Public Works & Services Policies (LUP)

Existing Policies	Proposed Policies w/ Suggested Modifications
Policy VI-1/XV-2: New Development to Use City Water and Sewer. All new development constructed in the City Coastal Zone shall be connected to the City water and sewer systems. Limited exceptions to this requirement may be allowed in special or hardship circumstances. Policy XV-8: All new development within the Coastal Zone shall be connected to the City water and sewer system. Limited exceptions may be allowed in special or hardship cases. (1/86) Policy XV-9: The City shall determine when it receives a coastal development permit application, that adequate potable water is available to service the proposed facility, including during peak service demands. (1/86)	**[MOD: The following policies and programs demarcated with the City seal are not part of the certified LCP and shall not govern the review and approval of Coastal Development Permits: Policy PF-1.2 through Program PF-1.2.2; Policy PF-2.1 through Program PF-2.1.2; Policy PF-2.7; Policy PF-2.8; and Policy PF-2.9 through Program PF-2.9.1.]** **Goal PF-1 Ensure that new development is served by adequate public services and infrastructure.** Policy PF-1.1 Ensure Adequate Services and Infrastructure for New Development: ~~Review new development proposals to ensure that the d~~ **D**evelopment **shall only be approved when it has been demonstrated, prior to approval, that the development will be** ~~can~~ be served with adequate potable water; wastewater collection, treatment, and disposal; storm drainage; fire and emergency medical response; police protection; transportation; schools; and solid waste collection and disposal **as applicable to the development consistent with the provisions of Policy PF-A.** ~~Program~~ **Policy** PF-1.1.1: ~~Review and condition~~ **A**all new development proposals **shall be reviewed and conditioned** to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses. Program PF-1.1.2: New development shall be responsible for any improvements or extensions of infrastructure or the service capacity necessary to serve the development. **Policy PF-A: No permit for development shall be approved unless the applicant has demonstrated that such development will be served upon completion with adequate services, including but not limited to potable water; wastewater collection, treatment and disposal; storm drainage; fire and emergency medical response; police protection; transportation; schools; and**

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Existing Policies	Proposed Policies w/ Suggested Modifications
	solid waste collection and disposal; as applicable to the proposed development. a. Demonstration of adequate sewer facilities shall include a written certification from the managers of the municipal sewage system that adequate capacity exists within the system to serve the development and all other known and foreseeable development the system is committed to serving, and that the municipal system will provide such service for the development; b. Demonstration of adequate water shall include a written certification from the managers of the municipal water system that adequate capacity exists within the water system to serve the development and all other known and foreseeable development the system is committed to serving and that the water purveyor will provide such service for the development; c. Demonstration of adequate road facilities shall include information demonstrating that (i) access roads connecting to a public street can be developed in locations and in a manner consistent with LCP policies and (ii) that the traffic generated by the proposed development, and all other known and foreseeable development, will not cause Levels of Service (LOS) of roads, streets, and intersections within the City to reduce below LOS (E). Lack of adequate services to serve the proposed development shall be grounds for denial of the development. Policy PF-B: Certain development, including but not limited to (i) land divisions, including lot line adjustments, mergers and issuance of conditional certificates of compliance, (ii) multi-family dwellings allowed by use permit in residential and commercial districts, (iii) mobile home parks allowed by use permit in residential districts, (iv.) residential care facilities allowed by use permit in residential, commercial, and public facilities districts, (v) organizational houses (sorority, monastery, etc.) allowed by use permit in residential districts, and (vi) rooming or boarding uses allowed by use permits

Existing Policies	Proposed Policies w/ Suggested Modifications
	in residential districts are prohibited unless it is demonstrated that (a) adequate services exists to serve the proposed parcels and building sites consistent with the requirements of Policies PF-1.1 and PF-A above, and (b) adequate service capacity would be retained to accommodate existing and projected future coastal dependent industrial (including commercial fishing facilities), visitor serving, and recreational priority uses in commercial, industrial, parks and recreation, and public facilities districts. Prior to approval of a coastal development permit, the Planning Commission or City Council shall make the finding that these criteria have been met. Such findings shall be based on evidence that adequate service capacity remains to accommodate the existing and projected priority uses identified above. Lack of adequate services to serve the proposed development and existing and projected future priority uses shall be grounds for denial of the development.
	Policy PF-C: New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with the certified LCP. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.
	Goal PF-2 **Assure that the City's infrastructure is maintained and expanded to meet the needs of the City's residents.** Policy PF-2.1 Development Pays Its Share: Require that new development pay its share of capital improvements and the cost of public services to maintain adequate levels of service.

Existing Policies	Proposed Policies w/ Suggested Modifications
	Program PF-2.1.1: Maintain development impact and mitigation fees at a level adequate to finance infrastructure costs. Periodically review the City's fee structure to ensure that it accurately reflects the actual cost of providing services. Program PF-2.1.2: Consider revising the Zoning Ordinance to require property owners seeking annexation approval to enter into a pre-annexation agreement stating that they will not oppose assessment districts, including lighting and street maintenance districts. Policy PF-2.2 Potable Water Capacity: Develop long-term solutions regarding the supply, storage, and distribution of potable water and develop additional supplies **only where such water facilities and supplies are designed to serve a capacity of development which does not exceed the amount of development allowed by the certified LCP, and where found to be consistent with all other policies of the LCP. Any proposed water supply system capacity, expansions, or changes in service area shall be submitted to and approved by the Coastal Commission as an LCP amendment prior to issuance of local permits and construction.** Program PF-2.2.1: Maintain and update a *Water System Master Plan* and identify capital improvements required to meet anticipated demand. Program PF-2.2.2: Monitor, on an ongoing basis, the capacity of the potable water system in relation to the anticipated demand. Program PF-2.2.3: Evaluate, and periodically adjust as appropriate, water capital improvement installation and user fees to reflect the actual cost of providing water service and increasing capacity. Program PF-2.2.4: Pursue all available sources of revenue to fund the maintenance and expansion of the City's water system. Program PF-2.2.5: Continue the City's water conservation and retrofit program until such time as the State Department of Health Services amends its pumping limitations established in the City's Water Permit and/or the availability of adequate water supply is assured by development of a new

Existing Policies	Proposed Policies w/ Suggested Modifications
	water source. Program PF-2.2.6: Develop a program to encourage and allow the safe use of graywater. Program PF-2.2.7: Obtain a permanent license for the water rights initially permitted to the City by the State Division of Water Rights in 1956. Program PF-2.2.8: Reconstruct the Madsen Hole pump station, construct a new raw water line from the Madsen Hole pump station to Sherwood Road, and reconstruct water storage ponds. Program PF-2.2.9: Improve the pressure in the water system lines to meet State standards.
	Policy PF-2.3 Emergency Water Supply: Develop an emergency water supply for disaster preparedness. Program PF-2.3.1: Provide a means for obtaining and treating water from Pudding Creek or the Noyo River for emergency disaster situations only, if allowed by the State and if deemed feasible.
	Policy PF-2.4: Potable Water Quality: Maintain the safety of the water supply. Program PF-2.4.1: Continue to maintain the water collection, treatment, and distribution system to ensure compliance with all State requirements for a public drinking water system Program PF-2.4.2: Provide security and protection for the watersheds and water storage and treatment facilities with monitoring, appropriate notices, physical barriers, and protective devices as well as land use policies and controls. Program PF-2.4.3: Develop long range management and improvement programs for the watersheds. These plans should include management practices and methods of protecting the water source from degradation.

Existing Policies	Proposed Policies w/ Suggested Modifications
	Program PF-2.4.4: Develop and secure additional water storage capacity to meet potential build out water use needs for the City of Fort Bragg. [*CITY REQUESTED MOD*]
	Policy PF-2.5 Wastewater: Review wastewater capacity and expansion plans as needed when regulations change and as the treatment and disposal facility nears capacity. **Any expansion of capacity of wastewater facilities shall be prohibited unless such upgrades are designed to serve a level of development which does not exceed the level of development allowed by the certified LCP, and where found to be consistent with all other policies of the LCP. Any proposed wastewater capacity, expansions, or change in service area shall be submitted to and approved by the Coastal Commission as an LCP amendment prior to issuance of local permits and construction.** Program PF-2.5.1: Develop a Wastewater System Master Plan. Program PF-2.5.2: Continue to improve the wastewater treatment and disposal facility to comply with changing State requirements. ~~Program~~ **Policy** PF-2.5.3: Upgrade wastewater collector lines in areas where there is inadequate capacity or where lines are subject to substantial infiltration and inflow Program PF-2.5.4: Evaluate and periodically adjust, as appropriate, wastewater capital improvement, installation, and user fees to reflect the actual cost of providing wastewater collection, treatment, and disposal service and increasing capacity.
	Policy PF-2.6 Storm Drainage: Annually review storm drain system capacity and expansion plans. Program PF-2.6.1: Update the Storm Drain Master Plan to comply with NPDES requirements and to address current efficiencies in the system.

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~*Refer to Program OS-2.1.1 in the Conservation, Open Space, and Parks Element calling for the preparation of a Storm Drain Master Plan.*~~ Program PF-2.6.2: Implement the storm drain recommendations contained in the Capital Improvement Plan (CIP) and update the CIP as necessary. Program PF-2.6.3: Continue to implement, and update as needed, the *Storm Drain Master Plan* and the improvements itemized in the *Capital Improvement Plan.* Program PF-2.6.4: Periodically adjust, as appropriate, drainage capital improvement installation fees to reflect the actual cost of providing drainage service and increasing capacity.
	Policy LC-7.4 Pipeline, Electrical, and Telecommunications Transmission Corridors: Consolidate new pipeline**, electrical, and telecommunications transmission** corridors within existing pipeline or electrical and telecommunications transmission corridors **wherever feasible**, unless there are overriding technical constraints or significant social, aesthetic, environmental, or economic concerns. ~~Program LC-7.4.1: Revise the Zoning Ordinance to require a coastal development permit for new pipelines and electrical transmission facilities in the Coastal Zone, which are not specifically excluded from Coastal Permit requirements by the Coastal Act.~~ ~~Program~~ **Policy** LC-7.4.2: Electrical and telecommunications transmission rights-of-way and pipelines shall be routed to minimize impacts **to** ~~of~~ scenic resources and ~~to avoid~~ Environmentally Sensitive Habitat Areas according to the following standards: a) Require underground installation of electrical and telecommunication lines where technically and economically feasible, unless it can be shown that other options are ~~more~~ **less** environmentally damaging. b) Scarring, grading, or other vegetative removal shall be minimized and construction areas shall be revegetated with

Existing Policies	Proposed Policies w/ Suggested Modifications
	plants native to the area. c) Where above-ground electrical or telecommunications transmission lines are necessary, **the** design and color of the support towers shall be compatible with the surroundings to the extent **feasible** ~~safety and economic considerations allow~~. Avoid **locating** above-ground transmission lines along the crest of hills, bluffs, and in scenic resource areas.

Industrial Development Policies (LUP)

Existing Policies	Proposed Policies w/ Suggested Modifications
Policy VIII-2/XVI-1: Land Use on the North Bank of the Noyo. All lands on the north bank of the Noyo River, within the City limits and below 25 feet above mean sea level, shall be reserved for commercial fishing facilities, other coastal-dependent industry and boating facilities with wetlands restoration, if any, except for lands: 1. Required to be maintained for riparian habitat values and, 2. Needed to meet access` requirements set out in Chapter III. Policy XVI-2: Standards for Noyo Basin Industrial Development. Industrial development in the Noyo Basin shall: 1. Be limited to coastal-dependent uses, with minimal support or coastal related uses, with priority to commercial fishing activities; 2. Not generate excessive traffic on City collectors, such as South Street and Cypress Avenue; 3. Adhere to the riparian restoration, preservation and mitigation measures set out elsewhere in this LCP; 4. Not interfere with existing coastal-dependent industry, especially commercial fishing; 5. Not interfere with the access proposals of this LCP; and, Be consistent with the proposed Noyo Basin Plan, should such a plan be developed and adopted, and other Land Use Plan policies.	***[MOD: Move Section "J. Industrial and Energy Development Policies" from the Coastal Element to the Land Use Element and modify as follows:]*** **Goal LC-7 Support industrial development which is consistent with the protection, enhancement, and restoration of coastal resources.** Policy LC-7.1 Standards for Noyo Harbor Industrial Development: Limit industrial development in the Noyo Harbor to uses which: a) are coastal-dependent uses **or aquaculture**, giving priority to commercial fishing activities; b) do not generate excessive traffic on City streets, such as South Street, North Harbor Drive, and Cypress Street; ~~c) adhere to the sensitive environmental habitat restoration, preservation, and mitigation measures established by the General Plan~~; d) do not interfere with existing coastal-dependent industry, especially commercial fishing; e) ~~do not interfere with the Coastal Zone public access policies;~~ and f) are consistent with applicable General Plan, **LCP policies, including but not limited to LCP policies regarding the protection of public access and recreation, visual resources, and environmentally sensitive habitat areas,** and Coastal Act **public access** policies. Program LC-7-1.1: Work with the County of Mendocino, the Noyo Harbor District and other agencies to develop and adopt a Noyo Harbor Plan establishing standards for conservation and development for the entire Noyo River drainage area. ~~Policy~~ **Program** LC-7.2 Offshore Oil Drilling: Support Mendocino County's LCP policy to request that the Federal government be requested to establish all underwater land within the Outer Continental Shelf as a petroleum reserve to be used only in a national emergency and that the Mendocino Coast be deleted from any Outer Continental Shelf gas development licensed by the Federal government.

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Existing Policies	Proposed Policies w/ Suggested Modifications
	Policy LC-7.3 ~~Onshore Facilities for Offshore Oil Drilling: Do not permit any onshore facilities related to the exploration and development of offshore oil and gas.~~ **The City shall require a local coastal program amendment for any proposed on-shore facility to support off-shore oil and gas exploration or development. Any such amendment shall not be effective until the proposed amendment is approved by the City and effectively certified, unless such amendment is approved by the Coastal Commission pursuant to Section 30515 of the Coastal Act.** ~~Program LC-7.3.1: Amend the Zoning Ordinance to prohibit the issuance of permits allowing for both onshore and offshore oil and gas exploration, development, and/or production in the City.~~ **Policy LU-IND-A: In areas designated for industrial land uses, coastal-dependent and coastal-related industrial uses shall have priority over other industrial uses on or near the shoreline.**
	H. Commercial and Industrial Land Use Designations ... **Heavy Industrial (IH)** This designation is intended for a range of heavy industrial uses including manufacturing, assembly and processing, and the storage and distribution of raw materials, aggregate plants, and related heavy industrial uses which are generally incompatible with and require locations removed from residential and visitor serving uses. **Timber Resources Industrial (IT)** This designation is intended primarily for timber resource and forest products related manufacturing. It allows a variety of industrial uses relating to forest products processing such as log yards, manufacturing wood products, planing mills, storage of

Existing Policies	Proposed Policies w/ Suggested Modifications
	forest by-products, commercial seedling nurseries, and related support activities including railroad lines, truck shipping facilities, boiler and powerhouse operations, and related uses. In addition, it allows aquaculture with issuance of a conditional use permit. Open space, public parks, and recreation use types and public facilities are also permitted in this district. The uses listed below are examples of the types of uses which may be allowed in this designation. Refer to the Zoning Ordinance for a more precise definition of permitted and conditional uses. • Log Yard Activities - unloading, loading, and storage of logs. • Storage and Inventory of finished product and forest by-products, and storage of finished goods inventory, including chips, bark, and hog fuel. Storage includes indoor and outdoor storage. • Manufacturing and Remanufacturing: sawmills, studmills, veneer plants, plywood and/or layup plants, fence plants, planing mills, portable or fixed wood chip or hog fuel manufacture, dry kilns, and air dry yards. • Product Shipping Operations: includes trucking, rail shipping, and maritime operations, wholesale distribution, re-loading facilities and operations. • Remanufacturing and Secondary, Value-Added Manufacturing of forest products: includes, but not limited to, finger jointing, molding and pattern plants, sash and door plants, window plants, gluelam beams, truss and joint fabrication, engineered forest products such as laminated veneer lumber, particleboard or oriented strand board and pallet plants. • Commercial Seedling Nursery Operations. • Related Support Facilities and Activities Required to Maintain Manufacturing Operations including: railroad lines that include areas for car storage, boiler and powerhouse operations for timber product manufacture, warehousing of products produced on site, maritime docks, shops for maintenance, fabrication and fueling, water collection, storage, transport, and treatment, fire alarm and control systems, security systems, areas for storage of salvage and/or recycling of metals, wood, wire, rubber and other materials, and buffer areas or screening used for industrial purposes but which enable the operation to comply with noise, air quality, water quality, and other environmental standards. • Aquaculture with a conditional use permit.

Existing Policies	Proposed Policies w/ Suggested Modifications
	• Public parks and recreation facilities, open space and conservation uses, and public facilities such as stormwater retention ponds and wetland treatment systems. See Program LU-5.1.4 for a description of which new uses are required to be approved by the City through approval of a conditional use permit. **Light Industrial (IL)** This designation is intended for a variety of commercial, manufacturing, wholesale and distribution, and industrial uses which do not generate a significant amount of on-site customer traffic or high levels of noise, dust, odors, or other potential off-site nuisance characteristics. Manufacturing uses are permitted provided they occur within an enclosed structure. Other uses permitted in this designation include offices ancillary to permitted uses, agricultural product sales and services, construction yards, and automobile repair shops. **Harbor District (HD)** This designation is intended for land uses that support Noyo Harbor's functioning as a commercial fishing center with a mix of commercial and industrial activities. Typical uses include activities that support Noyo Harbor's function as a commercial fishing village and which protect and preserve parcels on, or adjacent to, the sea for coastal-dependent and coastal-related uses, such as: fish processing, aquaculture, boat sales, construction and service, boat chartering, restaurants, gift shops, marine hardware, and retail fish sales.
	Policy LU-5.1 Changes in Industrial Land Use: Require that any General Plan amendments and rezoning of lands which are designated Timber Resources Industrial be subject to a specific plan process. **Specific Plans shall be submitted to and effectively certified by the Coastal Commission as an LCP amendment before they become effective.** ~~Program~~ **Policy** LU-5.1.1: In order for General Plan amendments and rezoning of lands designated Timber Resources Industrial to be considered, a specific plan shall be prepared which addresses, at a minimum, an area

Existing Policies	Proposed Policies w/ Suggested Modifications
	approximating one or more of the subareas as shown on Map LU-4: Specific Plan Areas in the Timber Resources Industrial Land Use Designation. Specific plans shall meet the following minimum criteria: a) The specific plan shall make provisions for existing and future infrastructure connections such as roads, utilities, and coastal access to surrounding developed and undeveloped areas. b) The specific plan shall contain financing methods to provide infrastructure and public amenities based on a nexus between development exactions being imposed and the development-induced needs being met by those exactions, establish an orderly phasing of development, and include other measures as needed to protect the health, safety, and well-being of the community. c) The specific plan, and environmental studies required for that plan, shall be paid for by the applicant who may be repaid by future developers of other portions of the specific plan area on a pro rata basis. **d) The specific plan shall be consistent with the Chapter 3 policies of the Coastal Act.** ~~Program LU-5.1.2: Amend the Zoning Ordinance to establish new zoning districts corresponding to the Industrial land use designations in the General Plan.~~ ~~Program LU-5.1.3: The Zoning Ordinance will be revised to state that powerhouse operations on the lands designated Timber Resources Industrial be conducted only as an accessory use to facilitate on-site timber processing activities. While excess power may be sold to off-site users, the powerhouse shall not be expanded or converted for off-site power production unless the City Council determines that such power generation will not have adverse air quality, traffic, or other adverse environmental effects. The Zoning Ordinance will provide specific definitions for what is considered "accessory use" and the ratio of the amount of power that can be sold off-site to the amount used to operate the timber mill.~~

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~Program LU-5.1.4: Revise the Zoning Ordinance to require a conditional use permit for the following new manufacturing and processing activities on land within the Timber Resources Industrial land use designation:~~ ~~a) Construction of a new building;~~ ~~b) Expansion of an existing building by 25 percent or greater;~~ ~~c) A change in the use of an existing building from one type of industrial process or storage to a different type of use.~~ ~~Program LU-5.1.5: Revise the Zoning Ordinance to allow ancillary retail sales at businesses in the Light Industrial zoning district providing that the business manufactures, refines, repairs, finishes or stores its products or services on-site, has adequate parking and street access, and does not generate a significant amount of customer traffic.~~ ~~Program LU 5.1.6: Revise the Zoning Ordinance to establish a process for review and adoption of specific plans.~~
	Policy LU-5.2 Siting New Industrial Development: Site new industrial development so that it is contiguous with, or in close proximity to, existing developed areas able to accommodate it, or where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects on coastal resources, either individually or cumulatively. **Policy LU-IND-B: Where feasible, locate new hazardous industrial development away from existing developed areas.**
	Policy LU-5.3 Industrial Land Use Standards: Require that industrial development avoid or minimize creating substantial pollution, noise, glare, dust, odor, or other significant adverse impacts. Program LU-5.3.1: Continue to enforce, and revise as needed, Zoning Ordinance standards with regard to noise, glare, dust, odor, and other potentially adverse impacts of industrial activity.

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~Policy LU-5.4 Standards for Noyo Harbor Industrial Development: Limit industrial development in the Noyo Harbor area to the following:~~ ~~a) coastal-dependent uses, giving priority to commercial fishing activities;~~ ~~b) uses which do not generate excessive traffic on City streets, particularly North Harbor Drive;~~ ~~c) uses which adhere to the sensitive environmental habitat protection and restoration measures established by the General Plan;~~ ~~d) uses which do not interfere with existing coastal-dependent uses, especially commercial fishing;~~ ~~e) uses which do not interfere with the Coastal Zone public access policies; and~~ ~~f) uses which are consistent with the Noyo Harbor Plan and other applicable General Plan and Coastal Act policies.~~
	Policy LC-7.4 Pipeline, Electrical, and Telecommunications Transmission Corridors: Consolidate new pipeline corridors within existing pipeline or electrical and telecommunications transmission corridors, unless there are overriding technical constraints or significant social, aesthetic, environmental, or economic concerns. ~~Program LC-7.4.1: Revise the Zoning Ordinance to require a coastal development permit for new pipelines and electrical transmission facilities in the Coastal Zone, which are not specifically excluded from Coastal Permit requirements by the Coastal Act.~~ ~~Program~~ **Policy** LC-7.4.2: Electrical and telecommunications transmission rights-of-way and pipelines shall be routed to minimize impacts of scenic resources and to avoid Environmentally Sensitive Habitat Areas according to the following standards: a) Require underground installation of electrical and telecommunication lines where technically and economically feasible, unless it can be shown that other options are more environmentally damaging.

