

RESOLUTION NO. 3867-2015

A RESOLUTION OF THE FORT BRAGG CITY COUNCIL CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL ELECTION TO SUBMIT TO THE VOTERS A QUESTION REGARDING A MEASURE TO PROHIBIT SOCIAL SERVICE ORGANIZATIONS IN THE CENTRAL BUSINESS DISTRICT; REQUESTING THE BOARD OF SUPERVISORS OF MENDOCINO COUNTY TO CONSOLIDATE SAID ELECTION WITH THE JUNE 7, 2016, ELECTION; ESTABLISHING POLICIES AND PROCEDURES IN CONNECTION WITH SUCH ELECTION; AND REQUESTING THE SERVICES OF THE REGISTRAR OF VOTERS IN CONDUCTING SAID ELECTION

WHEREAS, a presidential primary election is scheduled for June 7, 2016; and

WHEREAS, on October 16, 2015, community members delivered an Initiative Measure Prohibiting Social Service Organizations in the Central Business District to the City Clerk; and

WHEREAS, the County Elections Division found the Initiative Measure sufficient; and

WHEREAS, the Initiative Measure has qualified to be submitted to the voters at a special election pursuant to Elections Code section 9214; and

WHEREAS, pursuant to Elections Code sections 9214, the City Council must (1) adopt the Measure without alteration; (2) immediately submit the Initiative Measure without alteration to the voters; or (3) order a report pursuant to Elections Code section 9212; and

WHEREAS, the City Council desires to submit the Initiative to the voters at a special election called for such purpose, and to consolidate the special election with the June 7, 2016, election pursuant to Elections Code section 1405(a)(1).

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Fort Bragg does hereby resolve, declare and order as follows:

Section 1 – Order Calling for an Election.

A. That pursuant to the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Fort Bragg, California, a Special Election, for the purpose of voting on a ballot measure to prohibit social service organizations in the Central Business District. The complete text of the measure is attached to this Resolution as Exhibit A (the "Measure").

B. That the City Council hereby orders the measure to be placed on the ballot in the following form:

Shall Chapter 18.22 of the Municipal Code of the City of Fort Bragg be amended to provide that a social service organization is a prohibited use within the Central Business District unless such organization was established and existed at a location within the district prior to January 1, 2015?	YES	
	NO	

C. That the full text of the Measure shall be printed in the Voter Information Pamphlet.

D. The election shall be held and conducted and the votes thereof canvassed and returns thereof made and the results thereof ascertained and determined as provided by law for the holding of municipal elections in the City.

Section 2 – Request for Election Services

A. Pursuant to the requirements of Elections Code section 10403 of the California Elections Code, the Mendocino County Board of Supervisors is hereby requested to consent and agree to the consolidation of the City's Special Election with the Primary Election on June 7, 2016. The consolidated elections will be held and conducted in the manner prescribed in Elections Code section 10418.

B. That the county elections department is authorized to canvass the returns of the Special Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

C. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

D. That the City of Fort Bragg recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

E. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Mendocino.

F. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 3 – Designation of Duties

A. The County Clerk, in conducting the City's election is requested to provide the following services:

1. Establish precinct boundaries to coincide with the Primary Election;
2. Designate polling places and appoint election officers;
3. Notify election officers of their appointment and instruct inspectors concerning their duties;
4. Hire and pay election officers;
5. Arrange for the availability of polling places and all supplies necessary for casting ballots, and setting up voting booths;
6. Publish lists of precincts, election officers, polling places, and the hours that polls will be open;
7. Provide sample ballots to each voter;
8. Receive absentee voter applications; supply absentee voter ballots to applicants; accept absentee voter ballot returns; retain custody of absentee voter ballots; count absentee voter ballots;
9. Provide Certificate of County Clerk as to Result of the Canvass, for approval by the Fort Bragg City Council.

B. The City Clerk in conducting the City's election shall provide the following services:

1. Publish the Notice of Election;
2. Receive ballot arguments, impartial analysis, and rebuttal arguments.

Section 4 – Ballot Arguments

A. The last day for submission of direct arguments for or against the measure shall be by 5:00 p.m. on November 25, 2015. These arguments must be submitted to the City Elections Official.

