

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.

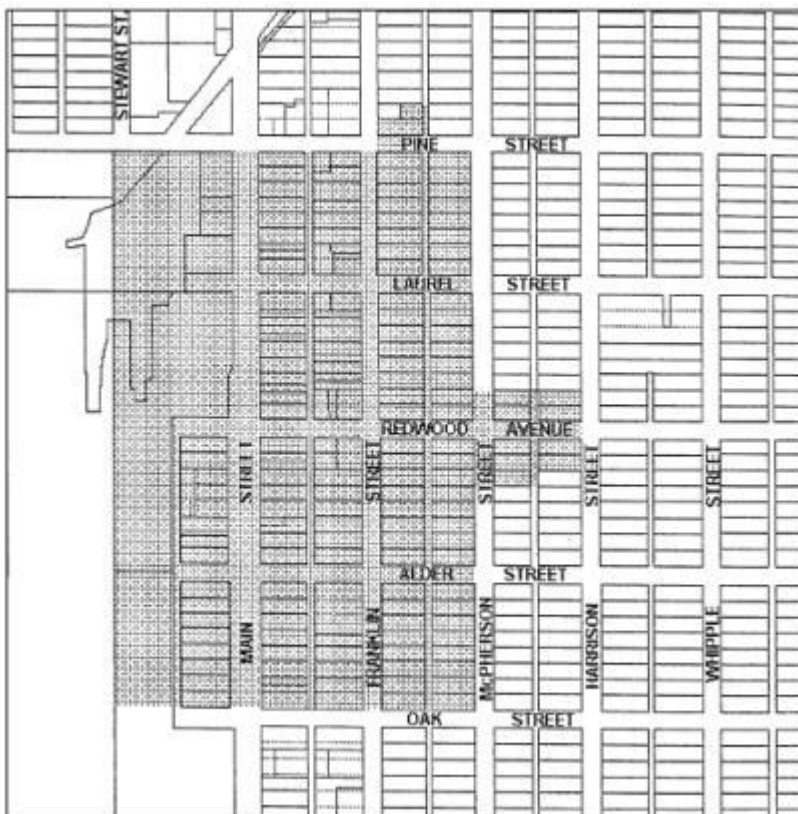


Figure 3-7 - CBD Special Parking Combining Zone

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 above and foregoing Resolution was introduced by Commissioner _____, seconded by _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 22nd day of April 2024, by the following vote:

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

Bernie Norvell, Mayor

ATTEST:

Diana Sanchez, City Clerk

PUBLISH: April 22, 2024 and May 13, 2024 (by summary).
EFFECTIVE DATE: June XX, 2024