Existing Policies	Proposed Policies w/ Suggested Modifications
	b) Scarring, grading, or other vegetative removal shall be minimized and construction areas shall be revegetated with plants native to the area. c) Where above-ground electrical or telecommunications transmission lines are necessary, design and color of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow. Avoid above-ground transmission lines along the crest of hills, bluffs, and in scenic resource areas.
	Aquaculture Policies **Policy LU-AQ-A: Aquaculture Development. All aquaculture development or facilities shall require a coastal development permit and shall be consistent with all policies and standards of the certified LCP, including but not limited to policies regarding the protection of public access, water and marine resources, environmentally sensitive habitat areas, hazards, water quality, archaeological resources, and visual resources.** **Policy LU-AQ-B: No intake or discharge lines shall be placed above ground in the Timber Resources Industrial District in any Environmentally Sensitive Habitat Areas as defined in Policy OS-A and Section 30107.5 of the Coastal Act, including but not limited to, along portions of any coastal bluff that constitute ESHA, or within any rocky intertidal habitat area.** **Policy LU-AQ-C: No intake or discharge lines shall be placed above ground within the Harbor District, the adjoining tidelands and submerged lands of the Noyo River, or on the face of coastal bluffs within the Timber Resources Industrial district, unless all other alternatives have been demonstrated to be infeasible or more environmentally damaging. Alternatives to be evaluated shall include, but not be limited to, (1) placing lines under ground through use of directional drilling or trenching, (2) using closed-loop aquaculture systems that do not require offshore intake and discharge lines, and (3) connecting discharge lines to the existing sanitary sewer system. If all other alternatives**

Existing Policies	Proposed Policies w/ Suggested Modifications
	have been demonstrated to be infeasible or more environmentally damaging and intake or discharge lines must be placed above ground within the Harbor District and the adjoining tidelands and submerged lands of the Noyo River, or on the face of coastal bluffs within the Timber Resources Industrial district, the lines shall be placed in the least environmentally damaging feasible location and in a manner that will not interfere with Noyo River navigation, existing recreational boating facilities and coastal dependent industry, especially commercial fishing facilities. Policy LU-AQ-D: Any intake or discharge lines allowed to be placed above ground within the Harbor District and the adjoining tidelands and submerged lands of the Noyo River shall be removed upon abandonment of the aquaculture development or facility it was installed to serve. Policy LU-AQ-E: All aquaculture development or facilities shall be sited and designed to be visually compatible with the character of surrounding areas, and shoreline facilities shall be screened. Policy LU-AQ-F: All aquaculture development or facilities shall be sited and designed to prevent impacts which would significantly degrade environmentally sensitive habitat areas, as defined in Policy ### and section 30107.5 of the Coastal Act, and shall be compatible with the continuance of biological and ecological values in those habitat areas. Policy LU-AQ-G: All aquaculture development or facilities shall be sited and designed to avoid encroachment of aquaculture operations into adjacent recreational areas. Policy LU-AQ-H: No aquaculture development or facilities shall interfere with the public's right of access to the sea. All aquaculture development or facilities shall ensure adequate provision of lateral and vertical access. Policy LU-AQ-I: All aquaculture development or facilities shall be sited and designed to: (1) minimize risks to life and property from geologic and flood hazards, including but not limited to bluff erosion, slope stability, seismic events, liquefaction, tsunamis, floods, and wave attack; and (2) assure stability

Existing Policies	Proposed Policies w/ Suggested Modifications
	and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Policy LU-AQ-J: Availability of adequate water to serve all aquaculture development or facilities shall be demonstrated prior to approval of such aquaculture development or facilities. Policy LU-AQ-K: All aquaculture development or facilities shall be sited and designed to minimize the chances for release of non-native species, pathogens, and parasites into the aquatic environment. Policy LU-AQ-L: All aquaculture development or facilities shall be sited and designed to ensure that waste discharges will comply with all applicable water quality regulations, including, but not limited to, any applicable regulations contained within (1) the State Water Resources Control Board's "Water Quality Control Plan, Ocean Waters of California" Ocean Plan, (2) the State Water Resources Control Board's "Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California" (Thermal Plan), and (3) the North Coast Regional Water Quality Control Board's (RWQCB) "Water Quality Control Plan for the North Coast Region" (Basin Plan). Policy LU-AQ-M: All aquaculture development or facilities shall be sited and designed to minimize the discharge of pollutants to water, including but not limited to substances in concentrations toxic to human, animal, plant, or aquatic life. Policy LU-AQ-N: All aquaculture development or facilities shall implement Best Management Practices (BMPs) to ensure the number and quantity of pollutants discharged or potentially discharged from the facility shall be minimized to the maximum extent feasible. BMPs shall specifically address adequate cleaning, feeding, transfer and importation of species, husbandry practices, removal of dead species, storage and handling of raw material, drugs and chemicals, and disposal of solid waste.

Existing Policies	Proposed Policies w/ Suggested Modifications
	Policy LU-AQ-O: All aquaculture development or facilities shall be carried out in a manner that will sustain the biological productivity of coastal waters, protect human health and maintain healthy populations of all species of marine organisms for long-term commercial, recreational, scientific and educational purposes. Policy LU-AQ-P: Aquaculture facilities sited within the Harbor District shall not interfere with existing recreational boating facilities and existing coastal-dependent industry, including fishing. Policy LU-AQ-Q: Ocean front land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

Archaeological Resources Policies (LUP & IP)

Existing Policies	Proposed Policies w/ Suggested Modifications
Policy XIII-1: Special Review in Archaeological Areas. The City shall require all development occurring in the archaeological ("AR") special review areas on the Coastal Environment Map to undergo the special review process set out in Chapter XVII, Section E. Where development would adversely impact archaeological or paleontological resources, the City shall require reasonable mitigation measures. Policy XIII-3: The newly annexed area along the north side of the Noyo River, zoned Planned Development, the area located north and West of the GP airstrip and the area along the southern portion of Noyo Bay, i.e., Todd Point, labelled PD shall be added to the archaeological review areas and undergo the special review process established in Chapter XVII of this document. (1/86)	[*MOD: Move from Community Design Element to Land Use Element*] Policy CD-6.4 Preserve Archaeological Resources. **New development shall be located and/or designed to avoid archaeological and paleontological resources where feasible, and where new development would adversely affect archaeological or paleontological resources, reasonable mitigation measures shall be required.** **Policy LU-ARCH-A: Archaeological Resources Report Required.** **A. Development located within areas of known or potential archaeological or paleontological resources included in (1) – (6) shall be required to submit a report consistent with the requirements of section B below prior to approval of a building, grading, or coastal development permit for the development.** **1. Former Georgia Pacific timber mill. The entire property which comprises the former Georgia-Pacific timber mill site;** **2. Noyo Bay. The area located along the south side of Noyo Bay (e.g., Todd Point);** **3. Noyo River. All of the areas located adjacent to the north side of the Noyo River;** **4. North Fort Bragg Coast. All of the areas located west of Highway 1 and north of Pudding Creek;** **5. Special Review Areas. All Special Review Areas identified on Map LC-2 in the General Plan for the Coastal Zone; and** **6. Other areas identified by the Director. Other areas identified by the environmental review process (Chapter 18.72), or brought to the attention of the City through special studies performed after the**

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ARCHAEOLOGY (LUP/IP)
POLICY CHART

Existing Policies	Proposed Policies w/ Suggested Modifications
	enactment of this Section, as having the potential for containing archaeological or paleontological resources. B. Report required. A project specific report shall be prepared by a qualified archaeologist and shall be submitted prior to filing as complete a coastal development permit application. The permit review authority may waive the requirement for a project specific report if the Director determines that an existing report satisfies the requirements of this section. At a minimum, the report shall: 1. Include a search of existing archaeological records including, but not limited to those contained in the California Historic Resource Information center at Sonoma State University. 2. Include a field survey to identify and evaluate all archaeological and paleontological resources in the areas of the site proposed to be disturbed by the project; 3. Assess the effects of the proposed development on those resources; and 4. Recommend appropriate resource preservation and/or mitigation measures to adequately address the identified effects. 5. If cultural resources are identified, a copy of the report shall also be transmitted to the State Historical Preservation Officer and the California Historic Resources Information System for review and comment. ~~Program CD-6.4.1: Continue to Require that a records search by the California Historic Resource Information System be performed for projects seeking discretionary approvals which are on sites where cultural resources potentially exist.~~ ***[MOVED TO POLICY LU-ARCH-A ABOVE]*** ~~Program CD-6.4.2: Require that areas found to contain significant historic or prehistoric artifacts be examined by a qualified consulting archaeologist~~

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~before permitting ground disturbing alterations on sites with potential archaeological resources or changes to historic buildings.~~ ***[MOVED TO POLICY LU-ARCH-A ABOVE]*** ~~Program CD-6.4.3: Require that proper archaeological testing, documentation, monitoring, and safe retrieval of cultural resources take place prior to issuance of a building or grading permit for ground altering activities for areas where cultural and archaeological resources have been identified.~~ ***[MOVED TO POLICY LU-ARCH-A ABOVE]*** ~~Program~~ **Policy** CD-6.4.4: Halt all work if archaeological resources are uncovered during construction. Require an evaluation by a qualified archaeologist before recommencing construction. ~~Program~~ CD-6.4.5: Locate and/or design new development to avoid archaeological resources where feasible. ***[MOVED TO POLICY CD-6.4]*** **Policy LU-ARCH-B: Mitigation shall be designed in compliance with the guidelines of the State Office of Historic Preservation and the State Native American Heritage Commission.**
	~~Program LC-3.1.1: Special Review Areas identified in Map LC-2 or other sites identified by City staff which have the possibility of containing cultural resources or environmentally sensitive habitat shall submit an assessment prepared by a qualified professional which identifies the resources and provides recommended measures to ensure that the requirements of the Coastal Act and the City of Fort Bragg's Local Coastal Program are fully met. The assessments shall include the following:~~ ~~a) field survey by a qualified archaeologist for cultural resources, evaluation of any resources found, and preparation of a mitigation plan to record, curate, and/or preserve important resources, unless City staff determines that there is no likelihood of cultural resources occurring on the site;~~

Existing Policies	Proposed Policies w/ Suggested Modifications
IP Archaeological Resource Protection Policies	
18.61.027 Locating and planning new development. A. Development type and intensity—General standards. 1. Development type and intensity shall be that specified by the land use categories and designations in the Coastal Land Use Plan and Plan Map. 2. Environmental standards shall take precedence in determining the location and intensity of new development. 3. Where a parcel is partly in and partly out of an environmentally sensitive habitat area, development shall be located and designed to avoid adverse effects on environmental resources. 4. Areas along the north side of the mouth of the Noyo River zoned Planned Development, the area located north and west of the GP airstrip and the area along the southern portion of Noyo Bay, i.e. Todd Point shall undergo archeological review. 5. Residential proposed uses in Planned Development Zoning shall be limited to a maximum density of six units per acre. B. Cultural resources—Standards. 1. The city shall require all development occurring in the archaeological review (AR) area located on the Coastal Environmental Map to undergo the special review process set out in Section XVII(E) of the Coastal Land Use Plan and the following provisions: a. Where development proposals are for an	**18.50.030 - Archaeological Resource Preservation** **A. Purpose.** The requirements of this Section are intended to ensure that appropriate safeguards are established and followed in order to protect archaeological and paleontological resources whose potential location is identified, or which are actually discovered as a result of development activity within the City. **B. Applicability.** **This Chapter shall apply to the review and approval of coastal development permits, grading permits, and building permits for all development located within areas known to contain, or potentially containing, archaeological and paleontological resources including as follows:** ~~Before commencing any digging, grading, or any other activity in advance of construction of an approved development project within the following areas, an archeological and paleontological resource review shall clarify that duplicate studies will not be required in compliance with this Chapter. Historic structures are instead subject to the requirements of Chapter 18.74 (Cultural Resource Preservation). Note: duplicate surveys are not required if an existing survey is on file at City Hall and/or the California Historic Information Resources Center at Sonoma State University.~~ **1. Former Georgia Pacific timber mill.** The entire property which comprises the former Georgia-Pacific timber mill site; **2. Noyo Bay.** The area located along the south side of Noyo Bay (e.g., Todd Point); **3. Noyo River.** All of the areas located adjacent to the north side of the Noyo River; **4. North Fort Bragg Coast.** All of the areas located west of Highway 1 and north of Pudding Creek; **6. Special Review Areas.** All Special Review Areas identified on Map LC-2 in

Existing Policies	Proposed Policies w/ Suggested Modifications
area in which there are known archaeological and paleontological resources on the site or in the vicinity, a report shall be prepared by a qualified archaeologist, or anthropologist prior to the issuance of a coastal development permit. b. The report shall identify and evaluate all archaeological and paleontological resources, assess the effects of the proposed development on those resources, and recommend resource preservation or mitigation measures. c. A copy of the report shall be transmitted to the State Historical Preservation Officer for review and comment. 2. Where development will adversely affect archaeological or paleontological resources, the city shall require reasonable mitigation measures. Mitigation shall be designed in accordance with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission. 3. When in the course of grading, digging or any other development process, evidence of archaeological artifacts is discovered, all work which could damage or destroy such resources shall cease and city planning staff shall be notified immediately of the discovery. City planning staff shall notify the State Historic Preservation Officer and the Sonoma State University Cultural Resources Facility of the find. At the request of the State Historic Preservation Officer, development of the site shall be halted until an archaeological	the **General Plan for the Coastal Zone** ~~Coastal Element; (Program LC-3.1.1)~~ and 6. **Other areas identified by the Director.** Other areas identified by the environmental review process (Chapter 18.72), or brought to the attention of the City through special studies performed after the enactment of this Section, as having the potential for containing archaeological or paleontological resources. C. **Procedures.** All development activity occurring within the areas identified in Subsection B. (Applicability), above shall comply with the following procedures: 1. **Report required. A report shall be prepared by a qualified archaeologist and shall be submitted prior to filing as complete a coastal development permit application for a coastal development permit, grading permit, building permit, or** ~~Where development proposals are for an area in which there are known archaeological or paleontological resources on the site or in the vicinity, and for which the Director determines no adequate prior assessment of on-site resources has been completed, a report shall be prepared by a qualified archaeologist before the issuance of a Coastal Development Permit in compliance with Section 18.71.040, or~~ other discretionary permit approval. **a. The report shall include a search of existing archaeological records including, but not limited to, those contained at the California Historic Resource Information Center at Sonoma State University.** **b. The report shall nclude a field survey to identify and evaluate all archaeological and paleontological resources in the areas of the site proposed to be disturbed by the project;** ~~a.~~**c.** At a minimum, the report shall identify and evaluate all archaeological and paleontological resources in the areas of the site proposed to be disturbed by the project, assess the effects of the proposed development on those resources, **evaluate alternatives to**

Existing Policies	Proposed Policies w/ Suggested Modifications
assessment of the site can be made and mitigation measures developed. (Ord. 665 §11, 1987; Ord. 588, 1982.)	**determine if the development can be feasibly located and/or designed to avoid archaeological and paleontological resources,** and recommend appropriate resource preservation and/or mitigation measures to adequately address the identified effects. ~~b.~~**d.** If cultural resources are identified, a copy of the report shall also be transmitted to the State Historical Preservation Officer and the California Historic Resources Information System for review and comment. The Director may waive the requirement for a report if the Director determines that an existing report satisfies ~~this~~ **the** requirement**s of this section**. **2. Mitigation measures required.** a. Where proposed development activity will adversely affect archaeological or paleontological resources, the City shall require reasonable and necessary mitigation measures. b. Mitigation shall be designed in compliance with the guidelines of the State Office of Historic Preservation and the State Native American Heritage Commission. **D. Discovery of resources.** ~~All development activity within the City shall comply with the following requirements.~~ **If there is the potential that prehistoric traces such as human remains, artifacts, or concentrations of shell, bone, or ash may be encountered during development activity, the City shall require the following actions be taken as a condition of any permit approval:** 1. When, in the course of digging, grading, or any other activity ~~in advance of~~ **associated with** construction of an approved development project, evidence of archaeological, paleontological, or potentially significant historic resources is discovered, all ~~work which could potentially damage or destroy the resources~~ **development shall cease immediately and shall**

Existing Policies	Proposed Policies w/ Suggested Modifications
	not recommence except as provided in subsection (6) hereof. 2. The Director **and a qualified archaeologist** shall be notified immediately of the discovery. 3. The Director shall notify the State Historic Preservation Officer and the California Historical Resources Information System at Sonoma State University of the discovery. ~~4. At the request of the State Historic Preservation Officer, development of the site shall be halted until an archaeological assessment of the site can be made and appropriate mitigation measures developed.~~ **4. If human remains are encountered, the county coroner and the Mendocino County Archaeological Commission shall be contacted immediately. If the county coroner or archaeological commission officials determine that the remains are those of a Native American, local representative Native American organizations shall be consulted as to courses of action.** **5. Prompt evaluation of the importance of the find shall be made and the proper course of action, acceptable to all parties concerned, shall be adopted.** **6. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a supplementary archaeological plan for the review and approval of the permit review authority.** **(i) If the permit review authority approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the permit review authority.**

Existing Policies	Proposed Policies w/ Suggested Modifications
	(ii) If the permit review authority approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to the permit is approved by the reviewing authority. (iii) The applicant shall undertake development in accordance with the approved supplemental Archaeological Plan. E. Monitoring. New development on sites identified as archaeologically sensitive shall include on-site monitoring of all grading, excavation and site preparation that involve earth moving operations by a qualified archaeologist(s) and appropriate Native American consultant(s).

Commercial Fishing & Boating Policies (LUP)

Existing Policies	Proposed Policies w/ Suggested Modifications
Policy VIII-1: Noyo Basin Plan. If the Noyo Harbor is annexed to the City, the City shall actively encourage the development of a comprehensive Noyo Basin Plan by working with the Noyo Harbor District, County of Mendocino, U.S. Army Corps of Engineers, and other appropriate local, state and federal agencies.	**[*MOD: Move from Coastal Element to Land Use Element*]** ~~Policy~~ **Program** LC-4.1 Annexation of Noyo Harbor: Consider annexation of the Noyo Harbor. Program LC-4.1.1: Encourage the preparation of a specific plan for the Noyo Harbor with the cooperation and involvement of the Noyo Harbor District, the County of Mendocino, local property owners, and appropriate State agencies. Include in the specific plan policies that continue to give priority to coastal-dependent land uses such as commercial fishing, recreational boating, and related commercial uses, while increasing the range of visitor-serving uses on parcels not located directly on the coast or the Noyo River.
Policy VIII-2/XVI-1: Land Use of the North Bank of the Noyo. All lands on the north bank of the Noyo River, within the City limits and below 25 feet above mean sea level, shall be reserved for commercial fishing and other coastal-dependent industry, except for lands: 1. Required to be maintained for riparian habitat values; and 2. Needed to meet access requirements set out in Chapter III.	~~Policy LC-3.3 Noyo River Wetlands: Permit only wetlands restoration and related conservation and habitat restoration projects in the Special Review Areas on the Noyo River, as indicated in Map LC-2.~~

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Policy VIII-3: Noyo Basin Development Policy Consistency. Any development allowed in the City's portion of the Noyo Basin shall: 1. Be consistent with any Noyo Basin Plan adopted jointly by the City, the Noyo Harbor District, and the County of Mendocino, if such a plan exists; and Be consistent with other Land Use Plan policies, particularly those in Chapters IX and VII.	**Policy LU-BF-A: Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced and shall be protected unless written findings are made that present and foreseeable future demand for the facilities that could be accommodated on the property is already adequately provided for in the area. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.** **Policy LU-BF-B: Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.** **Policy LU-BF-C: The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.**

Public Works & Services Policies (LUP)

Existing Policies	Proposed Policies w/ Suggested Modifications
Policy VI-1/XV-2: New Development to Use City Water and Sewer. All new development constructed in the City Coastal Zone shall be connected to the City water and sewer systems. Limited exceptions to this requirement may be allowed in special or hardship circumstances. Policy XV-8: All new development within the Coastal Zone shall be connected to the City water and sewer system. Limited exceptions may be allowed in special or hardship cases. (1/86) Policy XV-9: The City shall determine when it receives a coastal development permit application, that adequate potable water is available to service the proposed facility, including during peak service demands. (1/86)	**[MOD: The following policies and programs demarcated with the City seal are not part of the certified LCP and shall not govern the review and approval of Coastal Development Permits: Policy PF-1.2 through Program PF-1.2.2; Policy PF-2.1 through Program PF-2.1.2; Policy PF-2.7; Policy PF-2.8; and Policy PF-2.9 through Program PF-2.9.1.]** **Goal PF-1 Ensure that new development is served by adequate public services and infrastructure.** Policy PF-1.1 Ensure Adequate Services and Infrastructure for New Development: ~~Review new development proposals to ensure that the d~~ **D**evelopment **shall only be approved when it has been demonstrated, prior to approval, that the development will be** ~~can~~ be served with adequate potable water; wastewater collection, treatment, and disposal; storm drainage; fire and emergency medical response; police protection; transportation; schools; and solid waste collection and disposal **as applicable to the development consistent with the provisions of Policy PF-A.** ~~Program~~ **Policy** PF-1.1.1: ~~Review and condition~~ **A**all new development proposals **shall be reviewed and conditioned** to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses. Program PF-1.1.2: New development shall be responsible for any improvements or extensions of infrastructure or the service capacity necessary to serve the development. **Policy PF-A: No permit for development shall be approved unless the applicant has demonstrated that such development will be served upon completion with adequate services, including but not limited to potable water; wastewater collection, treatment and disposal; storm drainage; fire and emergency medical response; police protection; transportation; schools; and**

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Existing Policies	Proposed Policies w/ Suggested Modifications
	solid waste collection and disposal; as applicable to the proposed development. a. Demonstration of adequate sewer facilities shall include a written certification from the managers of the municipal sewage system that adequate capacity exists within the system to serve the development and all other known and foreseeable development the system is committed to serving, and that the municipal system will provide such service for the development; b. Demonstration of adequate water shall include a written certification from the managers of the municipal water system that adequate capacity exists within the water system to serve the development and all other known and foreseeable development the system is committed to serving and that the water purveyor will provide such service for the development; c. Demonstration of adequate road facilities shall include information demonstrating that (i) access roads connecting to a public street can be developed in locations and in a manner consistent with LCP policies and (ii) that the traffic generated by the proposed development, and all other known and foreseeable development, will not cause Levels of Service (LOS) of roads, streets, and intersections within the City to reduce below LOS (E). Lack of adequate services to serve the proposed development shall be grounds for denial of the development. Policy PF-B: Certain development, including but not limited to (i) land divisions, including lot line adjustments, mergers and issuance of conditional certificates of compliance, (ii) multi-family dwellings allowed by use permit in residential and commercial districts, (iii) mobile home parks allowed by use permit in residential districts, (iv.) residential care facilities allowed by use permit in residential, commercial, and public facilities districts, (v) organizational houses (sorority, monastery, etc.) allowed by use permit in residential districts, and (vi) rooming or boarding uses allowed by use permits

Existing Policies	Proposed Policies w/ Suggested Modifications
	in residential districts are prohibited unless it is demonstrated that (a) adequate services exists to serve the proposed parcels and building sites consistent with the requirements of Policies PF-1.1 and PF-A above, and (b) adequate service capacity would be retained to accommodate existing and projected future coastal dependent industrial (including commercial fishing facilities), visitor serving, and recreational priority uses in commercial, industrial, parks and recreation, and public facilities districts. Prior to approval of a coastal development permit, the Planning Commission or City Council shall make the finding that these criteria have been met. Such findings shall be based on evidence that adequate service capacity remains to accommodate the existing and projected priority uses identified above. Lack of adequate services to serve the proposed development and existing and projected future priority uses shall be grounds for denial of the development.
	Policy PF-C: New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with the certified LCP. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.
	Goal PF-2 **Assure that the City's infrastructure is maintained and expanded to meet the needs of the City's residents.** Policy PF-2.1 Development Pays Its Share: Require that new development pay its share of capital improvements and the cost of public services to maintain adequate levels of service.