B. The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on December 5, 2015. These rebuttal arguments must be submitted to the City Elections Official.

C. The City Attorney shall prepare an impartial analysis of the Measure. The impartial analysis shall be filed with the City Elections Official by 5:00 p.m. on November 25, 2015.

D. Pursuant to Section 9285 of the California Elections Code, when the City Clerk has selected the arguments for and against the Measure, which arguments will be printed and distributed to the voters, the City Clerk shall send copies of the arguments in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument, which it seeks to rebut.


E. The provisions of Section 9285(a) of the Elections Code relating to arguments are hereby adopted and made applicable.

Section 5 – Direction to City Clerk

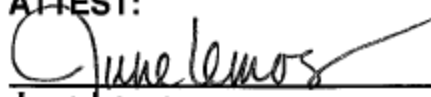
The City Clerk is directed to forward without delay a certified copy of this resolution to the Board of Supervisors and to the County Elections Department. The City Clerk is hereby authorized and directed to take all steps necessary to place the Measure on the ballot and to cause the Measure to be printed. A copy of the Measure shall be made available to any voter upon request.

The above and foregoing Resolution was introduced by Councilmember Peters, seconded by Councilmember Deitz, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 9th day of November, 2015, by the following vote:

AYES: Councilmembers Peters, Cimolino, Deitz, Hammerstrom, and Mayor Turner.
NOES: None.
ABSENT: None.
ABSTAIN: None.



DAVE TURNER,
Mayor

ATTEST:


June Lemos
City Clerk

Initiative Measure to be Submitted Directly to the Voters

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

Prohibiting Social Service Organizations in the Central Business District

This measure would add language to the Fort Bragg Municipal Code to provide that a 'social service organization' is not a permitted use within the Central Business District zoning district unless such organization was established and existed at a location within the district prior to January 1, 2015.

Further, this measure would modify Table 2-6 in the Fort Bragg Municipal Code regarding "Allowed Land Uses and Permit Requirements for Commercial Zoning Districts" with respect to a "social service organization" to change that use from "Permitted Use, Zoning Clearance required", to "Use not allowed."

A social service organization is defined by the Fort Bragg Municipal Code as:

"A public or quasi-public establishment providing social and/or rehabilitation services, serving persons with social or personal problems requiring special services, the handicapped, and the otherwise disadvantaged. Examples of this land use include: counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies. Includes organizations soliciting funds to be used directly for these and related services, and establishments engaged in community improvement and neighborhood development. Does not include day-care services, emergency shelters and transitional housing, or "Residential Care" which are separately defined.

Signed, June Lemos, City of Fort Bragg Elections Official
for Samantha Zutler, City of Fort Bragg General Counsel

Date: August 5, 2015

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

Be it ordained by the People of the City of Fort Bragg that Title 18, Chapter 18.22 of the Municipal Code (Commercial Zoning Districts) and Table 2-6 are hereby amended as set forth below in italics:

18.22.020 - Purposes of Commercial Zoning Districts

The purposes of the individual commercial zoning districts and the manner in which they are applied are as follows.

