - i. If there are two (2) Co-Applicants, all of the required Co-Applicant information and the Resolutions must be submitted for both of the Co-Applicants.
 - (3) Certification in the Resolution(s) that, if the Local Government proposes allocation of funds for any activity to another entity, the selection process shall avoid conflicts of interest and shall be accessible to the public;
 - (4) Demonstration of readiness, including site control for development Projects, land use entitlements, environmental review, commitments of at least 40 percent of permanent funding required, and resources required, a timeline and plan for use of funds, and guidelines for determining the amount of funds to be provided, based on the selected activity;
 - i. Site control must be in the name of the Sponsor;
 - (5) Underwriting requirements:
 - A. Uniform Multifamily Regulations (UMRs) Subchapter 19 of Title 25, Division 1, Chapter 7 (commencing with Section 8300), as amended from time to time, and the Multifamily Housing Program Guidelines (commencing with Section 7300), as amended from time to time, are hereby incorporated by reference into this subchapter and shall apply to

Rental Housing Developments receiving assistance under the PLHA competitive allocation. In the event of a conflict between the provisions of Subchapter 19 and these Guidelines, the provisions of these Guidelines shall prevail.

- (i) UMRs Section 8312(c) is hereby amended to read: (c) For projects utilizing 4 percent tax credits, developer fee payments shall not exceed the amount that may be included in project costs pursuant to 4 California Code of Regulations (CCR), Section 10327. In addition, the developer fee paid from development funding sources shall not exceed the following: (1) for acquisition and/or rehabilitation projects, or adaptive reuse projects, the lesser of the amount of developer fee in project costs or \$2 million; and (2) for new construction projects, the base limit shall be the lesser of the amount that may be included in project costs or \$2.2 million. To arrive at the final limit on developer fee paid from development funding sources, the base limit shall then be multiplied by a ratio that is the average of:
 - a. the difference between (2) and the project's high-cost ratio, as calculated pursuant to Title 4, CCR, Section 10317(i)(6) or successor language; and
 - b. 100 percent.
 - (ii) Section 8312(d) of the UMRs shall not apply.
 - (iii) UMRs Section 8314(a)(1)(A) is amended to read: (A) Approved deferred developer fee, pursuant to Section 8312, provided that the aggregate of the developer fee paid from sources and paid as deferred shall not exceed \$3.5 million.
- B. Period of affordability: All assisted rental units shall be restricted for not less than 55 years.
- C. All development projects shall demonstrate fiscal integrity. The Department shall request any other information as set forth in this NOFA or application in order to determine fiscal integrity. This shall include, but is not limited to, the following:
- i The Sponsor's organizational documents;
 - ii A market study prepared in accordance with California Tax Credit Allocation Committee requirements, and prepared or updated within 12 months prior to the application due date, which demonstrates a market for the non-Assisted Units and documents the anticipated need for the Assisted Units;
 - iii An appraisal prepared or updated at the Sponsor's expense **within 24 months prior to** the application due date;

- iv A preliminary title report;
- v For new construction projects, a Phase I Environmental Site Assessment prepared or updated **within 12 months prior to** the application due date, and a Phase II environmental report if recommended by the Phase I;
- vi For rehabilitation projects, lead-based paint, mold, and asbestos reports.

2. Rating and ranking

Applications submitted within a competitive funding round shall be evaluated using the following criteria as set forth in Guidelines Section 403:

| Selection Criteria | Max Points |
|---|------------|
| Priority Points – 25 points | |
| <p>A. Population – 5 points</p> <p>(i) If the Applicant is a county that has a population of 200,000 or less within the unincorporated areas of the county, the Applicant shall receive all points.</p> <p>B. Prior Award – 5 points</p> <p>(i) The Applicant shall receive all points if the Applicant did not receive an award based on the formula specified in 42 USC, Section 5306 in 2016.</p> <p><u>and either C. (i) or C. (ii) or C. (iii) below:</u></p> <p>C. Activity</p> <p>(i) Assistance for Homeless Persons through Program Activities – 15 points</p> <p>(a) Applications to assist persons experiencing or At risk of homelessness, including but not limited to, through programs providing rapid rehousing, or rental assistance, or operating assistance to Navigation Centers shall receive all points.</p> <p style="text-align: center;">or</p> <p>(ii) Assistance to Homeless Persons through development of Navigation Centers – 15 points</p> <p>(a) Applications for construction of Navigation Centers shall receive all points.</p> <p style="text-align: center;">or</p> <p>(iii) Assistance for Homeless Persons through Rental projects – 15 points</p> <p>(a) Applications for the new construction, rehabilitation, or preservation of permanent or transitional rental housing in which all or at least 10 percent of the units are restricted to occupancy by tenants who are homeless or At risk of homelessness shall receive all points.</p> | 25 |

Evaluation Criteria – 75 points

A. Community Need – 30 points

- (i) Applicants will receive up to a maximum of 30 points based on the rate of households experiencing the most severe housing need according to the most recent HUD Comprehensive Housing Affordability Strategy (CHAS) dataset in the Applicant Local Government. Applicants will receive points in proportion to this percentage.
- 0% to 19% ~ 10 points
 - 20% - 35% ~ 20 points
 - 36% - 50% ~ 30 points

B. Applicant Administrative Experience – 15 points

- (i) Applicants with prior experience during the past five years administering local, state, or federal Affordable housing or community development programs or who have entered into a contract with an entity with prior experience during the past five years in the implementation of local, state, or federal Affordable housing or community development programs will receive up to 15 points.
- Applicants with experience administering three to five programs as described above ~ 5 points
 - Applicants with experience administering six to eight programs as described above ~ 10 points
 - Applicants with experience administering more than eight programs as described above ~ 15 points

C. Demonstrated Capacity – 30 points

- (i) Capacity points will be based on:
- (a) Sponsor experience in Affordable Rental Housing Development and Ownership in the past five years (up to 30 points)
- Sponsor has completed and owns two Affordable Rental Housing projects – 10 points
 - Sponsor has completed and owns four Affordable Rental Housing projects – 20 points
 - Sponsor has completed and owns six Affordable Rental Housing projects – 30 points
- Or**
- (b) Navigation Center development experience in the past five years (for development of these facilities) (up to 30 points).
- Applicant and/or co-applicant has completed and operated one Navigation Center – 10 points
 - Applicant and/or co-applicant has completed and operated two Navigation Centers – 20 points
 - Applicant and/or co-applicant has completed and operated three Navigation Centers – 30 points
- Or**
- (c) Program Operator experience (for non-development activities) in the past five years (up to 30 points)
- Program Operator has operated three (3) programs of less than \$750,000 each – 10 points
 - Program Operator has operated six (6) programs of between

| | |
|--|--|
| <ul style="list-style-type: none"> - \$750,000 and \$1million each – 20 points - Program Operator has operated nine (9) programs of more than \$1 million each – 30 points | |
|--|--|

3. Tiebreaker

In the event of tied point scores and insufficient funding for both applications, the Department shall rank the tied applications as follows:

- (a) If one of the tied applications is for an Affordable Rental Housing Development and the other is for a program Activity or development of a Navigation Center, the Affordable Rental Housing Development application will be selected for funding;
- (b) If one of the tied applications is for a Navigation Center and the other is for a program Activity, the Navigation Center will be selected for funding;
- (c) If both of the tied applications are for Affordable Rental Housing Developments, the project with the lowest weighted average of affordability of Restricted Units will be selected;
- (d) If both of the tied applications are for Navigation Centers, the facility that provides overnight shelter to the greatest number of people will be selected; or
- (e) If both of the tied applications are for programs, the Local Government with the highest rate of households experiencing the most severe housing need according to the most recent HUD CHAS data set will be selected.

4. Funding award

Pursuant to Guidelines Section 401(a), the PLHA funds awarded to eligible Applicants must be used to carry out the eligible activity for which the Applicant submitted the application.