Existing Policies	Proposed Policies w/ Suggested Modifications
	Program PF-2.1.1: Maintain development impact and mitigation fees at a level adequate to finance infrastructure costs. Periodically review the City's fee structure to ensure that it accurately reflects the actual cost of providing services. Program PF-2.1.2: Consider revising the Zoning Ordinance to require property owners seeking annexation approval to enter into a pre-annexation agreement stating that they will not oppose assessment districts, including lighting and street maintenance districts. Policy PF-2.2 Potable Water Capacity: Develop long-term solutions regarding the supply, storage, and distribution of potable water and develop additional supplies **only where such water facilities and supplies are designed to serve a capacity of development which does not exceed the amount of development allowed by the certified LCP, and where found to be consistent with all other policies of the LCP. Any proposed water supply system capacity, expansions, or changes in service area shall be submitted to and approved by the Coastal Commission as an LCP amendment prior to issuance of local permits and construction.** Program PF-2.2.1: Maintain and update a *Water System Master Plan* and identify capital improvements required to meet anticipated demand. Program PF-2.2.2: Monitor, on an ongoing basis, the capacity of the potable water system in relation to the anticipated demand. Program PF-2.2.3: Evaluate, and periodically adjust as appropriate, water capital improvement installation and user fees to reflect the actual cost of providing water service and increasing capacity. Program PF-2.2.4: Pursue all available sources of revenue to fund the maintenance and expansion of the City's water system. Program PF-2.2.5: Continue the City's water conservation and retrofit program until such time as the State Department of Health Services amends its pumping limitations established in the City's Water Permit and/or the availability of adequate water supply is assured by development of a new

Existing Policies	Proposed Policies w/ Suggested Modifications
	water source. Program PF-2.2.6: Develop a program to encourage and allow the safe use of graywater. Program PF-2.2.7: Obtain a permanent license for the water rights initially permitted to the City by the State Division of Water Rights in 1956. Program PF-2.2.8: Reconstruct the Madsen Hole pump station, construct a new raw water line from the Madsen Hole pump station to Sherwood Road, and reconstruct water storage ponds. Program PF-2.2.9: Improve the pressure in the water system lines to meet State standards.
	Policy PF-2.3 Emergency Water Supply: Develop an emergency water supply for disaster preparedness. Program PF-2.3.1: Provide a means for obtaining and treating water from Pudding Creek or the Noyo River for emergency disaster situations only, if allowed by the State and if deemed feasible.
	Policy PF-2.4: Potable Water Quality: Maintain the safety of the water supply. Program PF-2.4.1: Continue to maintain the water collection, treatment, and distribution system to ensure compliance with all State requirements for a public drinking water system Program PF-2.4.2: Provide security and protection for the watersheds and water storage and treatment facilities with monitoring, appropriate notices, physical barriers, and protective devices as well as land use policies and controls. Program PF-2.4.3: Develop long range management and improvement programs for the watersheds. These plans should include management practices and methods of protecting the water source from degradation.

Existing Policies	Proposed Policies w/ Suggested Modifications
	Program PF-2.4.4: Develop and secure additional water storage capacity to meet potential build out water use needs for the City of Fort Bragg. [*CITY REQUESTED MOD*]
	Policy PF-2.5 Wastewater: Review wastewater capacity and expansion plans as needed when regulations change and as the treatment and disposal facility nears capacity. **Any expansion of capacity of wastewater facilities shall be prohibited unless such upgrades are designed to serve a level of development which does not exceed the level of development allowed by the certified LCP, and where found to be consistent with all other policies of the LCP. Any proposed wastewater capacity, expansions, or change in service area shall be submitted to and approved by the Coastal Commission as an LCP amendment prior to issuance of local permits and construction.** Program PF-2.5.1: Develop a Wastewater System Master Plan. Program PF-2.5.2: Continue to improve the wastewater treatment and disposal facility to comply with changing State requirements. ~~Program~~ **Policy** PF-2.5.3: Upgrade wastewater collector lines in areas where there is inadequate capacity or where lines are subject to substantial infiltration and inflow Program PF-2.5.4: Evaluate and periodically adjust, as appropriate, wastewater capital improvement, installation, and user fees to reflect the actual cost of providing wastewater collection, treatment, and disposal service and increasing capacity.
	Policy PF-2.6 Storm Drainage: Annually review storm drain system capacity and expansion plans. Program PF-2.6.1: Update the Storm Drain Master Plan to comply with NPDES requirements and to address current efficiencies in the system.

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~*Refer to Program OS-2.1.1 in the Conservation, Open Space, and Parks Element calling for the preparation of a Storm Drain Master Plan.*~~ Program PF-2.6.2: Implement the storm drain recommendations contained in the Capital Improvement Plan (CIP) and update the CIP as necessary. Program PF-2.6.3: Continue to implement, and update as needed, the *Storm Drain Master Plan* and the improvements itemized in the *Capital Improvement Plan.* Program PF-2.6.4: Periodically adjust, as appropriate, drainage capital improvement installation fees to reflect the actual cost of providing drainage service and increasing capacity.
	Policy LC-7.4 Pipeline, Electrical, and Telecommunications Transmission Corridors: Consolidate new pipeline**, electrical, and telecommunications transmission** corridors within existing pipeline or electrical and telecommunications transmission corridors **wherever feasible**, unless there are overriding technical constraints or significant social, aesthetic, environmental, or economic concerns. ~~Program LC-7.4.1: Revise the Zoning Ordinance to require a coastal development permit for new pipelines and electrical transmission facilities in the Coastal Zone, which are not specifically excluded from Coastal Permit requirements by the Coastal Act.~~ ~~Program~~ **Policy** LC-7.4.2: Electrical and telecommunications transmission rights-of-way and pipelines shall be routed to minimize impacts **to** ~~of~~ scenic resources and ~~to avoid~~ Environmentally Sensitive Habitat Areas according to the following standards: a) Require underground installation of electrical and telecommunication lines where technically and economically feasible, unless it can be shown that other options are ~~more~~ **less** environmentally damaging. b) Scarring, grading, or other vegetative removal shall be minimized and construction areas shall be revegetated with

Existing Policies	Proposed Policies w/ Suggested Modifications
	plants native to the area. c) Where above-ground electrical or telecommunications transmission lines are necessary, **the** design and color of the support towers shall be compatible with the surroundings to the extent **feasible** ~~safety and economic considerations allow~~. Avoid **locating** above-ground transmission lines along the crest of hills, bluffs, and in scenic resource areas.

Environmentally Sensitive Habitat Area (ESHA) Policies (LUP & IP)

Existing Policies	Proposed Policies w/ Suggested Modifications
Policy IX-1: General Policy. Environmentally sensitive habitat areas in the City's Coastal Zone include: Intertidal and marine areas, coastal bluffs, wetlands, and riparian habitats. Such areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. Intertidal and marine areas, coastal bluffs, wetlands and riparian habitats shall be protected against any significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas. (1/86) **Policy IX-2:** Pudding Creek Wetland. The brackish marsh located on the south shore of Pudding Creek west of Highway 1 and mapped on the Coastal Environment Map shall be preserved in its natural state. The brackish marsh within Pudding Creek shall be preserved in its natural state. (1/86) **Policy IX-4**: Noyo River Riparian Habitat. The riparian habitat areas on the North Bank of the Noyo River identified on the Coastal Environment Map shall be preserved for their habitat value. **Policy IX-5**: Special Review of Bluff/Riparian Vegetation. The City shall require all development proposed in the bluff/riparian vegetation ("BRV") special review area on the Coastal Environment Map to undergo the special review	[***MOD: Move Section "F. Environmentally Sensitive Habitat Areas" from the Coastal Element to the Conservation, Open Space, & Parks Element and modify as follows***:] **Policy OS-ESHA-A: "Environmentally sensitive habitat area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.** Protection of environmentally sensitive habitat areas is one of the essential aspects of the Coastal Act. Fort Bragg has several environmentally sensitive **habitat** areas. These include**, but are not limited to the following types of habitat areas**: • Coastal Bluffs are the ocean-facing cliffs along the entire coastal margin. **Portions of the** ~~These~~ bluffs are well vegetated and constitute important habitat for a variety of **rare or especially valuable** plant and animal species. • Intertidal and Marine Areas are the rocky intertidal areas along the coast and contain biologically rich tide pools, nesting grounds, and kelp beds. • Wetlands are areas within the Coastal Zone which may be periodically or permanently covered with shallow water and include salt and fresh water marshes. • Riparian Habitats are areas of **especially valuable** vegetation and associated wildlife habitat which typically occur adjacent to fresh watercourses. • **Rare, threatened, or endangered plants, or plant communities** ~~The location of~~ **Areas that may contain** environmentally sensitive habitat areas ~~is~~ **include, but are not limited to, areas** indicated by Map LC-2: Special Review Areas. ~~The Conservation, Open Space and Parks Element contains related additional polices and programs.~~

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process set out in Chapter XVII Section E. A buffer area adequate to prevent significant adverse impacts to identified environmentally sensitive habitat areas and at least 50 feet in width shall be provided in all developments. Standards for determining the size and type of buffer area are included in the special review section. **Policy IX-6**: Special Review of Special Vegetation. The City shall require all development proposed in the special vegetation ("SV") special review area on the Coastal Environment Map to undergo the special review process set out in Chapter XVII Section E. If the species noted elsewhere in this chapter have been included on a statutory listing of rare and endangered plant species, then no development which reduces the range of the rare and endangered species on site shall be allowed, and the site shall be designated for acquisition by a public agency or private association. Otherwise, any development shall be sited and designed to minimize habitat disruption. Buffer areas and mitigation measures adequate to minimize habitat disruption shall be required. **Policy IX-7**: All development proposed in the bluff/riparian vegetation areas within the newly annexed areas, i.e., Todd Point, Noyo Point and adjacent to Pudding Creek Beach, shall undergo the special review process set out in Chapter XVII. **Policy IX-8**: The coastal bluffs north of Pudding Creek shall be maintained in their existing state. (1/86) **Policy IX-9**: Development on the Highway 20 parcels shall not have significant impacts on Hare Creek. (1/86)	**Policy OS-ESHA-B: Determination of ESHA. The determination of what constitutes ESHA shall not be limited by what is mapped. Any area not designated on LUP Map LC-2 that meets the ESHA definition is ESHA and shall be accorded all the protection provided for ESHA in the LCP. All habitat maps shall include a note that states that "the maps may be updated as appropriate and may not include all areas that constitute ESHA."** **The following areas shall be considered ESHA:** • **Any habitat area that is rare or especially valuable because of their special nature or role in an ecosystem and is easily degraded or disturbed by human activities or developments.** • **Areas that contribute to the viability of plant or animal species designated as rare, threatened, or endangered under State or Federal law.** • **Areas that contribute to the viability of species designated as Fully Protected or Species of Special Concern under State law or regulations.** • **Areas that contribute to the viability of plant species for which there is compelling evidence of rarity, for example, those designated 1b (Rare or endangered in California and elsewhere) or 2 (rare, threatened or endangered in California but more common elsewhere) by the California Native Plant Society.** **Policy LC-3.1** Special Review Areas: In environmentally sensitive habitat areas, permit only uses which are dependent on, and which do not degrade or disrupt, such habitat areas. **Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values. Development adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts that could significantly degrade the environmentally sensitive habitat areas and shall be compatible with the continuance of those habitat areas.**

Existing Policies	Proposed Policies w/ Suggested Modifications
	Policy OS-ESHA-C: Diking, Filling, and Dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following uses: 1. New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities. 2. Maintaining existing or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. 3. New or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. 4. Incidental public service purposes, including but not limited to burying cables and pipes or inspection of piers and maintenance of existing intake and outfall pipelines. 5. Restoration purposes. 6. Nature study, aquaculture, or similar resource dependent activities. The more specific permissible use provisions for wetlands control over the more general specific use provisions for other types of ESHA. Policy OS-ESHA-D: Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to: (1) Necessary water supply projects, (2) Flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing

Existing Policies	Proposed Policies w/ Suggested Modifications
	development, or (3) Developments where the primary function is the improvement of fish and wildlife habitat. Policy OS-ESHA-E: Development within Other Types of ESHA shall be limited to the following uses: 1. Resource Dependent Uses. Public nature trails within riparian ESHA are considered a resource dependent use provided that (1) the length of the trail within the riparian corridor shall be minimized, (2) the trail crosses the stream at right angles to the maximum extent feasible, (3) the trail is kept as far up slope from the stream as possible, (4) trail development involves a minimum of slope disturbance and vegetation clearing, and (5) the trail is the minimum width necessary. Interpretive signage may be used along permissible nature trails accessible to the public to provide information about the value and need to protect sensitive resources. 2. Restoration projects where the primary purpose is restoration of the habitat. 3. Invasive plant eradication projects if they are designed to protect and enhance habitat values. ~~Program~~ Policy LC-3.1.1: Biological Report Required. ~~Special Review~~ A. Permit applications for development within or adjacent to Environmentally Sensitive Habitat Areas including areas identified in Map LC-2 or other sites identified by City staff which have the possibility of containing ~~cultural resources or~~ environmentally sensitive habitat shall ~~submit~~ include ~~an assessment~~ a biological report prepared by a qualified ~~professional~~ biologist which identifies the resources and provides recommended measures to ensure that the requirements of the Coastal Act and the City of Fort Bragg's Local Coastal Program are fully met. The ~~assessments~~ required content of the biological report ~~shall include~~ is specified in the Coastal Land Use and Development Code ~~the following~~:

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~a) field survey by a qualified archaeologist for cultural resources, evaluation of any resources found, and preparation of a mitigation plan to record, curate, and/or preserve important resources, unless City staff determines that there is no likelihood of cultural resources occurring on the site;~~ ~~b) field survey for special status wildlife and vegetation and identification of methods to protect these populations, including a mitigation plan and identification of buffers;~~ ~~c) field survey and mapping of sensitive bluff edge and coastal terrace prairie vegetation communities and identification of a mitigation plan and buffers to protect these communities; and~~ ~~d) field survey for wetlands and identification of a protection plan including buffers.~~ ~~These assessments shall be reviewed by the City and approving agencies.~~ ~~*The assessments described above may be prepared concurrently with the submission of an application or as a part of the environmental documentation required pursuant to CEQA. The selection of the professional preparing the report shall be made or approved by the City or the agency approving the permit and paid for by the applicant.*~~ **B. Submittal of Biological Reports.** These ~~assessments~~ **biological reports** shall be reviewed by the City and approving agencies. The ~~assessments~~ **biological reports** described above ~~may~~ **shall** be ~~prepared concurrently with the submission of an~~ **submitted prior to filing as complete a coastal development permit** application ~~or~~ **and may also be submitted** as a part of ~~the~~ **any** environmental documentation required pursuant to CEQA. The selection of the professional preparing the report shall be made or approved by the City or the agency approving the permit and paid for by the applicant. ~~**Program LC-3.1.2**: Assessments prepared for Special Review Areas~~ **C. Biological reports** shall contain mitigating measures meeting the following minimum standards:

Existing Policies	Proposed Policies w/ Suggested Modifications
	a) They are specific, implementable, and, wherever feasible, quantifiable. b) They result in the maximum feasible protection, habitat restoration and enhancement of sensitive environmental resources. Habitat restoration and enhancement shall be required wherever feasible, in addition to the **applicable** baseline standard of **either avoiding or** minimizing **significant** habitat disruption. c) They **are** incorporate**d into** ~~the mitigating measures for environmentally sensitive resources into~~ a Mitigation Monitoring Program**; and** ~~pursuant to Public Resources Code Section 21081.6.~~ d) They include substantial information and analysis to support a finding that there is no feasible, less environmentally damaging alternative. ~~Program LC-3.1.3: Use the California Coastal Commission's Statewide Interpretive Guidelines for Wetlands and Other Environmentally Sensitive Habitat Areas to develop mitigation measures for wetlands and riparian areas.~~ Program LC-3.1.4: Update the mapping of environmentally sensitive habitat areas as new information becomes available. The environmentally sensitive habitat areas shown on Map LC-2 are based on the best information available at the time mapping was done. The boundaries of **environmentally** sensitive **habitat** ~~environmental~~ areas identified in Map LC-2 are not intended to be definitive, but to identify the general location of sensitive environmental resources. Detailed locations and boundaries of these resources shall be obtained by the preparation of ~~assessments~~ **biological reports** described in ~~Program~~ **Policy** LC-3.1.1. ~~Revisions to Map LC-2 resulting from these assessments, EIRs, and other sources shall be carried out as a minor amendment to the Local Coastal Program (LCP). Minor revisions shall not require a General Plan Amendment since this would constitute a correction of factual information and not a substantial change to policies or programs of the Plan.~~

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~and not a substantial change to policies or programs of the Plan.~~ ~~**Program LC-3.1.5:** Development in or adjacent to Environmentally Sensitive Habitat Areas shall be reviewed in accordance with the guidelines and standards contained in Appendices A and B of this General Plan.~~ ~~a) Appendix A: Standards for Mitigation Monitoring Programs for Wetlands and Other Sensitive Environmental Habitats in the Coastal Zone, and~~ ~~b) Appendix B: Guidelines for Wetlands Mitigation and the Creation of Off-Site Wetlands Mitigation in the Coastal Zone.~~ ~~Appendices A and B contain specific information required for the evaluation of coastal development permit applications in a wetland. Applicants shall supply data needed to comply with these standards and guidelines by using the checklist in Appendix C. These appendices are taken from the Coastal Commission's "Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone." The three appendices are all adopted parts of this General Plan.~~ ~~**Program**~~ **Policy LC-3.1.6**: ~~New~~ **Permissible** development on all properties **containing environmentally sensitive habitat, including but not limited to those areas** identified as **Special Review Areas** ~~Runoff Sensitive~~ on Map LC-2, shall ~~have~~ **prepare** a drainage and erosion control plan ~~prepared and approved~~ **for approval** by the City. The plan shall include measures to minimize erosion during project construction, and **to minimize** ~~erosion from~~ **erosive** runoff from the site ~~once~~ **after** the project is completed. Any changes in runoff **volume, velocity, or duration** that ~~would~~ **may** affect sensitive plant and animal populations, habitats, or buffer areas for those populations or habitats, shall be reviewed by a qualified biologist to ensure that there will not be adverse hydrologic ~~or~~, erosion, **or sedimentation** impacts on sensitive species or habitats. Mitigation measures shall be identified and adopted to minimize **potential** adverse runoff impacts. All **projects resulting in** new runoff to any streams in the

Existing Policies	Proposed Policies w/ Suggested Modifications
	pollutants ~~deposited on~~ **from** roads, parking lots, and other ~~project~~ impermeable surfaces **of the project** ~~to streams or the oceans~~. ~~*Refer to Program OS-2.1.1 requiring adoption of a Municipal Stormwater Program to control and reduce the transport of pollution to streams and the ocean.*~~
	Policy LC-3.2 Buffer Areas: Development in areas adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to prevent impacts which would **significantly** degrade such areas, and shall be ~~wholly~~ compatible with the ~~preservation~~ **continuance** of such habitat areas. **Policy** ~~**Program**~~ **LC-3.2.1**: ~~Establish buffer areas adjacent to all Environmentally Sensitive Habitat Areas[1] protecting these areas from degradation and ensuring that restoration and enhancement occur when new development takes place. The width of the buffer area shall be a minimum of 100 feet, unless the applicant can demonstrate that a lesser buffer width can meet the requirements of the Coastal Act and the General Plan. In no event shall the buffer area be less than 30 feet. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Area. In wetland areas, the buffer area shall be measured from the landward edge of riparian vegetation or from the top edge of the streambank.~~ **Development adjacent to ESHA shall provide buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. The purpose of this buffer area is to provide for a sufficient area to protect environmentally sensitive habitats from significant degradation resulting from future development. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement**

~~[1] Environmentally Sensitive Habitat Areas are also termed sensitive coastal resource areas and mean those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity, and include special marine and land habitat areas, wetlands, lagoons, and estuaries shown on Map LC-2 and/or in the assessments carried out for the Special Review Areas.~~

Existing Policies	Proposed Policies w/ Suggested Modifications
	with the California Department of Fish and Game, and the City, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and in no event shall be less than 30 feet in width. Policy ~~Program~~ LC-3.2.2: Utilize the following criteria to establish buffer areas: ~~a) Biological significance of adjacent lands. The location and width of buffer areas shall be based on the functional relationship to the habitat requirements of species in the sensitive habitat area to ensure that sensitive plant and animal species will not be disturbed significantly by the permitted development, and that habitat protection and enhancement will occur. This determination requires field investigation and analysis by a qualified biologist or related professional selected or approved by the City.~~ (a) Biological Significance of Adjacent Lands. Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting). Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the ESHA that is adjacent to the proposed development.

Existing Policies	Proposed Policies w/ Suggested Modifications
	(b) Sensitivity of Species to Disturbance. The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game or others with similar expertise: **(i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;** **(ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;** **(iii) An assessment of the impact and activity levels of the proposed development on the resource.** b.**(c)** Erosion susceptibility. The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, erosion potential, and vegetative cover of the parcel proposed for development and adjacent lands. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided. c. **(d)** Use natural topography. Where feasible, use hills and bluffs adjacent to Environmentally Sensitive Habitat Areas, to buffer these habitat areas. Where otherwise permitted, locate development on the sides of hills away from Environmentally Sensitive Habitat Areas. Include bluff faces in the buffer area. d. **(e)** Use existing man-made features. Where feasible, use man-made features such as roads and dikes to buffer environmentally sensitive habitat areas.

Existing Policies	Proposed Policies w/ Suggested Modifications
	(f) Lot Configuration and Location of Existing Development. Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection. (g) Type and Scale of Development Proposed. The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area. Required buffer areas shall be measured from the following points as applicable: • The outer edge of the canopy of riparian vegetation for riparian ESHA, or from the top of stream bank where no riparian vegetation exists. • The upland edge of a wetland for a wetland ESHA. • The outer edge of the plants that comprise the rare plant community for rare plant community ESHA. Policy OS-ESHA-F:. Permitted Uses within ESHA Buffers. Development within an Environmentally Sensitive Habitat Area buffer shall be limited to the following uses: A. Wetland Buffer. 1. Uses allowed within the adjacent Wetland ESHA pursuant to Policy OS-EHSA-C(1)-(6).

Existing Policies	Proposed Policies w/ Suggested Modifications
	2. Nature trails and interpretive signage designed to provide information about the value and protection of the resources. 3. Invasive plant eradication projects if they are designed to protect and enhance habitat values. B. Riparian Buffer. 1. Uses allowed within the adjacent River and Stream ESHA pursuant to Policy OS-ESHA-D(1)-(3). 2. Uses allowed within the adjacent ESHA pursuant to Policy OS-ESHA-E(1)-(3). 3. Buried pipelines and utility lines. 4. Bridges. 5. Drainage and flood control facilities. C. Other types of ESHA Buffer. 1. Uses allowed within the adjacent ESHA pursuant to Policy OS-ESHA-E(1)-(3). 2. Buried pipelines and utility lines. 3. Bridges. 4. Drainage and flood control facilities. Policy ~~Program~~ LC-3.2.3: ~~Revise the Zoning and Subdivision Ordinances to~~ Prohibit new land divisions creating new parcels located entirely within an environmentally sensitive habitat area or buffer area unless the parcel to be created is restricted at the time of its creation solely for open space, public recreation, or conservation. [*City Requested MOD*] ~~**Program LC-3.2.4**: Require that Environmentally Sensitive Habitat Areas and buffer areas in the Coastal Zone incorporate attractively designed~~

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~barriers to prevent physical intrusion as appropriate.~~ ~~**Policy LC-3.3**: Noyo River Wetlands: Permit only wetlands restoration and related conservation and habitat restoration projects in the Special Review Areas on the Noyo River, as indicated on Map LC-2.~~
	Policy LC-3.4 **Vegetation Removal** ~~Dredging and Filling~~: Prohibit ~~dredging, filling~~[2], vegetation removal, ~~and grading~~ in Environmentally Sensitive Habitat Areas **and buffer areas** except for: a) ~~pipelines, utility lines, road crossing, and ongoing draining and dredging of existing timber production-related ponds when no less environmentally damaging alternative route is feasible; and~~ **vegetation removal authorized through coastal development permit approval to accommodate permissible development;** b) removal of trees for disease control, **c)** public safety purposes **to abate a nuisance consistent with Coastal Act Section 30005;**, or **d) removal of** ~~for~~ firewood for the personal use of the property owner at his or her residence **to the extent that such removal does not constitute development pursuant to Coastal Act Section 30106**. Such activities shall be subject to restrictions to protect sensitive habitat values.