- A. CN (Neighborhood Commercial) zoning district. The CN zoning district is applied to areas of the City that are appropriate for small-scale facilities providing convenience shopping and services for adjacent residential neighborhoods. The maximum allowable residential density within the CN district for the residential component of a mixed-use project is 12 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CN zoning district implements and is consistent with the CN land use designation of the General Plan.
- B. CO (Office Commercial) zoning district. The CO zoning district is applied to areas of the City that are intended to serve the office and institutional needs of the community that cannot be accommodated within the CBD zoning district. Other related and office-supporting uses may also be allowed. The maximum allowable residential density within the CO district for either the residential component of a mixed-use project or multi-family dwellings as a primary use is 24 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CO zoning district implements and is consistent with the CO land use designation of the General Plan.
- C. CBD (Central Business District) zoning district. The CBD zoning district is applied to the core of the downtown which is the civic, cultural, and commercial center of the City. The CBD zone is intended to accommodate retail stores, government and professional offices, theaters, and other similar and related uses in the context of pedestrian oriented development. *A social service organization is not a permitted use under any circumstances unless such organization was established and existed at a location within the CBD zoning district prior to January 1, 2015.* The maximum allowable residential density within the CBD zone for the residential component of a mixed use project is 40 dwelling units per acre; the maximum floor area ratio (FAR) is 2.0. The CBD zoning district implements and is consistent with the CBD land use designation of the General Plan.
- D. CG (General Commercial) zoning district. The CG zoning district is applied to areas of the City that are appropriate for less compact and intensive commercial uses than those accommodated within the CBD zone. Allowable and uses are typically more auto-oriented than pedestrian oriented, and may include automotive and service-related uses, a wide range of retail stores, including those selling large products (appliances, home furnishings, building materials, etc.) The maximum allowable residential density within the CG district for the residential component of a mixed-use project is 24 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CG zoning district implements and is consistent with the CG land use designation of the General Plan.
- E. CH (Highway Commercial) zoning district. The CH zoning district is applied to sites along Highway 1 and arterials at the entry points to the community. Allowable land uses include lodging, restaurants, and retail stores. The maximum allowable residential density within the CH district for the residential component of a mixed-use project is 24 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CH zoning district implements and is consistent with the CH land use designation of the General Plan.

EXHIBIT A

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P	Permitted Use, Zoning Clearance required			
	MUP	Minor Use Permit required (see Section 18.71.060)			
	UP	Use Permit required (see Section 18.71.060)			
	S	Permit requirement set by Specific Use Regulations			
	—	Use not allowed			
LAND USE (1)	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	CN	CO	CBD	CG	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

ATM	P	P	P	P	P	
Bank, financial services	UP	P	P	P	P	
Business support service	—	P	P	P	P	
Medical services - Doctor office	P	P	P	P	UP	
Medical services - Clinic, lab, urgent care	—	P	P	P	—	
Medical services - Hospital	—	UP	—	UP	UP	
Office - Accessory	P	P	P	P	P	
Office - Business/service	—	P	P	P	P	
Office - Processing	—	P	P(2)	P	—	
Office - Professional/administrative	—	P	P	P	P	

SERVICES - GENERAL

Adult day care	P	P	P	P	—	
Catering service	—	P	—	P	—	
Child day care center	UP	UP	UP	UP	—	
Drive-through service	—	—	UP	UP	UP	18.42.070
Equipment rental	—	—	UP	P	UP	
Kennel, animal boarding	—	—	—	UP	—	
Lodging - Bed & breakfast inn (B&B)	—	—	UP	UP	P	18.42.050
Lodging - Hotel or motel	—	—	UP	UP	UP	
Lodging - Vacation rentals	—	—	—	—	—	
Maintenance service - Client site services	—	—	—	P	—	
Mortuary, funeral home	—	P	—	P	—	
Personal services	P	P	P	P	UP	
Personal services - Restricted	—	—	UP	UP	—	
Public safety facility	—	P	P	P	P	
Repair service - Equipment, large appliances, etc.	—	—	—	P	—	
Social service organization	—	P	—	P	UP	
Vehicle services - Major repair/body work	—	—	—	UP	UP	
Vehicle services - Minor maintenance/repair	—	—	—	P	P	
Veterinary clinic, animal hospital	—	P	—	P	P	

Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Fort Bragg, County of Mendocino to insure that the purpose of Section 18.22.020 of the City of Fort Bragg Land Use and Development Code be applied in the Central Business District (CBD) and that the CBD remain the historic, civic, cultural and commercial core of the community as provided in the General Plan.

This initiative clarifies and amends Title 18, Chapter 18.22 of the Municipal Code (Commercial Zoning Districts) to not allow by permit or otherwise specific land uses in the CBD, as that District is shown and described by Title 18 as of January 1, 2015.

Table 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts, in Section 18.22.030 of Chapter 18.22 is amended to designate that "social service organization" is not a permitted use in the Central Business District (CBD), unless such organization was established and existed in the CBD prior to January 1, 2015.

Proponents:
Carolyn Petersen
Jeanne Stubenrauch