An Applicant that receives an award of PLHA funds must comply with the deadline and funding requirements set forth in Guidelines Section 405.

III. Application submission and workshops

Applications must meet eligibility requirements for Sponsor, project, and costs upon submission; see Program Requirements above for eligible Applicants, eligible projects, and eligible uses of funds. Modification of the application forms by the Applicant is prohibited. It is the Applicant’s responsibility to ensure the application is clear, complete, and accurate. After the application deadline, Department staff may request clarifying information, provided such information does not affect the competitive rating of the application. No information, whether written or oral, will be solicited or accepted if this information would result in a competitive advantage to an Applicant or a competitive disadvantage to other Applicants. No Applicant may appeal the evaluation of another Applicant’s application.

A. PLHA application

The PLHA application must be submitted under this NOFA and will be funded on a competitive basis, as set forth in the Guidelines and this NOFA. The PLHA application and program Guidelines are available on the PLHA webpage.

B. Application submittal

Applications must be submitted electronically to the Department's website. Requirements for uploading the application workbook and required supporting documentation, including naming conventions, are described in the application instructions available at <https://hcd.ca.gov/grants-funding/active-funding/plha.shtml>. The submittal portal will be available beginning **March 13, 2024**.

Applicants must upload all application materials to the Department's website no later than **4:00 p.m. Pacific Daylight Time on June 6, 2024**. Please note that the on-line support and technical assistance closes at 3:30 p.m. Pacific Daylight Time on June 6, 2024.

Personal deliveries will not be accepted. No facsimiles, incomplete applications, application revisions, or walk-in application packages will be accepted.

Applications that do not meet the filing deadline requirements will not be eligible for funding. Applications must be on the Department's forms and cannot be altered or modified by the Applicant. Excel forms must be in Excel format, not a PDF document.

C. Application workshops

Applicants are strongly encouraged to review the PLHA Competitive NOFA webinar to gain information critical for preparing the application. The PLHA webinar will be uploaded on the Department's PLHA [webpage](#). These webinars will cover the NOFA and application.

IV. Appeal

A. Basis of an Appeal

1. Applicants may appeal HCD's written determination that an application is incomplete, has failed threshold review, or has otherwise been determined to provide an insufficient basis for an award (including point scoring and tiebreaker).
2. At the sole discretion of the Department, the Department's written determination may include a request for clarifying and/or corrective information. For purposes of this section, "clarifying information" includes information and/or documentation that resolves ambiguities in any application materials that will inform the Department's threshold, scoring and feasibility determinations.
3. No Applicant shall have the right to appeal a decision of HCD relating to another Applicant's application (e.g., eligibility, award).

4. Any request to appeal HCD's decision regarding an application shall be reviewed for compliance with the Guidelines and this NOFA. All decisions rendered shall be made by the Program Manager or his/her designee. The decision shall be final, binding, and conclusive, and shall constitute the final action of HCD.
5. The appeal process provided herein applies solely to decisions of HCD made pursuant to this NOFA.

B. Appeal Process and Deadlines

Process: To file an appeal, Applicants must submit to HCD, by the deadline set forth below, a written appeal which states all relevant facts, arguments, and evidence upon which the appeal is based. Furthermore, the Applicant must provide a detailed reference to the area or areas of the application that provide clarification and substantiation for the basis of the appeal. No new or additional information will be considered if this information would result in a competitive advantage to an Applicant. Once the written appeal is submitted to HCD, no further information or materials will be accepted or considered thereafter. Appeals are to be submitted to HCD at CPLHA@hcd.ca.gov according to the deadline set forth in HCD review letters.

C. Decisions

Any request to appeal the Department's decision regarding an application shall be reviewed for compliance with the Guidelines and this NOFA. All decisions rendered shall be final, binding, and conclusive, and shall constitute the final action of the Department.

V. Award announcements and contracts

A. Award announcements

The Department intends to announce awards in **August 2024**. Award recommendations will be posted on the [PLHA webpage](#).

B. Contracts

Successful Applicants (Awardee(s)) will enter into Standard Agreements with the Department. The Standard Agreement contains relevant terms and conditions for the funding of the award.