[2] ~~Areas in the Coastal Zone where dredging, filling and diking would occur are limited to Noyo Harbor, which is outside of city limits and are addressed by the County of Mendocino's Local Coastal Program. There is a small dredge spoils site north of the jetty in Noyo Harbor within City limits. It is used for maintenance dredging about once every three years.~~

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~Diking, filling or dredging of a wetlands or estuary shall only be permitted if there is no feasible less environmentally damaging alternative~~. *Feasible is defined in Section 30108 of the Coastal Act to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors". A less feasible, environmentally damaging alternative may involve a location for the proposed development which is off the project site on lands not owned by the applicant. Feasible under the Coastal Act is not confined to economic considerations. Environmental, social, and technological factors also shall be considered in any determination of feasibility.* **Policy ~~Program~~ LC-3.4.1**: Implement the following measures when a project involves dredging, filling or diking **of open coastal waters, wetlands, estuaries, or lakes** ~~a wetlands~~: a) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to ~~wetland~~ **marine and wildlife** habitats and to water circulation. Avoiding significant disruption means**, in part,** that the functional capacity of the wetland is maintained. b) Limitations may be imposed**, including but not limited to, limitations** on the timing of the operation, the type of operation, the quantity of dredged material removed, and the location of the spoils site. c) Dredge spoils suitable for beach replenishment shall, where feasible, be transported to appropriate beaches or into suitable longshore current systems. d) Other mitigation measures may include opening areas to tidal action, removing dikes, improving tidal flushing, or other restoration measures. **Program LC-3.4.2**: ~~Require~~ **Consult with** the Department of Fish and Game, **California Coastal Commission,** and U.S. Army Corps of Engineers, as applicable, **on the** ~~to~~ review **of** dredging, filling and diking plans in, or adjacent to wetlands or estuaries to establish mitigating measures.

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~**Goal OS-1 Preserve and enhance the City's natural resources.**~~ ~~**Policy OS-1.1** Special Review Areas: Areas in the City containing watercourses, wetlands, sensitive plant and wildlife habitat, and forested land including lands supporting the Northern Bishop Pine plant community and the Mendocino Pygmy Cypress Forest plant community shall be designated as Special Review Areas.~~ ~~*Special Review Areas in the Coastal Zone are shown on Coastal Element Map LC-2. Map OS-1 shows additional Special Review Areas outside the Coastal Zone. Other properties in the Planning Area not shown on either Map LC-2 or Map OS-1 and containing sensitive environmental resources may be designated as Special Review Areas during the development review process.*~~ ~~**Policy OS-1.2** Preserve Natural Resources: Require that sensitive natural resources in Special Review Areas be preserved and protected to the maximum degree feasible.~~ ~~**Program OS-1.2.1**: Review projects requesting discretionary approvals to determine whether the project is located in an area with potentially sensitive natural resources. Require the same level of analysis and identification of mitigation measures described for the Special Review Areas in the Coastal Element Program LC-3.1.1.~~ ~~*Most areas with sensitive natural resources are located within the Coastal Zone and are afforded protection through the review process established for Special Review Areas by Coastal Element Program LC-3.1.1. There are areas outside the Coastal Zone warranting similar protection including riparian and wetland areas along Pudding Creek, the Noyo River, and Hare Creek identified in Map OS-1: Open Space and Environmentally Sensitive Habitat Areas. This program provides protection for sensitive resources within and outside the Coastal Zone.* Goal OS-3~~ ~~**Policy** **Program** **OS-3.1** Streams and Creeks: To the maximum extent feasible, preserve, protect, and restore streams and creeks to their natural state.~~ ~~*Streams, creeks, and other riparian areas are considered to be in a natural state*~~

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~*when they support native habitat for vegetation and wildlife and have not been rip-rapped or channelized. Projects that affect streams and creeks shall be required to undergo the Special Review described in Program OS-1.2.1 and Coastal Element Program LC-3.1.1.*~~ **Program OS-3.1.1**: Work with organizations and private property owners to enhance the City's watercourses for habitat preservation and recreation. ~~*Refer to the Coastal Element for additional measures to protect watercourses and riparian corridors.*~~ **Program OS-3.1.2**: Develop **additional** guidelines for the maintenance of watercourses **to further** ~~which~~ assure that native vegetation is not unnecessarily removed and that maintenance minimizes disruption of wildlife breeding activities and wildlife movement. Incorporate these guidelines, where appropriate, into the City's maintenance procedures. **Program OS-3.1.3**: Seek Federal and State funding for the repair of streambank erosion, planting of riparian vegetation to stabilize creek banks, and removal of debris obstructing waterflow. ~~**Policy OS-3.2** Riparian Habitat: Prevent development from destroying riparian habitat to the maximum feasible extent. Preserve, enhance, and restore existing riparian habitat in new development unless the preservation will prevent the establishment of all permitted uses on the property.~~ ~~*Projects that affect areas with riparian habitat will be required to undergo Special Review as described in Program LC-3.1.1.*~~ ~~**Program OS-3.2.1**: Revise the Zoning and Subdivision Ordinances to establish a minimum stream setback for all structures, and require dedication of an easement at the time of development sufficient to allow maintenance while preventing damage to adjacent structures, natural channels, and associated natural vegetation, provided that this does not eliminate all possible development potential of the property. The setback should be at least 100 feet from the top of the streambank unless a~~

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~biological analysis determines that a lesser setback is sufficient to protect the riparian habitat or this setback would prohibit all development of the site.~~ ~~*See the Coastal Element for additional policies and measures related to wetland and riparian habitat protection in the Coastal Zone.*~~ ~~**Policy OS-3.3** No Net Loss of Wetlands: Ensure no net loss of wetlands, as defined by the U.S. Army Corps of Engineers, provided the development is consistent with the Coastal Element.~~ ~~*Projects proposed in or adjacent to wetlands are required to meet the requirements of the Special Review Areas.*~~ ~~**Goal OS-6 Preserve areas with important biotic resources.**~~ **Policy OS-6.1** Native Species: Preserve native plant and animal species and their habitat. ~~Projects proposed in areas with important biotic resources are required to meet the requirements of the Special Review Areas.~~ ~~*Important biotic resources include: all species that appear on State or Federal lists of endangered, threatened, rare, and candidate species; all plant species listed on Lists 1A, 1B, or 2 of the California Native Plant Society's most recent inventory of rare and endangered plants in California; and animal species designated by the California Department of Fish and Game or the U.S. Fish and Wildlife Service as species of special concern or their current equivalent.*~~ ~~**Program**~~ **Policy OS-6.1.1**: To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site. ~~**Program**~~ **Policy OS-6.1.2**: Require site planning and construction to maintain adequate open space to permit effective wildlife corridors for animal movement between open spaces.

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~Program~~ **Policy OS-6.1.3**: Condition development projects, **including all projects located within or adjacent to environmentally sensitive habitat areas** ~~requiring discretionary approval~~ to prohibit the planting of any species of broom, pampas grass, gorse, or other species of invasive non-native plants deemed undesirable by the City. **Program OS-6.1.4:** Request that Caltrans, PG&E, and the County of Mendocino remove pampas grass and broom from their rights-of-way. The City shall strive to remove these plants from City-owned rights-of-way.

IP Policies for Environmentally Sensitive Habitat Areas

18.61.025 Environmentally sensitive habitat areas. A. The city shall protect all environmentally sensitive habitat areas against any significant disruption of habitat values. 1. Development in areas adjacent to environmentally sensitive areas shall be sited and designed to prevent impacts which would significantly degrade such areas. 2. Development shall be compatible with the protection and continuance of environmentally sensitive habitat areas. 3. Development on Highway 20 parcels shall not have significant impacts on Hare Creek. B. Specific Criteria. The following standards provide guidelines for development occurring near a sensitive habitat area: 1. Sensitive habitat areas. Environmentally sensitive habitat areas shall include, but not be limited to the following: a. Intertidal and marine areas. b. Coastal bluffs. c. Wetlands. d. Riparian habitats. 2. Specific areas identified. The following specific habitat areas shall be restricted to development uses dependent on such resources pursuant to the following standards: a. The brackish marsh within Pudding Creek	**18.50.050 - Environmentally Sensitive Habitat Areas** This Section provides requirements for the protection and enhancement of environmentally sensitive habitat areas (ESHAs), when development is proposed adjacent to, or within **environmentally sensitive** habitat areas. ~~See also Chapter 18.52 (Creek and Riparian Resource Protection)~~ **A. Applicability.** The provisions of this Section apply to **the review of coastal development permits for** all development proposed on sites that include, are immediately adjacent to, or are within an ESHA **defined as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments** ~~identified by the Coastal Element, and Conservation, Open Space and Parks Element of the General Plan~~. **In addition to compliance with this Section, all development within or adjacent to Wetland ESHA shall comply with Chapter 18.58. In addition to compliance with this Section, all development within or adjacent to River and Stream or Riparian ESHA shall comply with Chapter 18.52.** **B. Biological resources report.** A planning permit application for development on a site that is subject to this Section shall include a biological resources report that complies with the following requirements. **Biological reports required by this Section shall be submitted prior to filing as complete a coastal development permit application.** **1. Qualifications of preparer.** The report shall be prepared by individuals approved by the City with demonstrated education, training, or experience to prepare these plans in a professional and competent manner. Acceptance of additional experts may be authorized by the ~~Director~~ **permit review authority** upon receipt of a resume demonstrating an individual's special capabilities. The ~~Director~~ **permit review authority** decision to accept or deny a consulting biologist shall be final. **2. Report contents for all ESHA.** A biological resources report shall **include, but not be limited to**:

shall be preserved in its natural state.

b. The Noyo River riparian habitat, located on the north bank of the Noyo River, shall be preserved for habitat value.

c. The coastal bluffs north of Pudding Creek shall be maintained in their existing state.

3. Buffer areas. A buffer area shall be established for permitted development adjacent to environmentally sensitive habitat areas based on the standards enumerated in Appendix D of the Coastal Land Use Plan. The width of a buffer area may vary depending upon specific conditions. The buffer area should be a minimum of fifty (50) feet unless it is demonstrated that fifty (50) feet is unnecessary to protect the resources of the habitat area. Where substantial improvements or increased human impacts are involved, a much wider buffer area should be required. For a wetland, the buffer area should be measured from the landward edge of the wetland. For a stream or river, the buffer area should be measured landward form the landward edge of riparian vegetation or from the top edge of the bank (e.g., in channelized streams). Maps and supplemental information should be used to determine these boundaries. Standards for determining the appropriate width of the buffer area are contained in Chapter XVIII of the Coastal Land Use Plan.

4. Bluff/riparian vegetation (BRV) areas. Developments proposed within the area designed bluff/riparian vegetation (BRV) on the Coastal Environmental Map shall be reviewed pursuant to the special review process set out in Section XVII(E) of the Land Use Plan and the provisions of

a. A study identifying biological resources existing on the site;

b. An identification of "fully protected" species and/or "species of special concern," and an identification of any other species of rarity, including plants designated "1B" or "2" by the California Native Plant Society, that are present or have the potential to occur on the project site;

c. Photographs of the site;

d. A discussion of the physical characteristics of the site including, but not limited to, topography, soil types, microclimate, and migration corridors;

e. A site map depicting the location of biological resources;

f. An analysis of the potential impacts of the proposed development on the identified habitat or species;

g. An analysis of any unauthorized development, including grading or vegetation removal that may have contributed to the degradation or elimination of habitat area or species that would otherwise be present on the site in a healthy condition;

h. Project alternatives designed to avoid and minimize impacts to identified habitat or species;

i. A buffer width analysis consistent with the requirements of Section 18.50.050(F) where an ESHA buffer less than 100 feet is proposed.

~~a~~**j. An evaluation of** ~~Evaluate~~ the impact the development may have on the habitat, and whether the development will be consistent with the biological continuance of the habitat. The report shall identify the maximum feasible mitigation measures to protect the resource and a

this section.

a. Prior to the issuance of a coastal development permit in BRV areas, the approving authority shall require an assessment of the impact on bluff and riparian vegetation, to be undertaken by a qualified biologist.

b. Where the assessment reveals the existence of an environmentally sensitive habitat area pursuant to the definitions contained in Chapter IX of the Coastal Land Use Plan, the necessary buffers and/or mitigation measures shall be imposed to assure habitat protection or restoration.

c. Standards for determining the appropriate width of required buffer zones are contained in this section and Section XVIII of the Coastal Land Use Plan.

d. All development proposed in the bluff/riparian areas on Todd Point, Noyo Point and adjacent to Pudding Creek Beach shall have a buffer area adequate to prevent significant adverse impacts to identified environmentally sensitive habitat areas no less than 50 feet wide shall be provided in all developments.

5. Special vegetation (SV) areas. Developments proposed within the areas designed as special vegetation (SV) on the Coastal Environmental Map shall be reviewed pursuant to the special review process set out in Section XVII (E) of the Coastal Land Use Plan and the provision of this section. No development which reduces the range of rare or endangered species shall be allowed in SV areas.

program for monitoring and evaluating the effectiveness of the mitigation measures. **Proposed mitigation measures shall meet the following standards:**

i) They are specific, implementable, and, wherever feasible, quantifiable;
ii) They result in the maximum feasible protection, habitat restoration and enhancement of sensitive environmental resources. Habitat restoration and enhancement shall be required wherever feasible, in addition to the applicable baseline standard of either avoiding or minimizing significant habitat disruption;
iii) They are incorporated into a Mitigation Monitoring Program; and
iv) They include substantial information and analysis to support a finding that there is no feasible, less environmentally damaging alternative.

~~b~~**k. An analysis of** ~~Identify~~ potential significant impacts on the habitat from noise, sediment, and other potential disturbances that may occur during project construction.

~~c. Verify that the setbacks from habitat areas required by this Section will be adequate to protect the habitat or recommend, where applicable, more effective setbacks~~

~~d~~**l**. Recommend**ations for** conditions of approval for habitat maintenance, and the restoration of damaged habitats, where feasible.

3. Wetland Delineation Report for Wetland ESHA.

a. Where the biological study required by Section 18.50.050(B) above indicates the presence or potential for wetland species or indicators, the applicant shall additionally submit a delineation of all wetland areas on the project site.

b. Wetland delineations shall be conducted according to the

a. Prior to the issuance of a coastal development permit in an SV area, the approving authority shall require an assessment of the impact on special vegetation, to be undertaken by a qualified biologist.

b. Where the assessment reveals the existence of rare or endangered plant species noted in Chapter IX of the Coastal Land Use Plan, the necessary buffers and/or mitigation measures shall be imposed to assure habitat protection.

c. Standards for determining the appropriate width of required buffer zones are contained in this section and Section XVIII of the Coastal Land Use Plan.

(Ord. 665 §13, 1987; Ord. 588, 1982.)

definitions of wetland boundaries contained in Section 13577(b) of the California Code of Regulations. A preponderance of hydric soils or a preponderance of wetland indicator species shall be considered presumptive evidence of wetland conditions. The delineation report shall include at a minimum a (1) a map at a scale of 1":200' or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points, and (2) a description of the surface indicators used for delineating the wetland polygons. Paired sample points will be placed inside and outside of vegetation polygons and wetland polygons identified by the biologist doing the delineation.

c. Information required by Chapter 18.58.050(B).

4. Evaluation of Proposed Development in Wetland ESHA. Applications for development projects affecting wetland resources shall include the following additional information:

[*MOVED FROM LUP APPENDIX C*]

a. A comprehensive project description.

b. A description of wetland habitat type(s) and the approximate area each habitat covers using the classification procedures described in Procedural Guidelines for the Evaluating Wetland Mitigation Projects in California's Coastal Zone.

c. Detailed topographic base map(s) of the site with information taken from recent (1 to 2 year old) aerial photographs. If only older aerial photographs are available, the site information must be updated from field visits.

The map should indicate 0.5 to 1.0 foot contours, the specific datum reference used (either mean sea level or mean lower low water), and show the applicant's property boundaries and adjacent property boundaries (including parcel lines of any tidelines, submerged

lands, or public trust lands). All parcels should be identified by their assessor parcel numbers.

d. A detailed hydrologic map. For tidal wetlands the map should show areas inundated at high and low tides, along with estimates of the effective tidal range and tidal lag. For non-tidal wetlands the map should show the permanent or seasonal water patterns of inundation (including sources) in years of low, average, and high rainfall.

e. A detailed vegetation map. This map should identify the type, location, and percent of coverage of all plant species.

f. A detailed soils map. This map should identify the type and location of all soils and include a description of the soil types.

g. A detailed site map. This map should show the location and size of the proposed development, including dikes, culverts, or tide gates.

h. A grading plan. This plan should show the extent and quantity of filling and/or dredging, the type and source of fill and/or dredge material including determinations of grain size and tests for possible pollutants, and the location of any proposed dredge disposal site.

i. History of the site, if available, including:

i) Collection of older aerial photographs and maps. These historic photographs and maps should be used to establish, if possible, the previous natural state of the wetland prior to any artificial modification.

ii) Collection and summary of all available studies of the wetland site. This should include land use studies, environmental documents, and scientific reports. Existing land use policies and any approved plans for the site should also be included.

j. A complete description and analysis of existing ecological conditions at the project site, including:

i) A discussion of the ecological value of the plants and animals using the wetland and adjacent areas.

ii) A discussion of the wetlands present functions and values.

iii) An evaluation of potential and existing impacts including the effects of sedimentation and pollutants from residential, industrial, agricultural, and flood control activities to the wetland and associated watershed.

k. An analysis and discussion of project impacts and proposed mitigation, including an analysis of whether the project and proposed mitigation maintains and enhances the functional capacity of the wetland. Functional capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. In order to establish that the functional capacity is maintained, the applicant must demonstrate all of the following:

i) That the project will not alter presently occurring plant and animal populations in the ecosystem in a manner that would impair the long-term stability of the ecosystems, that is, that the natural species diversity, abundance, and composition are essentially unchanged as a result of the project.

ii) That the project will not significantly reduce consumptive (e.g., fishing and hunting) or non-consumptive (e.g., water quality and bird watching) values of the wetland or estuary.

l. An alternatives analysis that, at a minimum, includes the following review of all feasible alternatives:

i) Consideration of alternative sites, including sites which are completely outside the wetland.

ii) Reconfiguration of the project, including a reduction in project size, density, or coverage.

iii) Identification of the wetland impacts of each alternative, including a determination of the amount of habitat lost and an analysis of the impacts to the functional capacity of the system.

iv) Selection of the least damaging feasible alternative.

[*MOVED FROM LUP APPENDIX A*]

C. Application Requirements -Mitigation Monitoring Program. When wetlands cannot be avoided and there is a potential loss of existing wetland habitat or value, a Mitigation Monitoring Program must be submitted with the Use Permit and coastal development permit application that, when implemented, will result in the replacement of all lost wetland functions and provide a net gain in wetland acreage. A mitigation plan can take several forms, although restoration is the most common form submitted to the City. The City shall administer the Mitigation Monitoring Program; preparation and administration of the plan shall be paid for by the project applicant. A bond or other method acceptable to the City shall be established to guarantee successful completion of the mitigation project. The Mitigation Monitoring Program shall, at a minimum:

1. Establish clearly stated goals and objectives that provide for the establishment of functions and values at least equal to those occurring at the impact site. The stated goals and objectives should also be consistent with established regional habitat goals where possible. These regional goals must identify functions and/or habitats most in need of replacement or restoration and must be as specific as possible. A schedule to complete the restoration program shall be included.

2. Provide adequate baseline data regarding the biological, physical, and chemical criteria for the restoration area. For a restoration plan

to be deemed acceptable, it must include evidence or other conclusive information that:

a) The site can be purchased prior to commencement of the development project and dedicated to a public agency or otherwise permanently restricted in use to "open space."

b) The site is located in an area no longer functioning in a manner beneficial to wetland species, such as a formerly productive wetland or estuary that is now biologically unproductive dry land.

c) The site can be restored to "equal or greater biological productivity" (Coastal Act Section 30607.1) than the area lost, with the same type and variety of plant and animal species. That is, the mitigation wetland would replace the functions and values existing at the impacted wetland.

d) The site is located in the same region (e.g., within the same water body or watershed) as the wetland impacted through development.

3. Provide documentation that the project will continue to function as a viable restored wetland site over the long-term.

4. Provide sufficient technical detail on the restoration design. This should include, at a minimum, an engineered grading plan and water control structures, methods for conserving or stockpiling topsoil, a planting program including removal of exotic species, a list of all species to be planted, sources of seeds and/or plants, timing of planting, plant locations and elevations on the restoration base map, and maintenance techniques.

5. Require independent monitoring of the site at least five years after completion of the mitigation project. The intent is to continue monitoring until the project has successfully met the stated goals and objectives. For larger projects where new wetlands are created,

extended monitoring will be required.

6. Require repetitive surveys for plants and animals (including species of special concern) throughout the various habitats of the mitigation area. The surveys should use techniques that permit a determination of species composition and abundance. Both terrestrial and aquatic organisms should be surveyed, as appropriate. Timing of the surveys should be considered, since the abundance of many plant and animal species often varies with season. Surveys sufficient to characterize the mitigation site should also be completed prior to any enhancement or restoration activities.

7. Monitor hydrology. For tidal wetlands include a determination of the areas inundated at high and low tide, tidal prism, and water velocity. For non-tidal wetlands, include determination of permanent and seasonal patterns of inundation and water sources.

8. Monitor water quality. Carry out repetitive sampling, as appropriate, of various chemical and physical constituents such as salinity, pH, nutrient concentration, dissolved oxygen, temperature, and turbidity throughout the year. The sampling pattern may vary throughout the year and may include more intensive sampling over several tidal cycles to determine short-term salinity patterns.

9. Monitor soil chemistry to document trends in soil salinity in tidal wetlands. Monitoring may include measurements of other constituents, as required.

10. Establish procedures for the ongoing identification and correction of problems as they arise. Such problems may be related to the physical, chemical, or biological attributes of the mitigation site, or difficulties in meeting enhancement or restoration objectives and timelines. These procedures should include specific remedies in case the mitigation project does not meet the designated goals.

11. Provide timely analysis and production of annual reports. These reports will be distributed to the City, the California Coastal

Commission and other interested parties. The final monitoring report, submitted upon completion of the monitoring program, should analyze all monitoring data and present different management options.

