

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
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P. O. BOX 4908  
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# F3a

July 24, 2008

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director  
Robert S. Merrill, District Manager – North Coast District  
Tiffany S. Tauber, Coastal Program Analyst – North Coast District

SUBJECT: **CITY OF FORT BRAGG LCP AMENDMENT NO. FTB-MAJ-1-06 (LCP UPDATE):** Concurrence with the Executive Director's determination that the action of the City of Fort Bragg accepting the Commission's certification of LCP Amendment No. FTB-MAJ-1-06 is legally adequate. (For Commission review at the meeting of August 8, 2008 in Oceanside)

A. BACKGROUND:

The Commission acted on the City of Fort Bragg LCP Amendment No. FTB-MAJ-1-06 on January 11, 2008. The proposed amendment as submitted consists of a comprehensive update of the City's currently certified Land Use Plan (LUP) and Implementation Program (IP), originally certified in 1983. The City adopted a new General Plan in December 2002 (with amendments through November 2004) to replace the currently certified LUP. The City also adopted a new zoning ordinance in June 2004, entitled the Land Use and Development Code, to replace the currently certified zoning ordinance (Title 18 of the City's Municipal Code). Both the General Plan (LUP) and the Land Use and Development Code (IP) have been submitted to the Commission for certification. Both documents constitute a complete update of all of the City's programs and policies and are in an entirely different organizational format than the currently certified LUP and IP.

In its action on January 11, 2008, the Commission (1) denied the proposed Land Use Plan amendment as submitted, (2) certified the Land Use Plan amendment with suggested modifications, (3) denied the proposed Implementation Plan amendment as submitted, and (4) certified the Implementation Plan amendment with suggested modifications.

B. EFFECTIVE CERTIFICATION:

On May 12, 2008, the Fort Bragg City Council held a public hearing and adopted Resolution No. 3162-2008 and Ordinance No. 868-2008 acknowledging receipt of the Commission's resolution

of certification, accepted and agreed to the Coastal Commission's modifications, agreed to issue permits in conformance with the modified LCP, and formally approved the necessary changes to the City's Land Use Plan and Implementation Program (see Attachment No. B).

As provided in Section 13544 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the City of Fort Bragg's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of the City of Fort Bragg LCP Amendment No. FTB-MAJ-1-06 shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

C. STAFF RECOMMENDATION:

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of the City of Fort Bragg to accept the Commission's certification of LCP Amendment No. FTB-MAJ-1-06 to adopt the necessary changes to the City's Land Use Plan and Implementation Program are legally adequate, as noted in the attached letter, Attachment A (to be sent after Commission concurrence).

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August \_\_, 2008

Marie Jones, Community Development Director  
City of Fort Bragg  
416 North Franklin Street  
Fort Bragg, CA 95437

SUBJECT: Effective Certification of City of Fort Bragg LCP Amendment No. FTB-MAJ-1-06 (LCP Update)

Dear Ms. Jones:

The Executive Director of the Coastal Commission has reviewed City Council Resolution No. 3162-2008 and Ordinance No. 868-2008 for effective certification of the City of Fort Bragg LCP Amendment No. FTB-MAJ-1-06 (LCP Update).

The City's resolution indicates that the City acknowledges receipt of, and accepts the Commission's resolution for, certification and that the City agrees to issue permits in conformance with the modified certified local coastal program.

The Executive Director has found that the City's resolution and ordinance fulfills the requirements of Section 13544(a) of the California Code of Regulations. In accordance with Section 13544(b) of the regulations, the Director has determined that the City's actions are legally adequate.

The Coastal Commission concurred with this determination at its meeting of August 8, 2008 in Oceanside. Commission approval and the amendment process are now complete. If you have any questions, please contact Tiffany S. Tauber at (707) 445-7833 or [ttauber@coastal.ca.gov](mailto:ttauber@coastal.ca.gov).

Sincerely,

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ROBERT S. MERRILL  
North Coast District Manager

**ATTACHMENT A**

## **RESOLUTION NO. 3162-2008**

### **RESOLUTION OF THE FORT BRAGG CITY COUNCIL ADOPTING THE COASTAL GENERAL PLAN**

**WHEREAS**, the City of Fort Bragg has adopted a Local Coastal program; and

**WHEREAS**, the Local Coastal Program has been certified by the California Coastal Commission; and

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

**WHEREAS**, the City Council adopted Resolution 3011-2006 on September 11, 2006 transmitting an amended Local Coastal Program ("LCP") and all supporting documentation to the California Coastal Commission for certification, of which the Coastal General Plan ("Coastal General Plan") is the Land Use Plan of the LCP; and

**WHEREAS**, the Coastal General Plan delineates the City's 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; (6) promote fiscally responsible development; and