Standard Agreements will be prepared upon receipt of all documents necessary to enter into an agreement with the Department including, but not limited to, an authorizing Resolution. Standard Agreements will be sent to the Awardee(s) within 90 days after receipt of all required documentation. To facilitate efficient processing of Standard Agreements, Sponsors are strongly urged to submit organizational documents with their application. The Awardee(s) shall remain a party to the Standard Agreement for the entire term of the Standard Agreement; removal of the Awardee(s) shall be prohibited.

VI. Other state requirements

A. Administration, monitoring, and reporting requirements

A recipient of PLHA funds must meet the administration and monitoring requirements set forth in Guidelines Sections 500 and 501 and reporting requirements in Section 503.

B. Article XXXIV

All projects shall comply with Article XXXIV, Section 1 of the California Constitution, as clarified by the Public Housing Election Implementation Law (HSC Section 37000 - 37002). Article XXXIV documentation for loans underwritten by the Department shall be subject to review and approval by the Department prior to the announcement of award recommendations.

Article XXXIV requires local voter approval before any state public body can develop, construct, or acquire a low-rent housing project in any manner. However, the Public Housing Election Implementation Law (HSC Section 37000 – 37002) provides clarification as to when Article XXXIV is applicable. HSC Section 37001, for example, lists a number of project types that are not considered “low-rent housing projects.”

Applicants must submit documentation that demonstrates the project’s compliance with, or exemption from, Article XXXIV. If a project is subject to Article XXXIV, the Department requires an allocation letter from the locality, which shows that there is Article XXXIV authority for the project. A Local Government official with authority should prepare the allocation letter and it should include the following:

1. The name and date of the proposition and the number of units that were approved;
2. A copy of the referendum and a certified vote tally;
3. The number of units that remain in the locality’s “bank” of Article XXXIV authority (i.e., the number of units that are still available for allocation); and
4. The number of units that the locality will commit to this project, including the manager unit.

If a project is statutorily exempt from Article XXXIV, the Department requires an Article XXXIV opinion letter from the Applicant’s legal counsel. The Article XXXIV opinion letter must demonstrate that the Applicant has considered both the legal requirements of Article XXXIV and the relevant facts of the project (e.g., all funding provided by public bodies, including state, county or city sources, the number of low-income restricted units, and the general content of any regulatory restrictions). Any conclusion that a project is exempt from Article XXXIV must be supported by facts and a specific legal theory for exemption that itself is supported by the Constitution, statute, or case law.

C. Pet Friendly Housing Act of 2017

Housing funded through this program is subject to the Pet Friendly Housing Act of 2017 (HSC Section 50466). Each awardee will be required to submit a signed and dated certification that residents of the program-funded housing development will be authorized to own or otherwise maintain one or more common household pets as required by HSC Section 50466. Pursuant to this statute, “common household pet” means a domesticated animal, such as a dog or cat, commonly kept in the home for pleasure rather than for commercial purposes.

D. State Prevailing Wages

Program Funds awarded under this NOFA are subject to state Prevailing Wage Law, as set forth in Labor Code Section 1720 et seq. and require the payment of prevailing wages unless the project meets one of the exceptions of Labor Code Section 1720 (c), as determined by the Department of Industrial Relations (DIR). The DIR can be contacted via its website at <https://www.dir.ca.gov/oprl/DPreWageDetermination.htm>. Applicants are urged to seek professional advice as to how to comply with state Prevailing Wage Law.

E. Relocation

Both the Applicant and the Department must comply with applicable Relocation Law, pursuant to Government Code Section 7260 et seq., Title 25, CCR, Section 6000 et seq., and if federal law is applicable (depending on project financing), Code of Federal Regulations (CFR) at 49 CFR Part 24 of the UMRs and Real Property Acquisition for Federal and Federally Assisted Programs (the “URA”) (collectively referred to herein forth as “Relocation” or “Relocation Law”).