~~C~~**D**. **General development standards.**

1. **Performance standards.** All development adjacent to or within an ESHA shall comply with the following requirements**:**~~, to the maximum extent feasible.~~

   a. New development shall be designed, sited, constructed, and maintained so as to not significantly disrupt the resource.

   ~~b. New development within an ESHA shall be limited to uses that are dependent upon the resource.~~

   ~~c~~**b**. Where feasible, damaged habitats shall be restored as a condition of development approval.

   ~~d~~**c**. Development shall be consistent with the biological continuance of the ESHA.

2. **Vegetation removal.** Existing native vegetation shall not be removed within an ESHA **or an ESHA buffer except for: (1)** ~~unless~~ **vegetation removal** authorized through coastal permit approval to accommodate ~~approved~~ **permissible development** ~~construction~~**, (2) removal of trees for disease control, (3) public safety purposes to abate a nuisance consistent with Coastal Act Section 30005, or (4) removal of firewood for the personal use of the property owner at his or her residence to the extent that such removal does not constitute development pursuant to Coastal Act Section 30106**.

   ~~Limited vegetation removal to reduce fire and other hazards may be approved by the Director without a Coastal Permit.~~ After construction, ~~unpaved~~ **disturbed, undeveloped** areas shall be replanted to provide for the reestablishment of a 100 percent vegetation cover within two

	years. At five years, the site should support the same habitat removed. **Native, non-invasive p**Plant species that would provide bank stability and habitat enhancement ~~should~~ **shall** be used ~~where applicable~~. Remedial actions (e.g., planting of native species and removal of invasive horticultural species) ~~should~~ **shall** be implemented as necessary to ensure that the site will consist of at least 75 percent native species at the end of five years. 3. **Landscaping.** A landscaping plan shall be submitted to the City for approval prior to construction for any site where development will disturb existing or potential native plant habitat. The plan shall provide for vegetation restoration in compliance with Subsection C.2 above. Landscaping with exotic plants shall be limited to outdoor living space immediately adjacent to the proposed development. Invasive non-native plants including**, but not limited to,** Pampas grass, Acacia, Genista, and non-native iceplant pose a threat to indigenous plant communities and shall not be approved as part of any proposed landscaping. 4. **Fencing.** Fencing within or adjacent to ESHAs shall be restricted to that which will not impact public views or the free passage of native wildlife, and shall employ design and materials determined by the review authority to be compatible with the visual and biological character of the habitat. 5. **Resource protection during construction.** Habitat areas containing vegetation that is essential to the maintenance of the habitat and/or rare or endangered plant or animal species shall be protected from disturbance by construction activities. Temporary wire mesh fencing shall be placed around habitat prior to construction, and protected areas shall not be used by workers or for the storage of machinery or materials. Inspections for compliance shall occur during construction. 6. **Herbicide use.** The use and disposal of any herbicides for invasive species removal shall follow the written directions of the manufacturer, shall comply with all conditions imposed by the City, and shall be accomplished in a manner that will fully protect adjacent native vegetation.

7. ~~D.~~ **Erosion and sediment control.** During construction, temporary fencing shall be placed around the ~~wetland/~~ **ESHA** buffer area. Prior to issuance of a **Coastal Development Permit or any required** Grading Permit, an erosion control plan prepared by a registered professional engineer shall be submitted to the City Engineer for approval, including best-management practices to minimize siltation, sedimentation, and erosion. To ensure that sediment remains on the site and is not transported into **adjacent ESHA**~~wetlands~~, erosion and sediment controls shall be left in place until the site is stabilized with permanent vegetation. **[*MOVED FROM 18.58.040 (D)*]**

E. Diking, Filling, and Dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following uses:

1. **New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.**

2. **Maintaining existing or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.**

3. **New or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.**

4. **Incidental public service purposes, including but not limited to burying cables and pipes or inspection of piers and maintenance of existing intake and outfall pipelines.**

5. **Restoration purposes.**

6. **Nature study, aquaculture, or similar resource dependent activities.**

	The more specific permissible use provisions for wetlands control over the more general specific use provisions for other types of ESHA. F. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to: (1) Necessary water supply projects, (2) Flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) Developments where the primary function is the improvement of fish and wildlife habitat. G. Development within Other Types of ESHA shall be limited to the following uses: 1. Resource Dependent Uses. Public nature trails within riparian ESHA are considered a resource dependent use provided that (1) the length of the trail within the riparian corridor shall be minimized, (2) the trail crosses the stream at right angles to the maximum extent feasible, (3) the trail is kept as far up slope from the stream as possible, (4) trail development involves a minimum of slope disturbance and vegetation clearing, and (5) the trail is the minimum width necessary. Interpretive signage may be used along permissible nature trails accessible to the public to provide information about the value and need to protect sensitive resources. 2. Restoration projects where the primary purpose is restoration of the habitat. 3. Invasive plant eradication projects if they are designed to protect and enhance habitat values. H. Buffer Areas: New development adjacent to ESHA shall provide buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. The purpose of this buffer area is to provide

for a sufficient area to protect environmentally sensitive habitats from significant degradation resulting from future development. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and the City, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and in no event shall be less than 30 feet in width. The criteria to be utilized to establish buffer areas shall be those criteria contained in Policy LC-3.2.2 of the Open Space and Conservation Element of the Coastal Zone General Plan.

Required buffer areas shall be measured from the following points:

- The outer edge of the canopy of riparian vegetation for riparian ESHA or the top of stream bank where no riparian vegetation exists.
- The upland edge of a wetland for a wetland ESHA.
- The outer edge of the plants that comprise the rare plant community for rare plant community ESHA.

I. Permitted Uses within ESHA Buffers. Development within an Environmentally Sensitive Habitat Area buffer shall be limited to the following:

1. Wetland Buffer.

a. Uses allowed within the adjacent Wetland ESHA pursuant to Section 18.50.050(E)(1)-(9).

b. Nature trails and interpretive signage designed to provide information about the value and protection of the resources.

c. Invasive plant eradication projects if they are designed to protect

2. Riparian Buffer.

a. Uses allowed within the adjacent River and Stream ESHA pursuant to Section 18.50.050(F)(1)-(3).

b. Nature trails and interpretive signage designed to provide information about the value and protection of the resources, if they are designed to protect and enhance habitat values.

c. Buried pipelines and utility lines.

c. Bridges.

d. Drainage and flood control facilities.

3. Other types of ESHA Buffer.

a. Nature trails and interpretive signage designed to provide information about the value and protection of the resources, if they are designed to protect and enhance habitat values.

b. Restoration projects where the primary purpose is restoration of the habitat.

c. Invasive plant eradication projects if they are designed to protect and enhance habitat values.

~~D~~J. **Development standards for dredging.**

1. **Dredging.** When consistent with the **allowable use** provisions of ~~this~~ Section **18.40.040(A)**, ~~and where necessary to maintain tidal flow and the continued viability of wetland habitat, or for flood control purposes,~~ dredging shall **at a minimum,** comply with the following requirements.

   a. Dredging shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.

	b. Dredging shall be limited to the smallest areas feasible. c. Designs for dredging and excavation projects shall include protective measures such as silt curtains, diapers, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary dispersal of silt materials. ~~F~~**K.** **Specific spoils disposal location requirements.** There shall be no disposal of fill or dredging spoils off-site within the Coastal Zone except the existing dredge spoils site located near the mouth of the Noyo Harbor, which ~~will~~ **may** be used for maintenance dredging of the harbor. These activities shall be compatible with proposed public access or designated commercial or recreational boating traffic, and uses shall not interfere with the existing spoils disposal operation. ~~D~~ **L.** **Required findings.** A ~~planning~~ **coastal development** permit **for development allowed within an environmentally sensitive habitat area (ESHA) or within an ESHA buffer shall** ~~on a site that is subject to the requirements of this Section may~~ be approved only when the review authority first finds ~~that there will be no significant negative impact on the sensitive habitat, and the proposed development and use will be consistent with the biological continuance of the habitat~~, in addition to all other findings required by these regulations**, that:** ~~for the planning permit by Chapter 18.71 (Permit Review and Decisions~~ **(1) The resource as identified will not be significantly degraded by the proposed development;** **(2) There is no feasible less environmentally damaging alternative; and** **(3) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.**

18.61.023 Diking, dredging, filling and shoreline structures. A. The diking, filling or dredging of open coastal waters, wetlands and estuaries shall be permitted pursuant to the following standards: 1. In environmentally sensitive habitat areas, diking, filling, dredging and shoreline structures are allowed subject to the regulations in Section 18.61.025 and the standards set forth in this section. 2. The diking, filling, or dredging of open coastal waters, wetlands and estuaries shall be permitted where there is no feasible less environmentally damaging alternative, and shall be limited to the following: a. New or expanded port, energy and coastal-dependent industrial facilities, including commercial fishing facilities. b. Maintaining existing or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. c. In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetlands identified by the Department of Fish and Game pursuant to Subdivision (d) of Section 30411 of the Coastal Act, for boating facilities if in conjunction with such boating facilities a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility,	***[MOD: Delete Chapter 18.50.040. Section C is replaced by Chapter 18.50.050(E)(1), Sections D(1) and F are modified and moved to Chapter 18.50.050 (ESHA), Section D(2) is replaced by Chapter 18.58.040, and Section E is moved to Chapter 18.58.]*** ~~**18.50.040 - Diking, Filling, and Dredging**~~ ~~**A. Purpose.** The provisions of this Section are intended to limit the diking, filling, or dredging of open coastal waters, wetlands, and estuaries to the extent allowed by the Coastal Act.~~ ~~**B. Work in environmentally sensitive habitats.** Any diking, filling, or dredging activity in an environmentally sensitive habitat or wetland shall comply with the requirements of Section 18.50.050 (Environmentally Sensitive Habitat Areas), and Chapter 18.58 (Wetland Protection and Restoration), as applicable.~~ ~~**C. Limitation on purposes of diking, filling, and dredging.** Diking, filling, or dredging shall not be allowed, except to accomplish the following purposes.~~ ~~1. Providing new or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.~~ ~~2. Maintaining existing or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.~~ ~~3. In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland identified by the Department of Fish and Game in compliance with Coastal Act Section 30411(d), for boating facilities, if in conjunction with the boating facilities a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, that in no event shall the size of the wetland area used for the boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.~~

including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than twenty-five percent (25%) of the total wetland area to be restored.

d. In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.

e. Incidental public service purposes, including but not limited to burying cables and pipes or inspection of piers and maintenance of existing intake and outfall pipes.

f. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

g. Restoration purposes.

h. Nature study, aquaculture, or similar resource dependent activities.

3. All feasible mitigation measures shall be provided to minimize adverse environmental effects, consistent with resource standards as follows:

a. Dredging. When consistent with the provisions of this section and where necessary for the maintenance of the tidal flow and continued viability of the wetland habitat or for flood control purposes dredging shall be subject to the following conditions:

(1) Dredging shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.

(2) Dredging shall be limited to the smallest areas feasible.

~~4. In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities.~~

~~5. Incidental public service purposes, including but not limited to burying cables and pipes or inspection of piers and maintenance of existing intake and outfall pipes.~~

~~6. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.~~

~~7. Restoration.~~

~~8. Nature study, aquaculture, or similar resource dependent activities.~~

~~**D. Development standards.**~~

~~**1. Dredging.** When consistent with the provisions of this Section, and where necessary to maintain tidal flow and the continued viability of wetland habitat, or for flood control purposes, dredging shall comply with the following requirements.~~

~~a. Dredging shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.~~

~~b. Dredging shall be limited to the smallest areas feasible.~~

~~c. Designs for dredging and excavation projects shall include protective measures such as silt curtains, diapers, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary dispersal of silt materials.~~

~~**2. Diking or Filling.** Diking, or the filling of a wetland shall, at a minimum, require the following mitigation measures, in addition to compliance with the requirements of Chapter 18.58 (Wetland Protection and Restoration).~~

(3) Designs for dredging and excavation projects shall include protective measures such as silt curtains, diapers, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary dispersal of silt materials.

b. Diking or filling of a wetland shall, at a minimum, require the following mitigation measures:

(1) Equivalent areas shall be opened to tidal action, or provided for other sources of surface water. This applies to diked or filled areas which themselves are not environmentally sensitive habitat areas, but would become so if the were opened to tidal action or provided with other sources of surface water.

(2) Wherever feasible, mitigation by restoration of wetlands or opening of lands to tidal action shall be the same type of wetlands as those filled (e.g., freshwater for freshwater).

c. Shoreline structures including revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply pursuant to the following specific standards:

(1) Shoreline structures may not

~~a. Equivalent areas shall be opened to tidal action, or provided for other sources of surface water. This applies to diked or filled areas which themselves are not environmentally sensitive habitat areas, but would become so if the were opened to tidal action or provided with other sources of surface water.~~

~~b. Wherever feasible, mitigation by restoration of wetlands or opening of lands to tidal action shall be the same type of wetlands as those filled (e.g., freshwater for freshwater).~~

~~**E. Findings required for approval.** The approval of diking, filling, or dredging shall require that the review authority first find that the functional capacity of the resource area will be maintained or enhanced after diking, filling or dredging of a wetland or estuary. Functional capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. In order to establish that the functional capacity is being maintained, the applicant shall demonstrate and the review authority shall find that:~~

~~1. Presently occurring plant and animal populations in the ecosystem will not be altered in a manner that would impair the long-term stability of the ecosystem; i.e., natural species diversity, abundance and composition are essentially unchanged as a result of the project; and~~

~~2. A species or habitat that is rare or endangered will not be harmed; and~~

~~3. A species or habitat essential to the natural biological functioning of the wetland or estuary will not be harmed; and~~

~~4. Consumptive (e.g., fishing, aquaculture and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuarine ecosystem will not be significantly reduced.~~

~~**F. Specific location requirements.** There shall be no disposal of fill or dredging spoils off-site within the Coastal Zone except the existing dredge spoils site located near the mouth of the Noyo Harbor, which will be used for~~

interfere with designated public access required pursuant to Section 18.61.021 or commercial or recreational boating traffic. 4. The functional capacity of the resource area will be maintained or enhanced after diking, filling or dredging of a wetland or estuary. Functional capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. In order to establish that the functional capacity is being maintained, the applicant must demonstrate and the city must find: 1. That presently occurring plant and animal populations in the ecosystem will not be altered in a manner that would impair the long-term stability of the ecosystem; i.e., natural species diversity, abundance and composition are essentially unchanged as a result of the project; and 2. That a species or habitat that is rare or endangered will not be harmed; and 3. That a species or habitat essential to the natural biological functioning of the wetland or estuary will not be harmed; and 4. That consumptive (e.g., fishing, aquaculture and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuarine ecosystem will not be significantly reduced. B. The following specific locational guidelines shall apply to diking, dredging, filling and shoreline structures in Fort Bragg:	~~maintenance dredging of the harbor. These activities shall be compatible with proposed public access or designated commercial or recreational boating traffic, and uses shall not interfere with the existing spoils disposal operation.~~

1. There shall be no disposal of fill or dredging spoils off-site within the city's coastal zone except the existing dredge spoils site located near the mouth of the Noyo Harbor which will be used for maintenance dredging of the harbor. Such activities shall be compatible with proposed public access or designated commercial or recreational boating traffic, and these uses shall not interfere with the existing spoils disposal operation. (Ord. 665 §12, 1987; Ord. 588, 1982.)	

CHAPTER 18.58 - WETLAND PROTECTION AND RESTORATION

Sections:

18.58.010 - Purpose
18.58.020 – Applicability
18.58.025 - Wetland Determination
18.58.030 - Compliance with Federal and State Requirements
18.58.040 - ~~General Wetland Preservation and Enhancement Standards~~ **Mitigation Requirements**
18.58.050 - Permit and Application Requirements
18.58.060 - ~~Limitations on Uses and Structures~~ **Prerequisites for Building or Grading Permit Issuance**
~~18.58.070 - Development Standards and Design Criteria~~
~~18.58.080 - Prerequisites for Building or Grading Permit Issuance~~

18.58.010 - Purpose

This Chapter provides procedures and standards for identifying and protecting wetland resources, and for permitting wetland restoration, enhancement, and mitigation projects. ~~as identified through site- and project-specific environmental documents (i.e., in compliance with CEQA or NEPA), and/or delineated by the U.S. Army Corps of Engineers (Corps) under provisions of the Clean Water Act. The delineation of wetlands is subject to the procedures specified in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands." The standards of this Chapter do not apply to treatment wetlands (e.g., sewage treatment ponds) or drainage ways considered "other waters" under the Clean Water Act.~~

18.58.020 - Applicability

The standards of this Chapter apply to all lands within the City that support wetlands **as identified through site- and project-specific environmental documents. The standards of this Chapter are part of the standard of review**

	for all applicable planning permits, including coastal development permits. This Chapter supplements the procedures and standards of Section 18.50.050. 18.58.025 – Wetland Determination A. Wetlands are defined as lands which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. B. Wetland delineations shall be conducted according to the definitions of wetland boundaries contained in Section 13577(b) of the California Code of Regulations. A preponderance of hydric soils or a preponderance of wetland indicator species shall be considered presumptive evidence of wetland conditions. The delineation report will include at a mimimum a (1) a map at a scale of 1":200' or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points, and (2) a description of the surface indicators used for delineating the wetland polygons. Paired sample points shall be placed inside and outside of vegetation polygons and wetland polygons identified by the biologist doing the delineation. **18.58.030 - Compliance with Federal ~~and State~~ Requirements** A. A project proposed on a site with wetland resources shall comply with all applicable requirements of the U.S. Army Corps of Engineers, including but not limited to the preparation and filing with the Corps of any required Wetlands Management Plan. ~~In the Coastal Zone, delineation of wetlands must comply with the Coastal Commission=s Statewide Interpretive Guidelines for Wetlands and other Wet Environmentally Sensitive Habitat Areas, as updated.~~ B. The delineation of wetland resources in compliance with Federal requirements shall occur prior to the filing of a land use, building, or grading permit application with the City. The wetlands delineation shall be used by the City in the environmental review of the proposed project in compliance

with CEQA.

C. The review authority shall require "no net loss" for wetland areas regulated by the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game. Coordination with these agencies at all levels of project review shall occur to ensure that appropriate mitigation measures are adequately addressed.

[MOD: Section E below is moved from Chapter 18.50.040 and modified as follows:]

18.58.040 Mitigation Requirements.

~~2. **Diking.** Diking, or the filling of a wetland shall, at a minimum, require the following mitigation measures, in addition to compliance with the requirements of Chapter 18.58 (Wetland Protection and Restoration).~~

~~a. Equivalent areas shall be opened to tidal action, or provided for other sources of surface water. This applies to diked or filled areas which themselves are not environmentally sensitive habitat areas, but would become so if the were opened to tidal action or provided with other sources of surface water.~~

~~b. Wherever feasible, mitigation by restoration of wetlands or opening of lands to tidal action shall be the same type of wetlands as those filled (e.g., freshwater for freshwater).~~

~~E~~**A**. [*MOVED FROM 18.50.040*] **Functional capacity. Permissible diking, filling, or dredging within wetlands shall maintain or enhance the functional capacity of the resource area. Functional capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. In order to establish that permissible diking, dredging, or filling is maintaining the functional capacity of the resource area, the applicant shall demonstrate and the review authority shall find that:**

1. Presently occurring plant and animal populations in the ecosystem will not be altered in a manner that would impair the long-term stability of the ecosystem; i.e., natural species diversity, abundance and composition are essentially unchanged as a result of the project; and

2. Consumptive (e.g., fishing, aquaculture and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuarine ecosystem will not be significantly reduced.

B. [*MOVED FROM LUP APPENDIX B*] Mitigation. Any development that includes diking, filling, or dredging in wetlands for a use permitted by Section 18.58.040(A), shall include mitigation for unavoidable impacts to wetland habitat. Wetland mitigation shall include, at a minimum, creation or substantial restoration of wetlands of the same type as the affected wetland or similar type and shall be determined based on the following criteria:

1. Off-Site Mitigation Ratios: In the event a wetland is degraded during the course of a development, a wetland mitigation ratio in excess of one to one (i.e., one wetland acre must be restored or created for each acre lost through development). A mitigation ratio of four-to-one to compensate for wetland acreage and functional capacity lost during the re-establishment and maturation of the mitigation area may be considered. In some cases, larger mitigation ratios are required to ensure that at least some compensation occurs in the event the mitigation project is only partially successful. Enhancement of degraded habitat may be included as a component of a mitigation plan if the total package results in an acceptable mitigation ratio.

2. Location: Locate wetland creation projects adjacent to existing wetland habitat whenever possible, to increase the probability for success. Wetland creation projects should replace the same habitat type, preferably in the same watershed or area. However, if

a regional management plan has been prepared for the area that demonstrates the need for a specific habitat type, the City may consider replacement with the identified critical habitat, provided that this replacement is endorsed by the appropriate fish and wildlife management agencies.

3. Use Existing Vegetation and Soil: Mitigation projects should strive to salvage the wetland vegetation and topsoil removed during construction for use in the mitigation area. Additional plant material should be drawn from local sources so that local gene pools are maintained. Non-native wetland plants or plants and soils from different regions should not be used at the restoration site.

4. Revegetation: Enhance the success of revegetation by planting species at their elevation of greatest natural abundance and in soils with a salinity no higher than those found in the native habitat. In addition, transplanted vegetation may require additional maintenance, such as watering or enclosures to prevent grazing, until it becomes established.

5. Consider Elevation and Topography: The elevation and topography of wetland areas are critical to determining the hydrologic regime and the resulting habitats. Elevation changes on the order of centimeters can have dramatic effects on the wetland ecosystem. Not only must the elevations be determined accurately, there must be sufficient detail so that an overall understanding of the landscape topography is clear. For example, intertidal habitat should slope towards the channel at an even grade of one to two percent to reduce ponding and maximize the intertidal area.

6. Consider Hydrology: For wetlands connected to the ocean, the tidal prism must be sufficient to provide adequate exchange of saltwater over the tidal cycle. This is especially important in lagoons where closure of the lagoon mouth may or may not be a natural phenomenon.

	Designs for new wetlands must incorporate protection from the direct force of waves and tidal currents. Fresh water sources must also be accounted for in the mitigation design. Freshwater supply can vary dramatically throughout the year in many parts of California. The mitigation design should also consider the beneficial flood control function of a wetland. **7. Minimize Sedimentation: If excessive sedimentation is a potential problem, then the mitigation plan shall include sediment basins and/or maintenance dredging programs to control the build-up of sediments. The plan shall encourage controls, including prohibition of grading during the rainy season, stabilization of slopes prior to the rainy season, and protection of native vegetation on steep slopes and stream banks.** **8. Construction Timing: Mitigation projects shall avoid active periods of reproduction, growth, or migration of wetland species, in order to minimize the disturbance to existing wetland habitat.** **9. [*MOVED FROM 18.58.070(E) BELOW*] Timing of wetland restoration or creation.** The restoration or creation of wetlands required as a condition of development approval shall be undertaken prior to completion of the development unless a security agreement to the satisfaction of the City Attorney is provided prior to issuance of a certificate of occupancy or acceptance of improvements that will ensure wetland restoration and monitoring of the effort. ~~**18.58.040 - General Wetland Preservation and Enhancement Standards**~~ ~~The City may require new development to mitigate wetland loss in both regulated and non-regulated wetlands to achieve "no net loss" through any combination of the following, in order of desirability:~~ ~~A. Avoidance;~~ ~~B. Where avoidance is not feasible or desirable for resource protection, minimization of impacts on the resource shall be required;~~

~~C. Compensation, including use of a mitigation banking program that provides the opportunity to mitigate impacts to rare, threatened, and endangered species and/or the habitat which supports these species in wetland and riparian areas;~~

~~D. Any permitted development, grading, fill, excavation, or shading within a wetland shall provide for the mitigation of wetland loss at a replacement ratio of from 1:1 to 4:1, as determined by the review authority based on the value of the wetland established by the Initial Study, Environmental Impact Report, and/or the Wetland Management Plan prepared for the project, and shall ensure that there is no net loss of wetland functions and values; or~~

~~E. Off-site mitigation of impacted wetlands may be considered where on-site mitigation is not possible. Off-site mitigation should be within the City, as close to the project site as possible, and provide for continuous wildlife corridors connecting habitat areas.~~

18.58.050 - Permit and Application Requirements

A. Permit requirement. Use Permit approval is required for any wetland fill, **dredging, or diking** ~~encroachment~~, or **other** project requiring wetland mitigation, and for all wetland restoration, enhancement and/or mitigation projects, in addition **to a coastal development permit and** any other approval required by this Development Code.

