

RESOLUTION NO. -2024

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION AND MONITORING AND REPORTING PLAN FOR THE ZONING AMENDMENTS TO THE INLAND LAND USE AND DEVELOPMENT CODE TO REGULATE: OUTDOOR DINING (ILUDC 3-23), TINY HOMES (ILUDC 4-23), TINY HOME COMMUNITIES (ILUDC 5-23), AND CHANGES TO PLANNED DEVELOPMENT PERMIT (ILUDC 6-23) REQUIREMENTS

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, the Planning Commission held a duly noticed public hearing on January 10, 2024, and January 31, 2024, to consider the Zoning Code Amendment (ILUDC 3-23), accept public testimony, and adopt a resolution recommending that City Council adopt a zoning amendment to establish regulations for outdoor dining; and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 10, 2024, to consider the Zoning Code Amendment (ILUDC 6-23), accept public testimony, and adopt a resolution recommending that the City Council adopt a zoning amendment to modify regulations for Planned Unit Developments; and

WHEREAS, the City Council held a duly noticed public hearing on April 8, 2024, to consider the Zoning Code Amendments (ILUDC 3-23 and ILUDC 6-23), and accept public testimony regarding the zoning amendments to establish regulations for Outdoor Dining and to modify regulations for Planned Unit Developments; and

WHEREAS, the California Environmental Quality Act (CEQA), together with State guidelines and City environmental regulations, require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the City prepared an Initial Study for the zoning amendment consistent with CEQA Guidelines 15162 and 15163 and determined that a Mitigated Negative Declaration was required; and

WHEREAS, the City prepared an MND, pursuant to Section 15074 of the CEQA Guidelines, for the zoning amendment contained in the attached **Exhibit A**; and

WHEREAS, a Mitigation and Monitoring Program, as required by CEQA, is contained in the attached **Exhibit B**; 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 applications; all site plans, and all reports and public testimony submitted as part of the City Council meeting of March 25, 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:

1. For the purposes of the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (MND) was prepared for the project, circulated for public review, and presented to the public and City Council prior to taking action on the Zoning Amendments to the Inland Land Use and Development Code to regulate: Outdoor Dining, Tiny Homes, Tiny Home Communities, and changes to Planned Development Permit requirements. The conclusion of the Mitigated Negative Declaration is that there are no potentially significant impacts that cannot be mitigated.

Environmental review for the proposed project included preparation of an Initial Study and Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) statute (Public Resources Code 21000 - 21189) and Guidelines (California Code of Regulations Title 14, Division 6, Chapter 3, Sections 15000 -15387). The IS/MND was circulated from December 7, 2023, to December 27, 2023, at the State Clearinghouse. The Initial Study and Mitigated Negative Declaration included mitigation measures which have been incorporated into a Mitigation Monitoring and Reporting Plan, which is being adopted as a part of the project.

2. The following impacts have been found to be less than significant and mitigation is not required to reduce project-related impacts: Agriculture and Forestry, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Mineral Resources, Noise, Population and Housing, Recreation, Transportation, Tribal Cultural Resources, Utilities/Service Systems and Wildfire, Utilities and Services, and Wildfire.

There is no evidence of an impact on any of the above-referenced potential impact areas based on the project as proposed at this location. Initial Study/Mitigated Negative Declaration dated November 20, 2023, and circulated for public review from December 7, 2023, to December 27, 2023.

3. The Initial Study identified potentially significant impacts on Aesthetics, Biological Resources, Cultural Resources, Energy, Hydrology and Water Quality, Land Use Planning, and Public Services that could result from the project as originally submitted. Mitigation Measures have been required to ensure potential impacts are limited to a less-than-significant level. These Mitigation Measures are incorporated by reference in the project ISMND and the Mitigation Monitoring and Reporting Program.
4. No Agency or public comments have been received about the project and the Mitigated Negative Declaration.

BE IT FURTHER RESOLVED, the MND adequately describes the Project, impacts, and mitigation measures, and hereby makes the following environmental determinations regarding Zoning Amendments to the Inland Land Use and Development Code to regulate Outdoor Dining, Tiny Homes, Tiny Home Communities, and changes to Planned Development Permit requirements:

1. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
2. Mitigation measures have been made a condition of the approval of the project.
3. A mitigation reporting and monitoring plan was prepared for this project.

NOW, THEREFORE, BE IT RESOLVED, that the Fort Bragg City Council adopts the MND as set forth in **Exhibit A** and adopts the Mitigation and Monitoring and Report Plan for Zoning Amendments to the Inland Land Use and Development Code to regulate: Outdoor Dining, Tiny Homes, Tiny Home Communities, and changes to Planned Development Permit requirements, subject to the mitigations included herein as outlined in the MND and the MMRP.

NOW, THEREFORE, BE IT RESOLVED, that the Fort Bragg City Council adopts the MND as set forth in **Exhibit A** and adopts the Mitigation and Monitoring Report Plan included herein as **Exhibit B**. This Resolution shall become effective immediately upon its passage and adoption.

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

BERNIE NORVELL
Mayor

ATTEST:

Diana Sanchez
City Clerk