Relocation Law provides important protections and assistance for displaced persons and entities affected by the acquisition, rehabilitation, or demolition of real property for government funded projects. Relocation Law ensures that those displaced individuals and entities whose real property is acquired, or who move (even if temporarily), as a direct result of projects receiving government funds, are treated fairly and equitably and receive assistance in moving from the property they occupy. The Department seeks to ensure that displaced persons, which includes tenants, businesses, and homeowners, do not suffer disproportionately as a result of programs designed for the benefit of the public as a whole.

At the NOFA application stage, it is premature to conduct a detailed Relocation review. At this stage, the Department only needs to confirm that Relocation is properly budgeted. Due to the importance of satisfying Relocation Law, the Applicant is encouraged to employ the services of a Relocation consultant to procure a good faith estimate of the potential Relocation cost, which may (or may not) necessitate a Relocation plan. The Department has found that the services of a professional Relocation consultant may save an Awardee money and time in the loan process.

The importance of satisfying Relocation Law cannot be understated. Failure to follow the Relocation requirements will result in the project not being funded by the Department. Applicants cannot circumvent Relocation Law to avoid Relocation payment assistance by simply not renewing leases, which is not permissible under Relocation Law. At the construction loan close stage, the Department will notify all lenders that failure to satisfy Relocation Law, particularly the improper displacement of individuals or entities, could jeopardize Department funding.

F. Accessibility and non-discrimination

All projects or programs shall adhere to the accessibility requirements set forth in California Building Code Chapter 11A and 11B and the Americans with Disabilities Act, Title II. In addition, projects or programs shall adhere to either the Uniform Federal Accessibility Standards (UFAS), 24 CFR Part 8, or HUD's modified version of the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design (Alternative 2010 ADAS), HUD-2014-0042-0001, Federal Register, 79 FR 29671 (5/27/14) (commonly referred to as "the Alternative Standards" or "HUD Deeming Memo"). Accessible units shall, to the maximum extent feasible and subject to reasonable health and safety requirements, be distributed throughout the project and be available in a sufficient range of sizes and amenities consistent with 24 CFR Section 8.26.

Recipients shall adopt a written non-discrimination policy requiring that no person shall, on the grounds of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, age, medical condition, genetic information, citizenship, primary language, immigration status (except where explicitly prohibited by federal law), arbitrary characteristics, and all other classes of individuals protected from discrimination under state or federal fair housing laws, individuals perceived to be a member of any of the preceding classes, or any individual or person associated with any of the preceding classes be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with program funds made available pursuant to this NOFA.

Recipients shall comply with the requirements contained in the ADA, the Fair Housing Amendments Act, the California Fair Employment and Housing Act, the Unruh Act, Government Code Section 11135, Rehabilitation Act Section 504, and regulations promulgated pursuant to those statutes, including 24 CFR Part 100, 24 CFR Part 8, and 28 CFR Part 35, in all of the Sponsor's activities.

VII. Other Terms and Conditions

A. Right to Modify or Suspend

The Department reserves the right, at its sole discretion, to suspend, amend, or modify the provisions of this NOFA at any time, including without limitation, the amount of funds available hereunder. If such an action occurs, the Department will notify all interested parties and will post the revisions to the Department's website. To receive updates, please subscribe to our PLHA listserv. Please note that in the event this NOFA is amended, the Department will require new authorizing Resolutions from successful Applicants and all constituent entities thereof.

B. Disclosure of application

Information provided in the application will become a public record and available for review by the public, pursuant to the California Public Records Act (Government Code section 6250 et seq.). As such, any materials provided will be disclosed to any person making a request under this Act. The Department cautions Applicants to use discretion in providing information not specifically requested, including, but not limited to, bank account numbers, personal phone numbers, and home addresses. By providing this information to the Department, the Applicant is waiving any claim of confidentiality and consents to the disclosure of submitted material upon request.

C. Conflicts

In the event of any conflict between the terms of this NOFA and either applicable state or federal law or regulation, the terms of the applicable state or federal law or regulation shall control. Applicants are deemed to have fully read and understand all applicable state and federal laws and Guidelines pertaining to PLHA, and understand and agree that the Department shall not be responsible for any errors or omissions in the preparation of this NOFA.