**WHEREAS**, the California Coastal Commission held a public hearing on the requested amendment, being part of LCP Amendment Number FTB-MAJ-1-06 ("LCP Update") on January 11, 2008 and subsequently approved said LCP Update subject to certain additional terms and suggested modifications ("the Suggested Modifications") which are incorporated herein; and

**WHEREAS**, in March and April of 2008, the City Council and Planning Commission conducted three duly noticed joint workshops, during which the public was invited to comment on the LCP Update and proposed Suggested Modifications, and during which the City Council and the Planning Commission reviewed changes requested by Coastal Commission staff and provided further direction to City staff; and

**WHEREAS**, consistent with Coastal Act regulations section 13544(a), the City Council considered adoption of the final Coastal General Plan, including the Suggested Modifications, at a properly noticed public hearing on May 12, 2008, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, at said public hearing, the City Council considered all public comments and a staff report regarding the proposed Coastal General Plan and related Coastal Land Use and Development Code, and Suggested Modifications thereto. The staff report is incorporated herein by reference and was made available for review at City Hall prior to the public hearing during normal business hours; and

**WHEREAS**, the City Council acknowledges receipt of the Coastal Commission's resolution of certification, including all terms and Suggested Modifications for final certification of the Coastal General Plan; and

**WHEREAS**, the City Council accepts and agrees to all such terms and the Suggested Modifications from the Coastal Commission; and

**WHEREAS**, the activities and approvals by a local government necessary for the preparation and adoption of a local coastal program pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA (Public Resources Code Section 21080.9) and CEQA Guidelines Section 15265(a); and

**WHEREAS**, the Coastal General Plan is incorporated herein by reference, and is available for review at City Hall during normal business hours; and

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Fort Bragg does hereby adopt the attached document, entitled "Fort Bragg Coastal General Plan" as the Land Use Plan of the LCP, based on the following specific findings:

1. The foregoing recitals are true and correct and are made a part of this resolution.
2. The City Council and Planning Commission conducted three duly noticed joint workshops with the Fort Bragg City Council in March and April of 2008 where public comment on the proposed Coastal General Plan was invited and received.
3. On April 23, 2008, the Planning Commission held a properly noticed public hearing to consider recommending the Coastal General Plan to the Fort Bragg City Council for adoption, and at that hearing the Planning Commission provided a written recommendation to the City Council regarding the adoption of the Coastal General Plan pursuant to Gov. Code Sections 65353.
4. The City Council, having accepted and agreed to all Suggested Modifications, determines that the Coastal General Plan: (1) advances the orderly growth and development of the City's Coastal Zone; (2) protects coastal resources; (3) incorporates sustainability into the development process so that Fort Bragg's coastal resources and amenities are preserved for future generations; (4) responds to current environmental and infrastructure constraints; (5) protects the public health, safety and welfare; and (6) promotes fiscally responsible development.
5. The Coastal General Plan is consistent with the California Coastal Act and is internally consistent with other elements of the City's existing General Plan.
6. 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).


**BE IT FURTHER RESOLVED THAT**, the City of Fort Bragg agrees to issue Coastal Development Permits for the total area included in the Certified Local Coastal Program subject to the amended Local Coastal Program and to carry out the Local Coastal Program in a manner fully in conformity with the California Coastal Act of 1976; and

**BE IT FURTHER RESOLVED THAT**, the City of Fort Bragg Community Development Department staff is directed to transmit the adopted Coastal General Plan, as attached hereto,

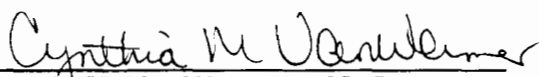
to the Executive Director of the California Coastal Commission, for a determination of conformance with the Order of the Coastal Commission regarding certification of the LCP.

The above and foregoing Resolution was introduced by Councilmember Melo, seconded by Councilmember Gjerde, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 12<sup>th</sup> day of May, 2008, by the following vote:

<b>AYES:</b>	<b>Councilmembers Turner, Courtney, Gjerde, Melo, and Mayor Hammerstrom.</b>
<b>NOES:</b>	<b>None.</b>
<b>ABSENT:</b>	<b>None.</b>
<b>ABSTAIN:</b>	<b>None.</b>

  
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**DOUG HAMMERSTROM,**  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
**Cynthia M. VanWormer, CMC**  
City Clerk

**BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG**

**AN ORDINANCE ADOPTING TITLE 17 –  
COASTAL LAND USE & DEVELOPMENT  
CODE**

**ORDINANCE NO. 868-2008**

**WHEREAS**, the City of Fort Bragg has adopted a Local Coastal program; and

**WHEREAS**, the Local Coastal Program has been certified by the California Coastal Commission; and

**WHEREAS**, the City adopted an updated Land Use & Development Code, by Ordinance 843-2004 on June 28, 2004; and

**WHEREAS**, the City Council adopted Resolution 3011-2006 on September 11, 2006 transmitting an amended Local Coastal Program ("LCP") and all supporting documentation to the California Coastal Commission for certification, of which the Coastal Land Use and Development Code ("Coastal LUDC") is the Implementation Program for the LCP; and