B. Application requirements - Wetland Management Plan. The Use Permit **and coastal development permit** application shall include a wetland delineation, and a Wetlands Management Plan prepared by a qualified wetlands expert. ~~The Wetlands Management Plan shall comply with the standards and design criteria in Section 18.58.070 (Development Standards and Design Criteria).~~ The Wetlands Management Plan shall include all of the following, and any additional information deemed necessary by the review authority.

1. **Goals and objectives.** These shall include a description of the functional relationship of the existing and proposed wetland areas,

such as habitat area, type, topography and soil characteristics, water flow patterns and water levels, and upland buffers. **The stated goals and objectives should also be consistent with established regional habitat goals where possible. These regional goals must identify functions and/or habitats most in need of replacement or restoration and must be as specific as possible. A schedule to complete the restoration program shall be included.**

2. **Site plan.** A site plan of the restoration or mitigation area shall identify the location and size of wetland areas to be preserved, restored, or created, and shall include the following.

   a. **Grading plan.** Topography at one-foot intervals, along with any grading, excavation and/or fill plan. Submit footprints of all improvements indicating heights of all structures as well as access routes for maintenance and monitoring and all uses/structures within 200 feet of the property.

   b. **Drainage plan.** Water flow and drainage patterns along with any estimated volume exchange rates.

   c. **Planting plan.** The location of flora and fauna habitat areas and types, and any planting plans.

3. **Proposed techniques and standards.** The application shall include, as applicable, the following wetland preservation, restoration, and creation techniques and standards, indicating processes, practices and criteria used in identifying the wetlands and the adjoining upland buffer ~~required by 18.58.070 (Development Standards and Design Criteria).~~

   a. Watershed area and hydrology, water sources, water depths, water-control structures, water-quality watershed area and hydrology parameters, including treatment of urban runoff and water-level maintenance practices needed to achieve the necessary ambient water conditions and characteristics along with a stormwater management plan which identifies potential pollutants and ensures that runoff is substantially free of debris,

	pollutants and silt. Stormwater runoff management systems may include treatment swales, retention ponds, and other natural treatment systems. Treatment wetlands shall not be considered as habitat mitigation, but may address water quality functions of the impacted wetlands. b. Planting plans which identify target wildlife species and specify plant species, quantities, locations, size, space, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and, plant protection measures. c. Site preparation grading elevations and specifications for, if needed, soil amendments, removal of unsuitable fill, and weed control. d. Measures for minimizing impacts to the wetland during grading and construction, and for minimizing disturbances to wildlife habitat. e. Vector management, demonstrating ecological vector control. f. Identification of disposal area for any excavated or dredged material. **4. Implementation and monitoring plan.** The Wetland Management Plan shall include an implementation and monitoring plan, which shall provide: a. Specific criteria and identification of process and responsibility for evaluating whether or not the goals of the Wetland Management Plan are being achieved at various stages in the development; b. Specifications for irrigation as needed, removal of exotic and nuisance vegetation, and maintenance; c. Responsibility schedule and reporting requirements for monitoring the hydrology, vegetation, and wildlife of the wetland with a specified monitoring time frame (five years minimum for brackish

	or tidal marshes, and 10 years for freshwater and seasonal wetlands); d. Procedures for the correction of deficiencies or problems in the Plan discovered after implementation, such as any needed plant substitutions, or modifications to site hydrology; e. Identification of methods to ensure that the wetland will be protected in perpetuity; and f. A schedule for grading, planting, and long-term maintenance. 5. **Cost estimate.** A cost estimate for implementing, monitoring, and maintaining the wetland. Performance security may be required to ensure proper installation, monitoring, and maintenance of the wetland. 6. **Management plan.** A management plan that addresses the long-term fiscal, administrative, and technical requirements to successfully execute and maintain the wetland restoration and enhancement project. The plan shall identify the project funding source and assign responsibilities for the long-term maintenance of the wetland, and the management of the necessary ongoing activities. [***MOVED FROM LUP APPENDIX A***] **C. Application Requirements -Mitigation Monitoring Program. When wetlands cannot be avoided and there is a potential loss of existing wetland habitat or value, a Mitigation Monitoring Program must be submitted with the Use Permit and coastal development permit application that, when implemented, will result in the replacement of all lost wetland functions and provide a net gain in wetland acreage. A mitigation plan can take several forms, although restoration is the most common form submitted to the City. The City shall administer the Mitigation Monitoring Program; preparation and administration of the plan shall be paid for by the project applicant. A bond or other method acceptable to the City shall be established to guarantee successful completion of the mitigation project. The Mitigation Monitoring Program**

shall, at a minimum:

1. Establish clearly stated goals and objectives that provide for the establishment of functions and values at least equal to those occurring at the impact site. The stated goals and objectives should also be consistent with established regional habitat goals where possible. These regional goals must identify functions and/or habitats most in need of replacement or restoration and must be as specific as possible. A schedule to complete the restoration program shall be included.

2. Provide adequate baseline data regarding the biological, physical, and chemical criteria for the restoration area. For a restoration plan to be deemed acceptable, it must include evidence or other conclusive information that:

   a) The site can be purchased prior to commencement of the development project and dedicated to a public agency or otherwise permanently restricted in use to "open space."

   b) The site is located in an area no longer functioning in a manner beneficial to wetland species, such as a formerly productive wetland or estuary that is now biologically unproductive dry land.

   c) The site can be restored to "equal or greater biological productivity" (Coastal Act Section 30607.1) than the area lost, with the same type and variety of plant and animal species. That is, the mitigation wetland would replace the functions and values existing at the impacted wetland.

   d) The site is located in the same region (e.g., within the same water body or watershed) as the wetland impacted through development.

3. Provide documentation that the project will continue to function as a viable restored wetland site over the long-term.

4. Provide sufficient technical detail on the restoration design. This should include, at a minimum, an engineered grading plan and water control structures, methods for conserving or stockpiling topsoil, a planting program including removal of exotic species, a list of all species to be planted, sources of seeds and/or plants, timing of planting, plant locations and elevations on the restoration base map, and maintenance techniques.

5. Require independent monitoring of the site at least five years after completion of the mitigation project. The intent is to continue monitoring until the project has successfully met the stated goals and objectives. For larger projects where new wetlands are created, extended monitoring will be required.

6. Require repetitive surveys for plants and animals (including species of special concern) throughout the various habitats of the mitigation area. The surveys should use techniques that permit a determination of species composition and abundance. Both terrestrial and aquatic organisms should be surveyed, as appropriate. Timing of the surveys should be considered, since the abundance of many plant and animal species often varies with season. Surveys sufficient to characterize the mitigation site should also be completed prior to any enhancement or restoration activities.

7. Monitor hydrology. For tidal wetlands include a determination of the areas inundated at high and low tide, tidal prism, and water velocity. For non-tidal wetlands, include determination of permanent and seasonal patterns of inundation and water sources.

8. Monitor water quality. Carry out repetitive sampling, as appropriate, of various chemical and physical constituents such as salinity, pH, nutrient concentration, dissolved oxygen, temperature, and turbidity throughout the year. The sampling pattern may vary throughout the year and may include more intensive sampling over several tidal cycles to determine short-term salinity patterns.

9. Monitor soil chemistry to document trends in soil salinity in tidal wetlands. Monitoring may include measurements of other constituents, as required.

10. Establish procedures for the ongoing identification and correction of problems as they arise. Such problems may be related to the physical, chemical, or biological attributes of the mitigation site, or difficulties in meeting enhancement or restoration objectives and timelines. These procedures should include specific remedies in case the mitigation project does not meet the designated goals.

11. Provide timely analysis and production of annual reports. These reports will be distributed to the City, the California Coastal Commission and other interested parties. The final monitoring report, submitted upon completion of the monitoring program, should analyze all monitoring data and present different management options.

~~**18.58.060 - Limitations on Uses and Structures**~~

~~A. **Allowed uses.** Public access for passive recreational activities may be permitted and shall be encouraged where appropriate and consistent with the protection of habitat functions and values in compliance with State and Federal law, including the requirements of the U.S. Army Corps of Engineers.~~

~~B. **Allowed structures.** Any structure allowed in a wetland that is being created, preserved or enhanced, shall be designed to minimize its adverse impacts on the wetland. Measures to minimize adverse effects may include construction on pilings to allow unobstructed flow of water, preserving the natural contour of the wetland, and otherwise minimizing impairment, alteration, or loss of the wetland.~~

~~**18.58.070 - Development Standards and Design Criteria**~~

~~The preservation and enhancement measures proposed in the Wetlands Management Plan required by Section 18.58.050 (Permit and Application~~

	~~Requirements) shall comply with the following standards. In the event of conflicts between applicable standards, the most restrictive shall apply.~~ ~~A. **Wetland buffer.** A buffer area of a minimum of 50 feet in width shall be established to provide for undisturbed habitat adjacent to the wetland and to maintain sufficient watershed to support the wetland. The review authority may require additional width to protect high habitat values and/or provide adequate watershed area and hydrology.~~ ~~The review authority may reduce the wetland buffer if a finding is made that:~~ ~~1. The proposed buffer provides adequate watershed hydrology to support the wetland and protects the resource value of the wetland; or~~ ~~2. The strict application of the buffer requirement would result in a taking of the property without just compensation.~~ ~~B. **Protective measures.** Measures including protective fencing, landscaping, setbacks for roads and parking areas, shall be required to minimize adverse impacts on wetlands and wetland habitat. Facilities, structures, and pavement may be adjacent to, but not within, the wetland setback area. Retention ponds, swales, or water quality control features may be required in setback areas to prevent pollutants in urban runoff from discharging into wetland habitat.~~ ~~C. **Landscaping.** Wetland buffer areas shall be planted and maintained with vegetation that is consistent with the maintenance of the adjacent wetland habitat values and indigenous native plants.~~ ~~D. **[*MOVED AND MODIFIED*] Erosion and sediment control.** During construction, temporary fencing shall be placed around the wetland/buffer area. Prior to issuance of a Grading Permit, an erosion control plan prepared by a registered professional engineer shall be submitted to the City Engineer for approval, including best-management practices to minimize siltation, sedimentation, and erosion. To ensure that sediment remains on the site and is not transported into wetlands, erosion and sediment controls shall be left in place until the site is stabilized with permanent vegetation.~~

	~~E.~~ [*MOVED*] ~~**Timing of wetland restoration or creation.** The restoration or creation of wetlands required as a condition of development approval shall be undertaken prior to completion of the development unless a security agreement to the satisfaction of the City Attorney is provided prior to issuance of a certificate of occupancy or acceptance of improvements that will ensure wetland restoration and monitoring of the effort.~~ **18.58.~~080~~060 - Prerequisites for Building or Grading Permit Issuance** Prior to issuance of a Building or Grading Permit for work in or near a wetland, the applicant shall provide the City Engineer with the following: A. Verification of U.S. Army Corps of Engineers delineation of wetland boundaries; and/or a Section 404 or Section 10 permit (or its equivalent successor) from the U.S. Army Corps of Engineers; B. A Waiver or Certificate of Conformance with Water Quality Standards issued by the Regional Water Quality Control Board, if applicable; ~~and~~ C. A consultation with the U.S. Fish and Wildlife Service and the California State Department of Fish and Game, regardless of whether any special status species or associated habitat are present. **D. Evidence that a coastal development permit has been obtained from either the City or the California Coastal Commission or evidence that no permit is legally required.**

CHAPTER 18.52 - CREEK AND RIPARIAN RESOURCE PROTECTION

Sections:

18.52.010 - Purpose
18.52.020 - Applicability
18.52.030 - Stream Channel Analysis
18.52.040 - Limitation on Streambed Alteration
18.52.050 - Development Standards

18.52.010 - Purpose

This Chapter provides standards for the protection of watercourse and riparian resources within the City, including provisions for ~~adequate buffer areas between watercourses and adjacent development, to~~ retain**ing** the watercourses as valuable natural, scenic, and recreational amenities as appropriate.

18.52.020 - Applicability

The provisions of this Chapter apply to **the review of planning permits, including coastal development permits, for** proposed development on any site within the City that is adjacent to **riparian ESHA** or crossed by a watercourse, ~~both within and outside of the Coastal Zone~~. **This Chapter supplements the procedures and standards of Section 18.50.050 (Environmentally Sensitive Habitat Areas).**

18.52.030 - Stream Channel Analysis

In addition to the biological report required by Section 18.50.050(B) (Environmentally Sensitive Habitat Areas), each planning permit application for a project that is subject to this Chapter shall include a site-specific stream channel analysis prepared by a hydrologist, civil engineer, or other qualified professional approved by the City to identify the precise boundary/top of bank of the watercourse. The Director may waive this requirement if it is determined that the

	project, because of its size, location, or design will have no impact on the watercourse, or that sufficient information already exists and further analysis is not necessary. A required stream channel analysis shall include all information and materials required by the Department. **The "top of bank" shall mean the upper elevation of land, having a slope not exceeding 10 percent, which confines the channel waters flowing in the watercourse in their normal winter flow.** [***MOVED FROM BELOW***] **18.52.040 - Limitation on Streambed Alteration** Channelization, dams or other substantial alteration**s** of **rivers and** stream**s** ~~channels~~ **shall incorporate the best mitigation measures feasible, and shall be** ~~are~~ limited to: A. Water supply projects, provided that quantity and quality of water from streams shall be maintained at levels necessary to sustain functional capacity of streams, wetlands, estuaries and lakes. B. Flood control projects, where such protection is necessary for public safety or to protect existing commercial or residential structures, when no feasible alternative to streambed alteration is available; **and** C. ~~Construction of improvements to~~ **Developments where the primary function is the improvement of** fish and wildlife habitat. ~~and~~ ~~D. Maintenance of existing flood control channels.~~ Streambed alterations shall not be conducted unless consistent with all applicable provisions of the Local Coastal Program and these regulations and if applicable, permit approval from the California Department of Fish and Game, the U.S. Army Corps of Engineers, and California State Water Resources Control Board. **18.52.050 - Development Standards** **A. All development adjacent to riparian ESHA shall comply with the general development standards and ESHA buffer requirements of Sections 18.50.050 (D) and (H).**

~~A. **Watercourse setback requirement.** New development shall be setback a minimum of 50 feet from the top of the creek bank (or the upland edge of riparian vegetation where no top of bank in compliance with Subsection A.3 exists), except as provided in Subsection A.2, and as follows:~~

~~1. **Permitted uses within the setback.** Permitted uses are limited to passive recreation, educational (interpretive) facilities, utility lines, pipelines, drainage and flood control facilities, bridges, pedestrian and equestrian trails, if the review authority first finds that:~~

~~a. Alternative locations and routes are infeasible or more environmentally damaging; and~~

~~b. Adverse environmental effects are mitigated to the maximum extent feasible.~~

~~2. **Riparian habitat setback adjustment.** Coastal Development Permit approval may include the reduction of a minimum riparian setback if the review authority first makes all the following findings, provided that in no case shall a structure be allowed closer than 10 feet from a stream bank.~~

~~a. The adjustment is necessary to allow a principal permitted use of the property, and redesign of the proposed development to comply with the required setback would not allow the use; and~~

~~b. The adjustment is the minimum necessary to accommodate the principal permitted use; and~~

~~c. A biological analysis prepared by a qualified professional approved by the City determines that the lesser setback is sufficient to protect the riparian habitat; or~~

~~d. The required setback would prohibit all reasonable development of the site.~~

~~3. **Top of bank defined.** The "top of bank" shall mean the upper elevation of land, having a slope not exceeding 10 percent, which confines the channel waters flowing in the watercourse in their normal winter flow.~~ **[*MOVED TO ABOVE*]**

~~B~~**C**. **Removal or alteration of riparian vegetation.** The removal, cutting or alteration of vegetation that protects a riparian habitat ~~is permitted only~~ **shall be prohibited except for: (1)** ~~unless~~ **vegetation removal authorized through coastal permit approval to accommodate permissible development, (2) removal of trees for disease control, (3) public safety purposes to abate a nuisance consistent with Coastal Act Section 30005, or (4) removal of firewood for the personal use of the property owner at his or her residence to the extent that such removal does not constitute development pursuant to Coastal Act Section 30106**.

~~1. For streambed alterations allowed by Section 18.52.040 above;~~

~~2. Where no feasible alternative exists;~~

~~3. Where an issue of public safety exists;~~

~~4. Where expanding vegetation is encroaching on established agricultural uses;~~

~~5. For minor public works projects, including but not limited to utility lines, pipelines, driveways and roads, where the Director determines no feasible alternative exists; or~~

~~6. To locate a principally permitted use on an existing lot of record where no feasible alternative exists, and the review authority first makes all the findings provided in Subsections A.1. and A.2. above.~~

~~C~~**D**. **Bank stabilization. Where bank stabilization is approved consistent with the allowable use provisions of Sections 18.52.040 and 18.52.050, such stabilization shall comply with the following:** ~~Development or land use~~

	~~changes that increase impervious surfaces or sedimentation may result in channel erosion. Therefore, the City Engineer may require measures to stabilize watercourse banks.~~ 1. Rehabilitation is the preferred method of stabilization, with the objective of maintaining the natural character of the watercourse and riparian area. Rehabilitation may include enlarging the channel at points of obstruction, clearing obstructions at points of constriction, limiting uses in areas of excessive erosion, and restoring riparian vegetation. 2. Concrete channels and other mechanical stabilization measures shall not be allowed unless no other alternative exists. 3. If bank stabilization requires other than rehabilitation or vegetative methods, hand-placed stone or rock rip-rap are the preferred methods. ~~D~~E. **Design of drainage improvements.** Where daylighted drainage improvements are approved, they shall be placed in the least visible locations and naturalized through the use of river rock, earthtone concrete, and landscaping with native plant materials.

Public Access Policies (LUP & IP)

Existing Policies	Proposed Policies w/ Suggested Modifications
Policy III-1: Access Standards and Review. Shoreline access shall be required in the City's Coastal Zone, as specified in the following policies. The definitions and standards in Section B of this chapter shall guide the development of public access. Only one vertical accessway need be provided in any one designated location as shown on the Coastal Environment Map. Policy III-2: Vertical Access at the Pudding Creek Sand Bar. The City shall monitor actions by the State Department of Parks and Recreation affecting MacKerricher State Park and by Caltrans and shall encourage those agencies to consider the impacts of their plans for areas outside the City's Coastal Zone on access across the Pudding Creek sand bar. Those agencies should be encouraged to increase access there.	***[MOD: Move "D. Coastal Access" and Map LC-1 from Coastal Element to Conservation, Open Space & Parks Element]*** Goal LC-1 Maximize public access to and along the coast consistent with sound resources and conservation principles and constitutionally protected rights of private property owners. Policy LC-1.1 Coastal Access: **Maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.** Provide public open space and shoreline access in the Coastal Zone. Acquisitions for coastal access shall not preclude the potential development of necessary infrastructure to support coastal-dependent uses. Program LC-1.1.1: Provide shoreline access in the Coastal Zone along the vertical and lateral access routes as described in Table LC-1 and Map LC-1. Program LC-1.1.2: Acquire additional public access to the shoreline by: a) accepting Offers To Dedicate (OTDs) that will increase opportunities for public access and recreation; b) actively seeking public agency, community non-profit, or other private offers of dedication and offers to assume the liability and maintenance responsibilities; and c) requiring public access as a condition of development consistent with the Coastal Act, the Coastal Commission's Statewide Interpretive Guidelines, and the findings required to support an Offer to Dedicate (OTD); and d) creating a partnership with the State Coastal Conservancy and other funding agencies to purchase and develop public access to and along the coast, with the City assuming responsibility for management and maintenance of the public open space.

EXHIBIT NO. 9
APPLICATION NO.
FTB-MAJ-1-06
FORT BRAGG LCP UPDATE
PUBLIC ACCESS & RECREATION (LUP/IP) POLICY CHART

Existing Policies	Proposed Policies w/ Suggested Modifications
	Program LC-1.1.3: Work with the California Coastal Conservancy to assure that the proposed access improvements and public facilities identified in the Noyo Harbor Plan are provided on the banks of the Noyo River. Program LC-1.1.4: Work with the appropriate State agencies to preserve and improve the existing coastal access north of Airport Road (i.e., Access "Q" on Map LC-1). Parking or recreational facilities shall not be required on the west side of Highway One in this area due to the fragile nature of the coastal terrace prairie habitat. Program LC-1.1.5: Acquisitions of coastal land and easements for public access purposes shall not preclude the potential development of necessary infrastructure to support coastal-dependent uses.
Policy III-3: Beach Access from Pudding Creek to Glass Beach. Lateral access along the beaches from Pudding Creek to Glass Beach shall be required as a condition of permit approval.	Policy LC-1.2 Right of Public Access: Development in the Coastal Zone shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Public prescriptive rights must be protected wherever they exist. **Policy OS-PA-A: Unless a landowner chooses to adjudicate any existing prescriptive rights issue, where there is substantial evidence that prescriptive rights of access to the beach exist on a parcel, development on that parcel must be designed, or conditions must be imposed, to avoid interference with the prescriptive rights that may exist or to provide alternative, equivalent access.** ~~Program LC-1.2.1: Development can be sited in an area of historical public use where equivalent areas for public access are provided nearby[1]. Such dedication areas should provide equivalent area and use for public access.~~

[1] *The Statewide Interpretive Guidelines* state that lateral access is generally required along all stretches of sandy beach. The adequacy of available vertical access is determined by the amount of public use of the area, availability of support services, and the location of beaches, etc.