APPENDICES

Appendix A: Non-Entitlement Local Government Competitive NOFA 2023

| Eligible Applicants for Non-Entitlement Local Government | | | | |
|--|------------------|------------------|-------------------|-------------|
| Alpine County | Dixon | Lake County | Point Arena | Vernon |
| Alturas | Dorris | Lakeport | Portola | Wasco |
| Amador City | Dos Palos | Lassen County | Rancho Mirage | Weed |
| Amador County | Dunsmuir | Lemoore | Red Bluff | Westmorland |
| American Canyon | El Centro | Lincoln | Rio Dell | Wheatland |
| Anderson | El Dorado County | Live Oak | Rio Vista | Williams |
| Angels | Etna | Livingston | Riverbank | Willits |
| Arcata | Eureka | Loomis | San Benito County | Willows |
| Artesia | Exeter | Los Banos | San Joaquin | Winters |
| Arvin | Farmersville | Loyalton | San Juan Bautista | Woodlake |
| Atwater | Ferndale | Madera County | San Juan | Yolo County |
| Auburn | Firebaugh | Mammoth Lakes | Sand City | Yountville |
| Avenal | Fort Bragg | Maricopa | Santa Cruz | Yreka |
| Benicia | Fort Jones | Marina | Scotts Valley | Yuba County |
| Biggs | Fortuna | Mariposa County | Shasta County | |
| Bishop | Fowler | Marysville | Shasta Lake | |
| Blue Lake | Glenn County | McFarland | Sierra County | |
| Brawley | Grass Valley | Mendocino County | Siskiyou County | |
| Butte County | Greenfield | Merced County | Solano County | |
| Calaveras County | Gridley | Modoc County | Soledad | |
| Calexico | Grover Beach | Mono County | Sonora | |
| Calimesa | Guadalupe | Montague | South Lake Tahoe | |
| Calipatria | Gustine | Mount Shasta | St. Helena | |
| Calistoga | Hidden Hills | Napa County | Suisun City | |
| Capitola | Hollister | Nevada City | Susanville | |
| Carmel-by-the-Sea | Holtville | Nevada County | Sutter County | |
| Chowchilla | Humboldt County | Orange Cove | Sutter Creek | |
| Clearlake | Huron | Orland | Taft | |
| Coalinga | Imperial | Oroville | Tehama | |
| Colfax | Imperial County | Pacific Grove | Tehama County | |
| Colusa | Indian Wells | Palos Verdes | Trinidad | |
| Colusa County | Industry | Parlier | Trinity County | |
| Corcoran | Inyo County | Pismo Beach | Truckee | |
| Corning | Ione | Placer County | Tulare County | |
| Crescent City | Jackson | Placerville | Tulelake | |
| Del Norte County | King City | Plumas County | Tuolumne County | |
| Dinuba | Kings County | Plymouth | Ukiah | |

Appendix B
Housing Element and Annual Progress Report (APR) Submittal Status
Requirement stated in Guidelines Section 402(a) and (b)

To be eligible to apply, jurisdictions are required to have a housing element that has been adopted by the jurisdiction's governing body and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to GC Section 65585 by the award date.

To verify current status and eligibility for PLHA funds, please consult the following resources:

Housing Element Compliance: [Housing Element Review and Compliance Report | California Department of Housing and Community Development](#)

Annual Progress Report Submittal: [Annual Progress Reports - Data Dashboard and Downloads | California Department of Housing and Community Development](#)

For questions about housing element compliance, please email housingelements@hcd.ca.gov. For inquiries on status of APR submittal, please email APR@hcd.ca.gov.

Competitive Permanent Local Housing Allocation (PLHA)

Application Direction



What is PLHA?

