

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE REPEALING AND REPLACING SECTION 17.14.020 [ZONING MAP AND ZONING DISTRICTS] OF CHAPTER 17.14 [ZONING MAP] OF TITLE 17 [COSTAL LAND USE AND DEVELOPMENT CODE] OF THE FORT BRAGG MUNICIPAL CODE TO REZONE A PORTION OF APN 018-150-55 FROM “VERY HIGH DENSITY RESIDENTIAL” TO “HIGHWAY VISITOR COMMERCIAL.”

ORDINANCE NO. 943-2018

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 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, at an August 23, 2017 public hearing, the Planning Commission considered the proposed amendment to the LCP, including the revision to Coastal Land Use and Development Code (CLUDC) Section 17.14.020 (“Zoning Map and Zoning Districts”), and adopted Resolution No. PC 02-2017 recommending the City Council adopt the amendment to the LCP; and

WHEREAS, at a February 26, 2018 public hearing, the City Council considered the proposed amendment to the LCP, and adopted Resolution No. 4070-2018 to approve and adopt the revision to Map LU-1 of the Coastal General Plan, and authorizing submittal of the LCP amendment application to the California Coastal Commission; and

WHEREAS, on May 29, 2018, the City Council amended Resolution No. 4070-2018 such that the LCP amendment would take effect upon adoption of an implementing ordinance amendment following California Coastal Commission approval; and

WHEREAS, at a September 12, 2018 public hearing, the California Coastal Commission certified the LCP amendment, including the Implementation Plan Amendment to revise CLUDC Section 17.14.020 ("Zoning Map and Zoning Districts"); and

WHEREAS, the City Council has considered all public comments and a staff report at their February 26, 2018 public hearing regarding the proposed ordinance amendment; the staff report is available for review at City Hall during normal business hours; and

WHEREAS, the proposed amendment to CLUDC Section 17.14.020 ("Zoning Map and Zoning Districts") is set forth in its entirety in Section 2 below; 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

WHEREAS, this statutory exemption "shifts the burden of CEQA compliance from the local agency to the California Coastal Commission" (CEQA Guidelines § 15265 (c));

NOW, THEREFORE, the City Council ordains as follows:

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

1. The foregoing recitals are true and correct and are made a part of this Ordinance.
2. On August 23, 2017, the Planning Commission held a properly noticed public hearing to consider recommending the proposed 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 amendment to the CLUDC pursuant to Gov. Code Section 65355.
3. On February 26, 2018, the City Council held a properly noticed public hearing to consider adoption of the amendment to the Coastal Land Use and Development Code.
4. The amendment is consistent with the General Plan and any applicable specific plan.
5. The LCP Amendment is consistent with the California Coastal Act.
6. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
7. 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.

8. 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).
9. 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.

Section 2. Based on the foregoing, the City Council hereby repeals CLUDC Section 17.14.020 of Title 17, entitled Coastal Land Use and Development Code, and replaces it in its entirety with the new CLUDC Section 17.14.020 of Title 17 as shown in Exhibit A attached hereto and incorporated herein by reference.

Section 3. 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 4. 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 October 22, 2018, and adopted at a regular meeting of the City of Fort Bragg held on November 13, 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

Lindy Peters,
Mayor

ATTEST:

June Lemos, CMC
City Clerk

PUBLISH: **October 25, 2018 and November 21, 2018 (by Summary).**
EFFECTIVE DATE: **December 12, 2018.**

EXHIBIT A

17.14.020 - Zoning Map and Zoning Districts

The Council hereby adopts the City of Fort Bragg Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department. The Zoning Map is hereby incorporated into this Development Code by reference as though it were fully included here.

A. Zoning districts established. The City of Fort Bragg shall be divided into zoning districts that implement the Fort Bragg Coastal General Plan. The zoning districts shown in Table 1-1 are hereby established, and shall be shown on the Zoning Map.

B. Interpretation of zoning district boundaries. If there is uncertainty about the location of any zoning district boundary shown on the official Zoning Map, the location of the boundary shall be determined by the Director as follows.

1. Where a district boundary approximately follows a lot line, alley, or street line, the lot line, street or alley centerline shall be construed as the district boundary, as applicable;
2. If a district boundary divides a parcel and the boundary line location is not specified by distances printed on the Zoning Map, the location of the boundary will be determined by according to the Zoning Map; and
3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zoning district of the adjoining property on either side of the vacated or abandoned street or alley.

Zoning District Symbol	Name of Zoning District	General Plan Designation Implemented by Zoning District
RR	Rural Residential	RR – Rural Residential
RS	Suburban Residential	RS - Suburban Residential
RL	Low Density Residential	RL - Low Density Residential
RM	Medium Density Residential	RM - Medium Density Residential
RH	High Density Residential	RH - High Density Residential
RVH	Very High Density Residential	RVH - Very High Density Residential
Commercial Districts		
CN	Neighborhood Commercial	CN - Neighborhood Commercial
CO	Office Commercial	CO - Office Commercial

Zoning District Symbol	Name of Zoning District	General Plan Designation Implemented by Zoning District
CBD	Central Business District	CBD - Central Business District
CG	General Commercial	CG - General Commercial
CH	Highway Visitor Commercial	CH - Highway Visitor Commercial
Industrial Districts		
IL	Light Industrial	IL - Light Industrial
IH	Heavy Industrial	IH - Heavy Industrial
IT	Timber Resources Industrial	IT - Timber Resources Industrial
HD	Harbor District	HD - Harbor District
Special Purpose Districts		
OS	Open Space	OS - Open Space
PR	Parks and Recreation	PR - Parks and Recreation
PF	Public Facility	PF - Public Facilities and Services

The boundaries of the Land Use Designations are general and schematic illustrating the policies of the various zoning districts. Refer to the Assessor's Parcel Map for updated parcel boundary maps.

Parcel Boundaries per Mendocino County Assessor Office 02/19/2016

Map updated 11/12/2018