Existing Policies	Proposed Policies w/ Suggested Modifications
Policy III-4: Bluff Access on the South Bluff of the Mouth of Pudding Creek. Bluff top access as mapped shall be required as a condition of permit approval from the logging road westerly to the point above the mouth of the river, and then southwesterly to Glass Beach. Other LUP policies regarding special vegetation, notably Policy IX-6, will apply to the development of bluff access in this area	Policy LC-1.3 New Development: Require public access from the nearest public roadway to the shoreline and along the coast in new development except where: a) it is inconsistent with public safety**, military security needs,** or the protection of fragile coastal resources; b) adequate access exists within 500 feet of the site; or c) access at the site would be inconsistent with other ~~Coastal Element~~ **LCP** policies, including **but not limited to,** expanded or new coastal-dependent industry or the protection of environmentally sensitive resources. **Policy OS-PA-B: In order to avoid or offset a project's significant adverse impacts on public access, and consistent with the provisions of Section 18.56.070, the City shall require a 25-foot-wide easement along all trails designated on Map LC-1 "Coastal Zone, Coastal Access, and City Trail System," as a condition of approval to mitigate impacts of development that requires a coastal development permit where such impacts cannot be avoided. For any project where such mitigation is required, the preferred implementation should be through a recorded grant of easement to the City or to a designated private nonprofit association acceptable to the City who is willing to accept the easement and willing to operate and maintain the public accessway or trail. Where grants of easement are not feasible because neither the City nor private nonprofit association is willing to accept, maintain and operate the accessway, implementation of required access mitigation shall be implemented through a recorded Offer to Dedicate (OTD) an easement to a public agency or a designated private nonprofit association acceptable to the City. Offers of dedication shall last for a period of 21 years from the date of recordation of the offer.** **Policy OS-PA-C: Mitigation measures required for impacts to public access and recreational opportunities shall be implemented prior to or concurrent with construction of the approved development. Mitigation shall not substitute for implementation of a feasible project alternative that would avoid impacts to public access.**

Existing Policies	Proposed Policies w/ Suggested Modifications
	Policy OS-PA-D: Public accessways and trails to the shoreline and public parklands shall be a permitted use in all land use and zoning designations. Where there is an existing, but unaccepted and/or unopened public access Offer to Dedicate (OTD), easement, or deed restriction for lateral, vertical or trail access or related support facilities (e.g. parking), construction of necessary access improvements shall be permitted to be constructed, opened and operated for its intended public use. ~~Program~~ **Policy** LC-1.3.1: Review new development to prevent siting of structures that encroach on coastal access routes where prescriptive easements may exist so as to provide the opportunity to acquire the access through a conservation easement, adjudication, or other means, as appropriate. ~~Program~~ **Policy** LC-1.3.2: Require, as a condition of development for projects **which create significant adverse impacts on public access and** where discretionary approval by the City is required, lateral access along the bluffs of the Georgia-Pacific property and adjacent properties, north of the Noyo Harbor area to Pudding Creek as indicated in Map LC-1. Program LC-1.3.3: Consider the establishment of an ocean front park connecting to bicycle trails and rest areas from the Botanical Gardens to MacKerricher State Park.
	Policy LC-1.4 Use of Public Accesses: Dedicated accesses shall not be required to be opened for public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the access. **Policy OS-PA-E: For all grants of easement to the City, the City shall open the easement to the public as soon as is feasible, and shall be responsible for operating and maintaining the accessway, or the City shall grant the easement to a private nonprofit association that is willing to accept, maintain and operate the accessway.**

Existing Policies	Proposed Policies w/ Suggested Modifications
	Policy OS-PA-F: For all grants of easement from the City to a private non-profit association, the Executive Director of the Commission must review and approve a management plan submitted by the private non-profit association that indicates that the association will open, operate, and maintain the easement in accordance with terms of the recorded grant of easement, and that the association will open the easement to the public as soon as is feasible. Program LC-1.4.1: Work with the Coastal Conservancy and other organizations to accept liability for and maintain public accesses.
	~~Policy~~ **Program** LC-1.5 Offers to Dedicate: Facilitate the acceptance of Offers to Dedicate (OTDs) as a means of obtaining additional public access. **Policy OS-PA-G: Any government agency may accept an offer to dedicate an easement if the agency is willing to operate and maintain the easement. For all offers to dedicate an easement that are required as conditions of Coastal Development Permits approved by the City, the Executive Director of the Commission must approve any private non-profit association that seeks to accept the offer. In order for the Executive Director of the Commission to approve any private association, the non-profit association must submit a management plan that indicates that the association will open, operate, and maintain the easement in accordance with terms of the recorded offer to dedicate the easement.** ~~Program~~ **Policy** LC-1.5.1: Acquire OTDs for access easements for all areas designated on Map LC-1 in conjunction with new development **which will adversely impact public access** ~~as feasible,~~ unless other sites exist within 500 feet which provide sufficient access, parking, and other related facilities. ~~Program~~ **Policy** LC-1.5.2: **In coordination with the Executive Director of the Coastal Commission, the** ~~Establish a~~ City **shall establish a** procedure for acceptance of OTDs and management of public accesses prior to their expiration.

Existing Policies	Proposed Policies w/ Suggested Modifications
	Program LC-1.5.3: Either the City or a suitable managing agency shall accept and seek funding for development of access trails on the following OTDs prior to their expiration: a) APN 018-520-11 (531 Cypress Street) and b) APN 018-45-21 (Redwood Community College District).
Policy III-5: Priority to Beach Rather than Bluff Access North of Glass Beach. In the design and development of accessways, as well as the content and placement of directional signs, public use of the beaches rather than the bluffs shall be given priority. This policy applies to bluffs north of Glass Beach to the mouth of Pudding Creek and then easterly to the logging bridge. Policy III-6: Vertical Access to Glass Beach. A vertical access easement along Elm Street to Glass Beach shall be required as a permit condition. Funding shall be sought by a public agency or private association for additional parking at the end of Elm Street and for directional signs at the site and on Highway 1. Directional signs that may tend to increase utilization at the site shall be provided only after additional parking is also provided. Policy III-7: Glass Beach. Beach and bluff lateral access to the area as designated on the Coastal Land Use Map shall be required as a permit condition.	Policy LC-1.6 Priority to Beach Rather than Bluff Access North of Glass Beach: **Where public access to both beach and blufftop areas is feasible, g**~~G~~ive a higher priority to public use of the beaches rather than to the bluffs in the design and development of accesses and the location and placement of directional signs. This policy applies to bluffs north of Glass Beach to the mouth of Pudding Creek and then easterly to the Pudding Creek Trestle.
	Policy LC-1.7 Coastal Trails: Develop a continuous trail system throughout the City which connects to the California Coastal Trail system. ~~*The City's local trails should connect with the California Trail system. Refer to the*~~

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~Conservation, Open Space, and Parks Element for additional policies and programs regarding trails.~~ Program LC-1.7.1: Ensure that City trails connect with the California Coastal Trails system, as shown on Map LC-1. Acquire rights-of-way through Offers to Dedicate; easements; land transfers; and land acquisition, as appropriate. **Program OS-PA-H. California Coastal Trail (CCT)** **The City shall strive to complete the links in the California Coastal Trail (CCT) by participating and consulting with the National Park Service, the State Department of Parks & Recreation, the State Coastal Conservancy, Mendocino County, and other appropriate public and private entities and interested parties in designing, locating, funding, acquiring, and implementing the Fort Bragg California Coastal Trail (CCT) segment, including opening trails for vertical access designated on Map LC-1, "Coastal Zone, Coastal Access, and City Trail System."** **The CCT shall be identified and defined as a continuous trail system traversing the length of the state's coastline and designed and sited as a continuous lateral trail traversing the length of the City's Coastal Zone and connecting with contiguous trail links in adjacent Coastal jurisdictions (Mendocino County).** **The CCT shall be designed and implemented to achieve the following objectives:** **· Provide a continuous walking and hiking trail as close to the ocean as possible;** **· Provide maximum access for a variety of non-motorized uses by utilizing alternative trail segments where feasible;** **· Maximize connections to existing and proposed local trail systems;** **· Ensure that all segments of the trail have vertical access connections at reasonable intervals;** **· Maximize ocean views and scenic coastal vistas;** **· Provide an educational experience where feasible through interpretive**

Existing Policies	Proposed Policies w/ Suggested Modifications
	facilities. Ensure that shoreline and blufftop trail segments that may not be passable at all times provide inland alternative routes. CCT Siting and Design Standards: The trail should be sited and designed to be located along or as close to the shoreline where physically and aesthetically feasible. Where it is not feasible to locate the trail along the shoreline due to natural landforms or legally authorized development that prevents passage at all times, inland bypass trail segments located as close to the shoreline as possible should be utilized. Shoreline and blufftop trail segments that may not be passable at all times shall provide inland alternative routes. Where gaps are identified in the trail, interim segments should be identified to ensure a continuous coastal trail. Interim segments should be noted as such, with provisions that as opportunities arise, the trail shall be realigned for ideal siting. Interim trail segments should meet as many of the CCT objectives and standards as possible. The CCT should be designed and located to minimize impacts to environmentally sensitive habitat areas to the maximum extent feasible. Where appropriate, trail access should be limited to pass and repass. Where necessary to prevent disturbance of nesting birds, sections of the trail may be closed on a seasonal basis. Alternative trail segments shall be provided where feasible. The CCT should be located to incorporate existing oceanfront trails and paths and support facilities of public shoreline parks and beaches to the maximum extent feasible. To provide a continuously identifiable trail along the base and shoreline of Mendocino County, the trail should be integrated with the CCT in Mendocino County which borders the City.

Existing Policies	Proposed Policies w/ Suggested Modifications
	The CCT should be designed to avoid being located on roads with motorized vehicle traffic where feasible. In locations where it is not possible to avoid siting the trail along a roadway, the trail should be located off of the pavement and within the public right-of-way, and separated from traffic by a safe distance. In locations where the trail must cross a roadway, appropriate directional and traffic warning signing should be provided. CCT Acquisition and Management: A. Trail easements should be obtained by encouraging private donation of land, by public purchase, or by dedication of trail easements. Trail easement dedications shall be required as a condition of approval of a Coastal Development Permit for development on property located on the CCT route or on designated vertical accessways to the route, when the dedication will mitigate adverse impacts on public access and/or recreation by the project. B. The CCT plan should identify the appropriate management agency(s) to take responsibility for trail maintenance. CCT Signage Program Standards: A. The trail should provide adequate signage at all access points, trailheads, parking lots, road crossings, and linkages or intersections with other trails or roads which incorporate the CCT logo (to be designed). B. The trail should provide adequate safety signage, including but not limited to, road crossing signs and yield/warning signs on multi-use trail segments. Where appropriate signs should be developed in coordination with Caltrans and/or City and County Public Works Departments and any other applicable public agencies. C. Signs shall be posted in Spanish and in English. CCT Support Facilities: To maximize access to the CCT, adequate parking and trailhead facilities should be provided.

Existing Policies	Proposed Policies w/ Suggested Modifications
	CCT Mapping: **A. The final CCT map shall identify all planned or secured segments, including existing segments, all access linkages and planned staging areas, public and private lands, existing easements, deed restricted sections and sections subject to an Offer-to-Dedicate (OTD). The map shall be updated on a regular basis.** **B. The CCT shall be identified on all applicable City Trail Maps contained in the LCP Access Component.** **Inclusion of CCT in LCP:** **The LCP shall be amended to incorporate all plans and designs for locating and implementing the CCT within the City including the final mapped alignment.**
	Policy LC-1.8 General Standards: Require that all public access easements offered for dedication to public use be a minimum of 25 feet wide. The area where public access is allowed within the easement may be reduced to the minimum necessary to avoid: a) adverse impacts on sensitive environmental areas; b) encroachment closer than 20 feet from an existing residence; and/or c) hazardous topographic conditions.
	Policy LC-1.9 Standards for Lateral Shoreline Access Easements: Lateral shoreline access easements shall extend landward 25 feet from mean high tide to the toe of the bluff or the first line of terrestrial vegetation if the width of the beach is greater than 25 feet. Lateral blufftop easements shall be at least 25 feet in width. The area where public access is allowed within the easement may be reduced consistent with Policy LC-1.8 above. The average annual bluff retreat (erosion) shall be taken into account when planning lateral accesses. **Shoreline and blufftop trail segments that may not be passable at all times shall provide inland alternative routes.**
	Policy LC-1.10 Visitor Accommodations and Services: **In order to avoid or offset a project's significant adverse impacts on public access and consistent with the**

Existing Policies	Proposed Policies w/ Suggested Modifications
	provisions of Section 18.56.070, r~~R~~equire public access to the blufftop and/or shoreline for visitor serving uses, ~~where a nexus can be established~~, as a condition of permit approval, or by other methods such as OTDs, specified by the City. Access shall be available to the public at large as well as to guests.
	Policy LC-1.11 Safety and Environmental Protection: ~~Request temporary closure of any public access for due cause such as, but not limited to: situations where the protection of sensitive environmental resources cannot otherwise be ensured, to prevent uses hazardous to the public, during periods of construction, or after finding continued use is not consistent with safety and/or environmental concerns.~~ Permanent closure **of any existing public accessway** shall require an amendment to the Local Coastal Program. **Policy OS-PA-I: Unless immediate action by a person or a pubic agency performing a pubic service is required to protect life and property from imminent danger, the City shall not close, abandon, or render unusable by the public any existing accessway which the City owns, operates, maintains, or is otherwise responsible for, without first obtaining a Coastal Development Permit. Any accessway which the City or any other managing agency or organization determines cannot be maintained or operated in a condition suitable for public use shall be offered to another public agency or qualified private association that agrees to open and maintain the accessway for public use.** Program LC-1.11.1: Request the California Department of Fish and Game monitor public accesses adjoining or near sensitive environmental resources such as wetlands, dunes, tide pools, and other sensitive wildlife habitats to determine whether they are being adversely impacted or degraded. Request that regulations governing use of accesses be implemented and posted as needed. Limit public use, as needed, to allow resource recovery and restoration.

Recreation & Visitor Serving	***[MOD: Move Section "E. Recreation and Visitor Serving Facilities" from the Coastal Element to the Land Use Element and modify as follows:]***
Policy IV-1: Additional Sites for Visitor Serving Commercial. The City shall provide for and encourage additional visitor serving commercial facilities by: 1. Maintaining existing areas designated for highway-visitor serving commercial; 2. Allowing visitor-serving uses within all commercial land use designations; and, 3. Maintaining the "highway-visitor serving commercial" land use designation as one allowing primarily recreational and visitor serving uses. Policy IV-2: Visitor-Serving facilities shall be allowed and the preferred use in areas designed Planned Development on the Land Use Map (see Figure 1). (1/86) Policy IV-3: The City shall encourage the expansion of the GP Nursery visitor center. (1/86)	Policy LC-2.1 Additional Sites for Visitor-Serving Commercial: Continue to provide for and encourage additional visitor-serving commercial facilities. ~~Program~~ **Policy** LC-2.1.1: Ensure that there are adequate sites for visitor-serving land uses by: a) maintaining existing areas designated for Highway-Visitor Commercial uses; and b) maintaining the Highway Visitor Commercial (C3) land use designation as one allowing primarily recreational and visitor-serving uses. **c) Reserving adequate infrastructure capacity to accommodate designated visitor serving uses.** **Policy LU-REC-A: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.** **Policy LU-REC-B: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.** **Policy LU-REC-C: The use of private lands suitable for visitor-serving and comm recreational facilities designed to enhance public opportunities for coastal recr shall have priority over private residential, general industrial, or general comm development, but not over agriculture or coastal-dependent industry.** **Policy LU-REC-D: Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.** **Policy LU-REC-E: Coastal areas suited for water-oriented recreational activities**

	that cannot readily be provided at inland water areas shall be protected for such uses.
	Policy LC-2.2 Lower Cost Facilities: Protect, encourage, and, where feasible, provide lower-cost visitor and recreational facilities for persons and families of low and moderate income. **Removal or conversion of existing lower cost opportunities shall be prohibited unless the use will be replaced with another offering comparable visitor serving or recreational opportunities.** Program LC-2.2.1: Inventory and monitor lower-cost visitor recreational facilities in the City. Program LC-2.2.2: Encourage lower-cost visitor and recreational facilities during the project review process with private developers and work with State Parks to expand such facilities on State land.
	~~Policy~~ **Program** OS-12.2 MacKerricher State Park: Continue to coordinate with State Department of Parks and Recreation regarding development adjacent to MacKerricher State Park. ~~Program OS-12.2.1: Require that new development east of the Old Haul Road minimizes access to the Old Haul Road, establishes a minimum 30-foot setback from the Old Haul Road, and, if approved by State Parks, closes any unofficial trails leading from the project's frontage across MacKerricher State Park.~~ Program OS-12.2.2: In reviewing development applications adjacent to MacKerricher State Park, the City shall confer with the State Department of Parks and Recreation to determine if additional mitigation measures regarding access to the park, or protection of park resources, are warranted. If feasible, these additional measures will be required. Program OS-12.2.3: Support public acquisition of land along the eastern boundary of MacKerricher State Park as indicated in Map LC-1: Coastal Zone, Coastal Access, and City Trail System which would be donated to the State Parks.

	~~Policy~~ **Program** OS-13.1 Multiple Use Trail System: Develop a multiple use trail system. Program OS-13.1.1: Identify potential additions to the trail system which increase access to rivers and the coastline with cross linkages through to the eastern parts of Fort Bragg. Work with the MCRPD to seek funding and to acquire rights-of-way. ~~*Refer to the Coastal Element for additional programs regarding coastal access and trails. Bicycle Paths are discussed in the Circulation Element.*~~ Program OS-13.1.2: Establish an integrated trail system serving both inland hiking and trail needs as well as the coastal trail programs as shown on Map LC-1 utilizing existing rights-of-way, City streets, and river front property. ~~*See the Coastal Element for a discussion of coastal trails and accesses.*~~ ~~Program~~ **Policy** OS-13.1.3: **Consistent with the provisions of 18.56.070,** r~~R~~eview development applications and require a trail easement dedication for locations where trails are shown on Map LC-1 where an appropriate nexus is established. ~~*Trails serve important recreational functions as well as providing an alternative mode of transport which reduces impacts to streets, air quality, and noise.*~~ ~~Program~~ **Policy** OS-13.1.4: Require new development to provide direct pedestrian connections, such as sidewalks, trails, and other rights-of-way to the existing and planned network of parks and trails wherever feasible. ~~Program OS-13.1.5: Review development applications to ensure that new development does not block proposed trail easements shown on Map LC-1.~~ Program OS-13.1.6: Consider the access needs of a variety of users,

	including school-age children, the elderly, and those with handicaps or disabilities when developing trails and recreation facilities. Program OS-13.1.7: Support efforts to reconstruct the Pudding Creek Trestle on the Old Haul Road to re-establish direct public access from the central part of Fort Bragg to the coast. Program OS-13.1.8: Support efforts to extend the existing trail from the end of Cypress Street east adjacent to the Georgia-Pacific haul road. ~~Program OS-13.1.9: Pursue development of a trail through east Fort Bragg to the ballfield complex proposed for in this area.~~**[City Requested MOD]**

18.61.021 Public shoreline access.

A. The city shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to the shoreline. At a minimum city action shall include:

1. Implementation of land use policies calling for further action, initiation of new programs or acquisition of land or easements consistent with availability of staff and budgeted funds.
2. Requiring the provisions of access as a permit condition in new developments as set forth in the Land Use Plan access policies 2 through 11, 13, 17 through 25, as well as policy 12 where the city has jurisdiction and where it is shown on the Land Use Plan.
3. Initiating legal action to acquire easements to beaches and access corridors for which prescriptive rights may exist consistent with the availability of staff and funds.
4. Accepting offers of dedication which will increase opportunities for public access and recreation consistent with the city's ability to assume facility operation and maintenance costs based on availability of budgeted funds. Should local entities, park and recreation district, local government or other local groups, decline to accept management responsibility, state and federal government agencies and private nonprofit interest groups shall be offered management responsibilities no later than six months after efforts have been made to obtain local management of a public access route. Any entity which proposes to accept responsibility for management of a public access route must demonstrate ability to open and operate facilities in an expeditious manner.

CHAPTER 18.56 - SHORELINE ACCESS

Sections:

18.56.010 - Purpose
18.56.020 - Applicability
18.56.030 - Access Location Requirements
18.56.040 - Access Design Standards
18.56.050 - Prescriptive Rights
18.56.060 - Access Title and Guarantee
18.56.070 – Required Findings and Supporting Analysis for Public Access Dedications

18.56.010 - Purpose

This Section provides requirements for the dedication and improvement of public access to, and along the coast, in conjunction with proposed development and new land uses. The intent of this Section is to ensure that public rights of access to and along the coast are protected as guaranteed by the California Constitution. Coastal access standards are also established by this Section in compliance with the California Coastal Act.

18.56.020 – ~~Applicability~~ Definitions

A. Coastal access defined:

1. Development

"Development" means, on land, in or under water, the placement or erection of a solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; change in density or intensity of use of land, including but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use

5. Actively seek other private or public agencies to accept offers of dedications, to assume liability and maintenance responsibility and initiate legal action where appropriate to enforce public rights to beach access.

B. General criteria.

The following standards provide general guidelines as to the size and nature of all public access facilities in Fort Bragg:

1. Location. Coastal access facilities should be located as set forth in the Land Use Plan policies 1 through 11, 13, 15 through 25, as well as policy 12 where the city has jurisdiction.
2. Uses: Coastal accessways should be used for public pass and repass, passive recreational use and/or active recreational use where space allows and as otherwise allowed under the provisions of the LCP.
3. Design and siting. Accessways and trails should be sited and designed:
   a. To minimize alteration of natural landforms, conform to the existing contours of the land, and to subordinate to the character of their setting.
   b. To prevent unwarranted hazards to the land and public safety
   c. To provide for the privacy of adjoining residences and to minimize conflicts with adjacent or nearby established uses.
   d. To prevent misuse of sensitive coastal resource areas.

Accessway development must comply with the runoff standards of Section XVII(E) of the Land Use Plan and the sensitive habitat standards of Section XVII(E) of the Land Use Plan.

of water; or access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private or public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes; kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section structure includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

2. New Development

For purposes of implementing the public access requirements of Public Resources Code Section 30212 and of this Section, "new development" includes "development" as defined above except for the following:

(a) Structures destroyed by natural disaster: The replacement of any structure, other than a public works facility, destroyed by a disaster; provided that the replacement structure conforms to applicable existing zoning requirements, is for the same use as the destroyed structure, does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10%, is sited in the same location on the affected property as the destroyed structure and does not extend the replacement structure seaward on a sandy beach or beach fronting bluff lot. As used in this section, "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owners.

(b) Demolition and reconstruction: The demolition and reconstruction of a single-family residence; provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, that the reconstructed residence shall be sited in the same location on the affected property as the former structure, that the reconstructed residence does not block or impede public access, that the reconstructed residence does not extend seaward of the demolished residence on a sandy beach or beach fronting bluff lot and that the

4. Minimize hazards: Coastal accessways located in areas of high fire erosion hazard should be managed and constructed in a manner that does not increase the hazard potential. Accessway development must comply with the hazards standards of Section 18.55.
5. Mitigation: Where appropriate, coastal accessways should be designed to correct abuses resulting from existing use.
6. Design specifications: Accessway width within access easements may vary from twenty-four (24) inches to a maximum of ten (10) feet depending on use, topography and proximity to developed areas and major support facilities. The preferred gradient for accessways is zero to twenty percent (0–20%), and in no case should exceed seventy percent (70%). The minimum overheard clearance on accessways is seven (7) feet.
7. Access for disabled persons: Wherever possible, wheelchair access to the ocean should be provided. Ramps should be a minimum of four (4) feet wide with a maximum gradient of ten percent (10%).
8. Residential privacy: The design and placement of access trails should provide for the privacy of adjoining residences. Accessways may be wide enough to allow the placement of a trail, fencing and a landscape buffer. Vertical accessways where they abut residential areas may be fenced at the property line and use restricted to daylight hours.
9. Sensitive resource areas: Public access to sensitive coastal resource areas such as wetlands, tidelands and riparian habitat areas

reconstructed residence does not include or necessitate a shoreline protective device.