- ▶ Formula grants to entitlement and non-entitlement jurisdictions based on the formula prescribed under federal law for the Community Development Block Grant.
- ▶ Competitive grants to non-entitlement jurisdictions. Funding amounts will vary based on annual revenues to the Building Homes and Jobs Trust Fund.
- ▶ The City currently has an open award under Formula program, with funds dedicated to the City-incubated 501(c)(3) non-profit community land trust, Housing Mendocino Coast.
- ▶ The City received an award under the Competitive program in 2021 in partnership with Danco for development of the Plateau housing project.

2023 Competitive PHLA NOFA

- ▶ Applicants may only include one activity are limited to one application. Eligible activities for the 2023 PLHA Competitive NOFA are limited to the following and must take place within the City’s jurisdiction:
 - ▶ Development of new multifamily rental housing that is Affordable to households at or below 60 percent of AMI or substantial rehabilitation of multifamily rental housing that will be Affordable to households at or below 60 percent of AMI, but which is not currently restricted as Affordable housing. In order to be eligible as “substantial rehabilitation”, a project must complete a minimum of \$40,000 per unit in hard construction costs; or
 - ▶ Assistance to persons who are experiencing or At risk of homelessness, including, but not limited to, through rapid rehousing, rental assistance, supportive services, and case management services that allow people to obtain and retain housing, operating and capital costs for Navigation Centers, or new construction, rehabilitation, or preservation of permanent or transitional rental housing.

Rental Housing Development Activities

All assisted rental units must be restricted for a minimum of 55 years and all development projects must provide the following at application to demonstrate fiscal integrity:

- ▶ The Sponsor's organizational documents;
- ▶ A market study prepared in accordance with California Tax Credit Allocation Committee requirements, and prepared or updated within 12 months prior to the application due date, which demonstrates a market for the non-Assisted Units and documents the anticipated need for the Assisted Units;
- ▶ An appraisal prepared or updated at the Sponsor's expense within 24 months prior to the application due date;
- ▶ A preliminary title report;
- ▶ For new construction projects, a Phase I Environmental Site Assessment prepared or updated within 12 months prior to the application due date, and a Phase II environmental report if recommended by the Phase I;
- ▶ For rehabilitation projects, lead-based paint, mold, and asbestos reports.

Assistance to Persons Experiencing or At Risk of Homelessness

Applicants must demonstrate readiness by submitting documentation of the following with the application:

- ▶ For Program Activities:
 - ▶ Timeline for the implementation of the activity
 - ▶ Written plan describing how funds will be used
 - ▶ Guidelines for determining amount of funds to be provided
- ▶ For Navigation Centers or Permanent or Transitional Housing:
 - ▶ Site Control
 - ▶ Land use Entitlements
 - ▶ Environmental Review
 - ▶ Commitment of other funding and other resources required

Potential Applications Identified

- ▶ Supportive and Case Management Services:
 - ▶ Funding for the Police Department's Care Response Unit to provide supportive services through street outreach and case management, in order to assist persons experiencing or at risk of homelessness obtain and maintain housing, by connecting them with housing resources, mental health services, and substance abuse services.
- ▶ Rental Assistance:
 - ▶ Funding for a Rental Assistance Program to provide rent subsidies for persons experiencing or at risk of homelessness.

Estimated City Scoring

| Priority Points Rating Factors | Maximum Points | CRU | Rental Assist |
|-------------------------------------|----------------|-----------|---------------|
| Population | 5 | 0 | 0 |
| Prior Award | 5 | 5 | 5 |
| Activity | 15 | 15 | 15 |
| Priority Points Total | 25 | 20 | 20 |
| Evaluation Criteria Rating Factors | Maximum Points | CRU | Rental Assist |
| Community Need | 30 | 20 | 20 |
| Applicant Administrative Experience | 15 | 5 | 5 |
| Demonstrated Capacity | 30 | 10 | 10 |
| Evaluation Criteria Total | 75 | 35 | 35 |
| Estimated Total | 100 | 55 | 55 |

Next Steps

- ▶ Applications are due June 6, 2024
- ▶ If Council directs staff to prepare an application, a resolution must be approved authorizing application submittal
 - ▶ This would be scheduled for the May 28, 2024 Council meeting