

RESOLUTION NO. 4196-2019

RESOLUTION OF THE FORT BRAGG CITY COUNCIL AUTHORIZING SUBMITTAL OF A LOCAL COASTAL PROGRAM AMENDMENT (LCP 1-19) FOR THE 2019 HOUSING ELEMENT UPDATE TO THE COASTAL GENERAL PLAN

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, in 2019, the City Council and Planning Commission conducted duly noticed workshops, during which the public was invited to comment on the proposed Housing Element amendments to the Inland and Coastal General Plans, and during which the City Council and the Planning Commission provided further direction to City staff; and

WHEREAS, the Housing Element was revised and updated so that it: 1) responds to community input and City Council and Planning Commission direction regarding new policies and programs; 2) complies with California State housing element law; and 3) includes an entirely updated housing needs assessment and constraints analysis; and

WHEREAS, the State Department of Housing & Community Development ("HCD") has reviewed the 2019 Housing Element of the Fort Bragg Inland and Coastal General Plans and on July 26, 2019 sent a letter to the City of Fort Bragg providing that the 2019

Housing Element is compliant with and meets the requirements of state housing element law (Article 10.6 of the Government Code); and

WHEREAS, the Planning Commission considered a staff report dated August 14, 2019 analyzing the proposed 2019 Housing Element. The staff report is incorporated herein by reference and available for review at City Hall during normal business hours; and

WHEREAS, the City Council considered a staff report dated Sept 9, 2019 regarding the proposed 2019 Housing Element; 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 City Council concurs with the Community Development Director's determination that the City's action to submit an LCP Amendment is exempt from CEQA review by the City as outlined above; 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 require formal local government adoption after 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 & Development Code and hereby approves LCP Amendment 1-19 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 City Council and Planning Commission conducted two duly noticed joint workshops with the Fort Bragg City Council in August and September of 2019 where public comment on the proposed Coastal General Plan Amendment was invited and received.
3. On September 9, 2019, the City Council held a properly noticed public hearing to consider approval of LCP Amendment 1-19 (LCP 1-19) 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 is internally consistent with other applicable provisions on the Coastal Land Use and Development Code.
9. 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).

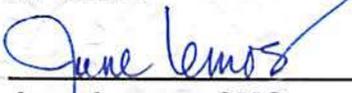
The above and foregoing Resolution was introduced by Councilmember Norvell, seconded by Councilmember Morsell-Haye, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 9th day of September, 2019, by the following vote:

AYES: Councilmembers Albin-Smith, Morsell-Haye, Norvell and Mayor Lee.
NOES: None.
ABSENT: Councilmember Peters.
ABSTAIN: None.
RECUSED: None.



WILLIAM V. LEE
Mayor

ATTEST:



June Lemos, CMC
City Clerk