

RESOLUTION NO. 4070-2018

RESOLUTION OF THE FORT BRAGG CITY COUNCIL AUTHORIZING SUBMITTAL OF A LOCAL COASTAL PROGRAM AMENDMENT (LCP 2-17) APPLICATION TO AMEND THE COASTAL GENERAL PLAN AND COASTAL ZONING MAP FOR THE PARCEL AT 100 EAST OCEAN VIEW DRIVE

WHEREAS, the City of Fort Bragg ("City") adopted an updated General Plan and certified an Environmental Impact Report ("EIR") for the General Plan on December 2, 2002; and

WHEREAS, the City adopted a new zoning ordinance, titled the Fort Bragg Land Use & Development Code, by Ordinance 843-2004 on June 28, 2004; and

WHEREAS, the City Council adopted Resolution 2857-2005 on April 11, 2005 and Resolution 3011-2006 on September 11, 2006 which authorized transmittal of portions of the General Plan and the Fort Bragg Land Use & Development Code, collectively the Local Coastal Program ("LCP"), to the California Coastal Commission for certification; and

WHEREAS, the City Council adopted Resolution 3162-2008 on May 11, 2008 which amended the Fort Bragg General Plan to establish a separate General Plan for lands within the Coastal Zone ("Coastal General Plan"); and

WHEREAS, the City Council adopted Ordinance 868-2008 on May 27, 2008 to establish a separate Land Use & Development Code for lands within the Coastal Zone ("Coastal Land Use & Development Code"); 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, at an August 23, 2017 public hearing, the Planning Commission considered the proposed amendment to the LCP; 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 Coastal Commission's review of LCP amendment must comply with the standards of CEQA, and the amendment request is accompanied by sufficient

information to enable the Commission to prepare an environmental analysis satisfying the requirements of CEQA; and

WHEREAS, the LCP as amended is intended to be carried out in a manner fully in conformity with the Coastal Act; and

WHEREAS, the amendment will take effect automatically upon Coastal Commission approval;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby find that the foregoing recitals are true and correct and made a part of this resolution; and the City Council has reviewed and considered proposed revisions to the Coastal General Plan and Coastal Land Use and Development Code and hereby approves LCP Amendment 2-17 for submittal to the Coastal Commission for consideration based on the following findings as required by CLUDC Section 17.94.060(A):

1. The foregoing recitals are true and correct and are made a part of this resolution.
2. The Planning Commission held a properly noticed public hearing to consider the LCP amendment on August 23, 2017 where public comment on the proposed Coastal General Plan Amendment was invited and received.
3. On February 26, 2018, the City Council held a properly noticed public hearing to consider approval of LCP Amendment 2-17 for submittal to the Coastal Commission in compliance with CLUDC 17.94.030 and 17.94.050.
4. The City Council determines that the Coastal General Plan and the CLUDC amendments: (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.
5. The Coastal General Plan amendment is internally consistent with all other provisions of the Coastal General Plan and any applicable specific plan.
6. The LCP Amendment is consistent with the California Coastal Act.
7. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
8. The proposed amendment to the Coastal General Plan and CLUDC is internally consistent with other applicable provisions on the Coastal Land Use and Development Code.
9. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm

drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

10. 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).

The above and foregoing Resolution was introduced by Councilmember Norvell, seconded by Councilmember Lee and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 26th day of February, 2018, by the following vote:

AYES: Councilmembers Cimolino, Lee, Norvell and Mayor Peters.
NOES: None.
ABSENT: Councilmember Turner.
ABSTAIN: None.
RECUSED: None.



LINDY PETERS
Mayor

ATTEST:



June Lemos, CMC
City Clerk