**WHEREAS**, the Coastal LUDC implements by ordinance City 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; (5) promote fiscally responsible development; and

**WHEREAS**, the California Coastal Commission held a public hearing on the requested amendment, being part of LCP Amendment Number FTB-MAJ-1-06 ("LCP Update") on January 11, 2008 and subsequently approved said LCP Update subject to certain additional terms and suggested modifications ("the Suggested Modifications"), which are incorporated herein; and

**WHEREAS**, in March and April of 2008, the City Council and Planning Commission conducted three duly noticed joint workshops, during which the public was invited to comment on the LCP Update and Suggested Modifications, and during which the City Council and the Planning Commission reviewed changes requested by Coastal Commission staff and provided further direction to City staff; and

**WHEREAS**, the City Council acknowledges receipt of the Coastal Commission's resolution of certification including the Suggested Modifications, for final certification of the Coastal LUDC; and

**WHEREAS**, the City Council reviewed all terms and modifications which were suggested for final certification at a properly noticed public hearing on May 12, 2008, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the City Council has considered all public comments and a staff report dated May 12, 2008 regarding the proposed Coastal General Plan and Coastal LUDC. The

staff report is incorporated herein by reference and available for review at City Hall during normal business hours; and

**WHEREAS**, the City Council accepts and agrees to the Suggested Modifications from the Coastal Commission; and

**WHEREAS**, the activities and approvals by a local government necessary for the preparation and adoption of a local coastal program pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA (Public Resources Code Section 21080.9 and CEQA Guidelines Section 15265(a)); and

**WHEREAS**, the Coastal LUDC is attached hereto and is incorporated herein by reference, and is available for review at City Hall during normal business hours; and

**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 resolution.
2. The City Council conducted three duly noticed joint workshops with the Fort Bragg City Council in March and April of 2008 where public comment on the proposed Coastal LUDC was invited and received.
3. On April 23, 2008, the Planning Commission held a properly noticed public hearing to consider recommending 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 Coastal LUDC pursuant to Gov. Code Sections 65355.
4. On May 12, 2008, the City Council held a properly noticed public hearing to consider adoption of the Coastal Land Use and Development Code.
5. The Coastal LUDC implements the policies of the Coastal General Plan, and thereby: (1) advances the orderly growth and development of the City's Coastal Zone; (2) protects coastal resources; (3) incorporates sustainability into the development process so that Fort Bragg's coastal resources and amenities are preserved for future generations; (4) responds to current environmental and infrastructure constraints; and (5) promotes fiscally responsible development.
6. The Coastal LUDC is reasonably related to the public health, safety and welfare of the City of Fort Bragg.
7. The Coastal LUDC is consistent with the California Coastal Act and is consistent with the City's Coastal General Plan and the City's General Plan.
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).

**Section 2.** Based on the foregoing, the City Council hereby adopts the attached document entitled "Coastal Land Use & Development Code" as the Implementation Program of the LCP, which shall be codified as Title 17 of the Fort Bragg Municipal Code.



**Section 3.** The City of Fort Bragg agrees to issue Coastal Development Permits for the total area included in the Certified Local Coastal Program subject to the amended Local Coastal Program and to carry out the Local Coastal Program in a manner fully in conformity with the California Coastal Act of 1976.


**Section 4. CEQA Analysis.** The City Council finds that adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA") as the "activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long range development plan" are statutorily exempt from compliance with CEQA pursuant to the California Coastal Act.

**Section 5. 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.

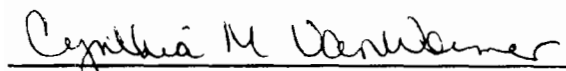
**Section 6. Effective Date and Publication.** This ordinance shall be and the same is hereby declared to be in full force and effect following certification by the Coastal Commission, but in no event shall it be effective sooner than thirty (30) days after the date of its passage. Within fifteen (15) 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 Courtney, at a regular meeting of the City Council of the City of Fort Bragg held on May 12, 2008, and adopted at a regular meeting of the City of Fort Bragg held on May 27, 2008, by the following vote:

<b>AYES:</b>	<b>Councilmembers Turner, Courtney, Gjerde, Melo, and Mayor Hammerstrom.</b>
<b>NOES:</b>	<b>None.</b>
<b>ABSENT:</b>	<b>None.</b>
<b>ABSTAIN:</b>	<b>None.</b>

  
Doug Hammerstrom,  
Mayor

**ATTEST:**

  
Cynthia M. VanWormer, CMC  
City Clerk

**PUBLISH:** May 22, 2008 and June 5, 2008 (by summary).  
**EFFECTIVE DATE:** Pending Coastal Commission Certification.