(c) Improvements: Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height or bulk of the structure by more than 10 percent, which do not block or impede access, which do not result in a seaward encroachment by the structure and which do not include or necessitate a new or enlarged shoreline protective device.

(d) Repair and maintenance: Repair or maintenance activity which, pursuant to Public Resources Code Section 30610(d) and California Code of Regulations Section 13252, requires no permit unless the activity will have an adverse impact on lateral public access along the beach.

(e) Reconstruction and/or repair of a seawall, revetment, retaining wall or other shoreline protective device: The reconstruction or repair of any shoreline protective device; provided that the reconstructed or repaired shoreline protective device does not substantially alter the foundation of the protective device, does not result in the replacement of 20 percent or more of the materials of the existing structure with materials of a different kind, does not extend the protective device seaward of the location of the former structure. As used in this section, "reconstruction or repair" of a seawall shall not include replacement by a different type of structure or other modification in design or construction which results in different or greater impacts to public access or other shoreline resources than those of the existing structure.

3. Sea
"Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non estuarine rivers, streams, tributaries, creeks and flood control and drainage channels.

should be evaluated individually. Accessway development must comply with the sensitive habitat standards of Section XVII(E) of the Land Use Plan.

10. Parking provisions: Where access sites are provided for in the Land Use Plan parking should be provided where it is feasible. Where handicapped beach access is provided, one (1) out of five (5) parking spaces should be provided for disabled persons. These spaces should be marked clearly for handicapped use only.

11. Signing: Directional signing advising the public of vertical, and lateral accessways as well as parking opportunities should be placed in prominent locations along access routes, at appropriate places in the downtown and at major visitor destinations. Signing designating handicapped access points and parking should be conspicuous. Potential hazards along accessways such as steep cliffs, steps or slopes should be signed and when necessary fenced.

C. Specific criteria.

1. Vertical access.

a. Requirements:

(1) New development between the first public road and the sea may be required to provide public access.

(2) Vertical access is required as a condition of permit approval at the locations specified in the Land Use Plan as follows:

(a) Along Elm Street to Glass Beach.

(b) East of the south end of Noyo Bridge.

(c) From the end of North Harbor

B. Types of Public Access

1. **Vertical access:** Provides **public** access from the first public road**, trail, or public use area nearest the sea** to the **publicly owned** shore**line**, **tidelands,** or **established lateral access** perpendicular to the shore.

2. **Lateral access:** Provides for public access and use along **or parallel to** the shoreline.

3. **Blufftop access:** Provides access **and coastal viewing** along blufftops that run parallel to the shoreline, and in some cases provide the only opportunity for public access along the shoreline above a rocky intertidal zone with no sandy beach.

4. Trail access: Provides public access (i.e. hiking and equestrian) along a coastal or mountain recreational path, including to and along canyons, rivers, streams, wetlands, lagoons, freshwater marshes, significant habitat and open space areas or similar resource areas, and which also may link inland trails or recreational facilities to the shoreline.

5. Recreational access: Provides public access to coastal recreational resources through means other than those listed above, including but not limited to, parking facilities, viewing platforms, and blufftop parks.

C. Character of Accessway Use

1. Pass and repass refers to the right of the public to walk and run along an accessway. Because this use limitation can substantially restrict the public's ability to enjoy adjacent publicly owned tidelands by restricting the potential use of lateral accessways, it will be applied only in connection with vertical access or other types of access where the findings required by Section 18.56.070 of this Development Code establish that the limitation is necessary to protect natural habitat values, topographic features (such as eroding bluffs), or privacy of the landowner.

Drive to the proposed lateral access along the bank of the Noyo River.

(d) From the end of South Street to the north bank of the Noyo River.

(e) From the end of Cypress Avenue to the north bank of the Noyo River.

(3) One vertical accessway in each specified location is adequate; if a vertical access route already exists (or an access offer is properly recorded) in a designated location at the time of development application, then additional vertical accessways in that location are not required.

b. Siting and description of the accessway. If possible, vertical accessways should be s the accessway should not be sited closer than five (5) feet to the structure. The vertical accessway shall be a minimum of ten (10) feet in width to allow for public pedestrian use of the corridor. Any accessway shall be legally described prior to issuance of the coastal development permit.

2. Lateral access.

a. Requirements:

(1) New development between the first public road and the sea may be required to provide lateral access.

(2) Lateral access is required as a condition of permit approval at locations specified in the Land Use Plan and summarized as follows:

(a) Along the beaches from Pudding Creek to Glass Beach.

2. Passive recreational use refers to the right of the public to conduct activities normally associated with beach use, such as walking, swimming, jogging, sunbathing, fishing, surfing, picnicking, but not including organized sports, campfires, or vehicular access other than for emergencies or maintenance.

3. Active recreational use refers to the right of the public to conduct the full range of beach-oriented activities, not including horseback riding and use of motorized vehicles unless specifically authorized.

18.56.030 - Access Location Requirements

Vertical, lateral, and/or blufftop access shall be required by the review authority in compliance with this Chapter, in the locations specified by the ~~Coastal Element~~ **Open Space, Conservation, and Parks Element** of the **Coastal** General Plan.

A. ACCESS REQUIRED

As a condition of approval and prior to issuance of a permit or other authorization for any new development identified in 1 - 4 of this section, except as provided in Section 18.56.020 of this Development Code, a 25 foot wide easement for one or more of the types of access identified in Section ### of this Development Code shall be required and shall be supported by findings required by Section 18.56.070 of this Development Code; provided that no such condition of approval shall be imposed if the analysis required by Section 18.56.070 of this Development Code establishes that the development will not adversely affect, either individually or cumulatively, the ability of the public to reach and use public tidelands and coastal resources or that the access dedication requirement will not alleviate the access burdens identified. For any project where such mitigation is required, the preferred implementation should be through a recorded grant of easement to the Executive Director of the Coastal Commission or to a designated private nonprofit association acceptable to the City who is willing to accept the easement and willing to operate and maintain the public accessway or trail. Where grants of easement are not feasible because neither the City nor private nonprofit association is willing to accept, maintain and operate the accessway, implementation of required access mitigation shall be implemented through a recorded Offer to Dedicate (OTD) an easement to a public agency or a designated private

(b) Along the south banks of the Noyo River within the city limits. (c) Along the north bank of the Noyo River where the city has jurisdiction and where feasible based on topography and safety considerations. (d) Along Glass Beach as designated on the Coastal Land Use Map. (e) South of Glass Beach to the city limits for educational and scientific uses only as permitted by the property owner. b. Siting. Lateral accessways should be a minimum of twenty-five (25) feet of dry sandy beach area at all times of the year or should include the entire sandy beach area if the width of the beach is less than twenty-five (25) feet. They should not extend further landward than the foot of an existing shoreline protective device or be closer than ten (10) feet to an existing single-family residence. Where development poses a greater burden on public access, a larger accessway may be provided. In determining the appropriate buffer of the c. Description of the accessway. The accessway shall be described in the co (1) Method to describe accessway: A description of the accessway shall be sufficiently specific to assure that the public has a right of use to a minimum of twenty-five (25) feet of dry sandy beach daily at any time of the year.	**nonprofit association acceptable to the Executive Director of the Coastal Commission.** **a. New Development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing an historically used or suitable public access trail or pathway.** **b. New development between the nearest public roadway and the sea.** **c. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.** **d. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.** **B. Protection of existing coastal access.** Development shall not interfere with public rights of access to the sea where the rights were acquired through use or legislative authorization. Public access rights may include but are not limited to the use of dry sand and rocky beaches to the first line of terrestrial vegetation. ~~**C. Access requirements.** Proposed development and new land uses located between the ocean **and** the first public road may be required to provide vertical (perpendicular) access from the public road to bluff and beach areas, and lateral access along the beach, shoreline and blufftops, where the review authority first makes specific findings documenting the need for additional public access on and/or through the site, and the relationship of the required dedication to the impacts on existing access, or needs for additional access created by the project.~~ ~~D~~**C. Exceptions to access requirements.** Coastal access requirements may be waived by the review authority based upon specific findings that the provision of public access would be inappropriate because:

(a) Accessway described from a fixed inland point: The preferred way to describe an accessway is to describe it as a specific distance from a fixed known inland point such as a centerline of a road, a vegetation line, the base of a bluff, or any other monument capable of easy identification on the land. The area of public access shall extend from the fixed landward line seaward to the seaward property line, usually called a mean high tide line. The width of the area of dry sandy beach available for public use varies from high to low tide and from season to season, but both the landowner and public are able to identify the precise area available for public use based on a fixed visible monument. To account for the changes in the waterline, the area included in the public accessway shall be sufficient to assure that the public will have the ability to use at least twenty-five (25) feet of dry sandy beach at all times of the year. (b) Accessway described from the ordinary high water line: If it is not possible to find a fixed inland point from which to measure the right of public use, a lateral accessway shall be described as	1. It would be inconsistent with public safety, **military security needs,** or the protection of fragile coastal resources; 2. Adequate access exists within 500 feet of the site; 3. Access at the site would be inconsistent with policies of the **LCP** Coastal Element of the General Plan other than those requiring access; or 4. Requiring or providing the access would be inconsistent with Federal or State law. **5. Project is excepted from the definition of "new development" contained in Section 18.56.020.** **18.56.040 - Access Design Standards** The standards of this Section are intended to provide guidance to the review authority in determining the appropriate design of accessways to be required by Coastal Development Permit conditions of approval, in compliance with this Chapter. **A. Design objectives.** The following are general guidelines as to the size and nature of all public access facilities in the City. **1. Design and siting.** Accessways and trails should be sited and designed: a. To minimize alteration of natural landforms, conform to the existing contours of the land, and to subordinate to the character of their setting; b. To prevent unwarranted hazards to the land and public safety; c. To provide for the privacy of adjoining residences and to minimize conflicts with adjacent or nearby established uses; and d. To prevent damage to sensitive coastal resource areas.

beginning from the seaward property line, but including a specified area of dry sandy beach (e.g. twenty-five feet) inland from the daily highest tide line. The precise location of this accessway fluctuates from day to day depending on the daily high tide. This leaves some uncertainty as to the location of the area available for public use. The daily high tide line is defined as the line running parallel to the shore and marks the boundary between the wet and dry sand at the highest daily tide.

3. Bluff-top access:
   a. Requirements:
      (1) New development adjacent to the shorefront bluff-top may be required to provide the public with the right of access along the bluff edge for coastal scenic access to the shoreline.
      (2) Bluff-top access is required as a condition of permit approval at locations specified in the Land Use Plan and summarized as follows:
         (a) Along the south bluff of the mouth of Pudding Creek from the logging road westerly to the point above the mouth of the river, and then southerly to Glass Beach. Should the city find that the proposed accessway contains rare or endangered plant species such that the accessway cannot

2. **Hazard reduction.** Coastal accessways located in areas of high erosion hazard should be managed and constructed in a manner that does not increase the hazard potential.

3. **Correction of existing damage/<u>alternative routes</u>.** Where appropriate, coastal accessways should be designed to correct damage resulting from past existing use. **<u>Shoreline and blufftop trail segments that may not be passable at all times shall provide inland alternative routes.</u>**

2. **Accessway specifications.**

   a. **Width.** **<u>Each public access easement offered for dedication for public use shall be a minimum of 25 feet wide.</u>** The area where public access is allowed within an easement may be reduced to the minimum necessary for pedestrian traffic to avoid:

      (1) Adverse impacts on sensitive environmental areas;

      (2) Encroachment closer than 20 feet to an existing residence; and/or

      (3) Hazardous topographic conditions.

   b. **Slope.** The preferred slope gradient for the walking surface of an accessway is zero to 20 percent, and in no case should exceed 70 percent.

   c. **Overhead clearance.** The minimum overheard clearance for an accessway shall be seven feet.

3. **Access for disabled persons.** Wherever possible, wheelchair access to the ocean should be provided. Ramps should have dimensions and gradients consistent with current ADA requirements. Where beach access for disabled persons is provided, one out of five parking spaces should be provided for disabled persons, with the spaces marked clearly for handicapped use only.

be located without threatening damage to said species, the area shall be open for limited educational and scientific access only. If rare or endangered species are located near the accessway, it shall not be opened for public use until suitable fencing or other protection from damage to the vegetation has been provided.

(b) Along the bluff north of Glass Beach if beach lateral access is not provided and/or the city deems both accessways necessary for public access.

b. Siting.
Bluff-top accessways should be at least twe
New residential development shall be sited

c. Description of accessway.
The bluff top access shall be described as a occupied residential structure.
The area shall be legally described with the "Such easement shall be _____ feet wide located along the bluff top as measured inland from the daily bluff edge. As the daily bluff-top edge may vary and move inland, the location of this right-of-way would change over time with the then current bluff edge, but in no case shall it extend any closer than _____ feet from (a fixed inland point, such as a road or other easement monument)."

4. Historic public use.
If the permit process produces evidence of

4. **Residential privacy.** The design and placement of access trails should provide for the privacy of adjacent residences. Accessways may be wide enough to allow the placement of a trail, fencing and a landscape buffer. A vertical accessway abutting a residential area may be fenced at the property line and have its use restricted to daylight hours.

5. **Parking.** Where access sites are required, parking should be provided where feasible. Where handicapped beach access is provided, one out of five parking spaces should be provided for disabled persons. These spaces should be marked clearly for handicapped use only.

6. **Signs.** Directional signing advising the public of vertical, lateral, and blufftop accessways and parking should be placed in prominent locations along access routes, at appropriate places in the downtown and at major visitor destinations. Signs designating handicapped access points and parking should be conspicuous. Potential hazards along accessways such as steep cliffs, steps or slopes should be signed, and fenced when necessary.

~~B. **General design standards.** Coastal accessways shall be designed in compliance with the following standards, where feasible. The review authority may modify these standards where appropriate to provide greater protection of coastal resources.~~

~~1. **Access easement specifications.** Each public access easement offered for dedication for public use shall be a minimum of 25 feet wide.~~

B. Standards for Application of Access Conditions

The public access required pursuant to Section ### of this Development Code shall conform to the standards and requirements set forth in Sections ### through ### of this Development Code.

~~C.~~1. **Vertical access.** A vertical accessway shall comply with the following standards, in addition to the other applicable requirements of this Section.

~~1. If possible, a vertical accessway should be sited along the border of the~~

historic public use on a development site located in the Coastal Zone, development shall be required to meet all of the following requirements:

a. Siting and design of development.
Development shall be sited and designed in

b. An access condition shall not serve to extinguish, adjudicate or waive potential prescriptive rights. In permits with possible prescriptive rights, the following language shall be added to the access condition:

"Nothing in this condition shall be construed to constitute a waiver of any sort or a determination on any issue of prescriptive rights which may exist on the parcel itself or on the designated easement."

In addition, findings shall be made which specifically address the prescriptive rights issue.

D. Mechanisms for guaranteeing public access.

1. Legal instruments required.
Prior to the issuance of a permit for development in the Coastal Zone where public access is required in the Land Use Plan, each applicant shall record one of the following legal documents as specified in the condition of approval.

a. Irrevocable offer of dedication.
Prior to issuance of a development permit, which time the offer can be accepted by an appropriate agency which may or may not be the local government. Until the offer is accepted or unless the landowner consents, the public has no right to use the proposed accessway.

~~development and extend from the road to the bluff edge or shoreline. A different location may be approved if determined by the review authority to be appropriate considering site topography and the design of the proposed project.~~

~~2. If the proposed development includes residential structures, an accessway should not be sited closer than five feet to any residential structure.~~

~~3. A vertical accessway shall have a minimum width of 10~~ **25** ~~feet in width to allow for public pedestrian use of the corridor, but the required width may be reduced in compliance with Subsection B.2.~~

(a) Minimum requirements. A condition to require vertical public access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section ### of this Development Code shall provide the public with the permanent right of access, (1) located in specific locations identified in the certified Local Coastal Program for future vertical access, or (2) located in a site for which the City has reviewed an application for a development permit and has determined a vertical accessway is required pursuant to the access and recreation policies of the Coastal Act or the applicable provisions of the Fort Bragg Local Coastal Program.

(b) A condition to require vertical access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section ### of this Development Code shall provide the public with the permanent right of vertical access and be limited to the public right of passive recreational use unless another character of use is specified as a condition of the development. In determining whether another character of use is appropriate, findings shallbe made on the specific factors identified in Section ### of this Development Code.

(c) Each vertical accessway shall extend from the public road to the shoreline (or bluff edge) and shall be legally described as required in Section ### of this Development Code. The access easement shall be a minimum of 25-feet-wide wherever feasible. If a residential structure is proposed, the accessway

b. Outright grant of fee interest or easement. If the parcel is important in and of itself for a

2. Title information.
As a condition to the issuance of the permit, the applicant shall be required to furnish an ALTA title report and all necessary subordination agreements. Title insurance may also be required where extensive easements are being granted. Cost to be borne by the governing body. The amount of insurance shall be estimated on the basis of what it would cost to acquire an equivalent access or recreational use elsewhere in the vicinity.

3. Procedure.
Copies of the document to be recorded, title report, and permit shall be forwarded to the Coastal Commission for their review. Cost to be borne by the governing body. The accepting agency or commission staff may make minor revisions to the documents (such as corrections in the legal descriptions, minor revisions to the location and use of the accessways in order to open the area up for public use) to assure that the public right of access along dry sandy beaches, bluff top parcels, or the vertical accessways is protected and capable of being implemented.

a. The commission shall have fifteen (15) working days from the receipt of the documents to complete the review and notify the applicant and the city of recommended revisions, if any.

b. If the city does not receive notification of inadequacy of documents it has prepared within the fifteen (15) working day period, the documents are deemed approved and

should be sited along the border or side property line of the project site or away from existing or proposed development and should not be sited closer than 10 feet to the structure wherever feasible. Exceptions to siting a vertical accessway along a border or side property line or not closer than 10 feet to a structure may be required where topographical, physical or other constraints exist on the site.

~~D.~~**2. Lateral access.** A lateral accessway shall comply with the following standards, in addition to the other applicable requirements of this Section.

~~1. A lateral accessway easement shall extend landward a minimum of 25 feet from mean high tide to the toe of the bluff, or the first line of terrestrial vegetation if the width of the beach is greater than 25 feet.~~

~~2. A lateral accessway should not be closer than 10 feet to an existing single-family residence; however, in determining the appropriate separation of the accessway from private development, the needs of the landowner for privacy shall be considered.~~

(a). Minimum requirements. [Also to be used for blufftop access or trail access, as applicable.] A condition to require lateral access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section ### of this Development Code shall provide the public with the permanent right of lateral public access and passive recreational use along the shoreline (or public recreational area, bikeway, or blufftop area, as applicable); provided that in some cases controls on the time, place and manner of uses, such as limiting access to pass and repass or restricting hours of use, may be justified by site characteristics including sensitive habitat values or fragile topographic features or by the need to protect the privacy of residential development. Active recreational use may be appropriate in many cases where the development is determined to be especially burdensome on public access. Examples include cases where the burdens of the proposed project would severely impact public recreational use of the shoreline, where the proposed development is not one of the priority uses specified in Public Resources Code Section 30222, where active recreational uses reflect the historic public use of the site, where active recreational uses would be consistent with the

the permit may be issued upon proof that the documents have been recorded free of prior liens.

E. Documents for restricting use.

Upon final approval of a coastal development permit by the City of Fort Bragg, and where issuance of the coastal development permit is conditioned upon the applicant recording a legal document restricting the use of real property in the Coastal Zone, a copy of the permit conditions, findings of approval and drafts of any legal documents proposed to implement the conditions shall be forwarded to the California Coastal Commission for review and approval prior to the issuance of the permit. The standards of review and approval by the commission shall be the legal adequacy of the document to carry out the purposes of the permit conditions or certified land use plan; the uniform application of the document with other documents required throughout the Coastal Zone; and the document's consistency with the requirements of potential participating agencies. If requested, and provided with copies of the permit conditions, findings and the applicant's name, address and telephone number, the commission will prepare the documents and forward copies to the city for processing.

1. The commission shall have fifteen (15) working days from the receipt of the documents where review is requested and thirty (30) working days where preparation is requested, to complete the review or preparation and notify the applicant and the city of recommended revisions, if any.
2. If the city does not receive notification of inadequacy of documents it has prepared within the fifteen (15) working day period, the

use of the proposed project, and where such uses would not significantly interfere with the privacy of the landowner. In determining the appropriate character of public use, findings shall be made on the specific factors enumerated in Section ### of the Fort Bragg Ordinance. Lateral access shall be legally described as required in Section 5.10(F)(8).

~~E.~~**3. Blufftop access.** ~~A lateral blufftop access easement shall have a minimum width of 25 feet, provided that the width of area within the easement where public access is allowed may be reduced in compliance with Subsection B.2. Average annual bluff retreat (erosion) shall be considered by the review authority when requiring lateral blufftop access~~.

(a) Minimum requirements. A condition to require public access to or along a blufftop as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section ### of this Development Code shall provide the public with the permanent right of scenic and visual access from the bluff top to the public tidelands.

(b) The blufftop access shall be limited to passive recreational use and coastal viewing purposes unless another character of use is specified as a condition of development. In determining the appropriate character of use findings shall be made on the specific factors identified in Section ### of this Development Code.

(c) Each blufftop accessway shall be described in the conditions of approval of the coastal development permit as an area beginning at the current bluff edge extending 25 feet inland or [greater or lesser] as determined to be necessary for public safety or geologic stability. However, wherever feasible, the accessway should not extend any closer than 10 feet from an occupied residential structure. Due to the potential for erosion of the bluff edge, the condition shall include a mechanism that will cause the accessway to be adjusted inland as the edge recedes. Any permanent improvements should be set back from the accessway by a distance derived by multiplying the annual rate of blufftop retreat by the 100-year life expectancy of the improvements plus an added geologic stability factor of 1.5.

(d) The accessway shall be legally described as required in Section ### of this

documents are deemed approved and the permit may be issued upon proof that the documents have been recorded free of prior liens and encumbrances except tax liens, in accordance with the provisions of the city's local coastal program. 3. Where the commission prepares the legal documents, the city may issue the permit after the thirty (30) day preparation period has expired, or the applicant has signed a document that meets the standards of this section, and the document has been recorded free of prior liens and encumbrances, except tax liens, in accordance with the provisions of the city's local coastal program. 4. Where revisions are required to meet the standards of this section, the permit shall not be issued until the city has been notified that all issues of adequacy, uniformity and consistency have been resolved and the document has been recorded free of prior liens and encumbrances, except tax liens, in accordance with the provisions of the certified local coastal program. F. Recorded documents. Copies of the recorded document(s), title report, and permit shall be forwarded to the Coastal Commission within ten (10) days after recordation of the document(s). (Ord. 665 §§8,9, 1987; Ord. 605, 1983; Ord. 588, 1982.)	**Development Code, with the furthest inland extent of the area possible referenced as a distance from a fixed monument in the following manner:** **"Such easement shall be a minimum of 25 feet wide located along the blufftop as measured inland from the daily bluff edge. As the daily bluff top edge may vary and move inland, the location of this right of way will change over time with the then current bluff edge."** **4. Trail Access** **Minimum requirements. A condition to require public access as a condition of approval of a coastal development permit (or other authorization to proceed with development) required pursuant to Section ### of this Development Code shall provide the public with the permanent right of access and active recreational use, (1) along a designated alignment of a coastal recreational path or trail in specific locations identified in the LCP for implementation of trail access, or (2) in locations where it has been determined that a trail access is required to link recreational areas to the shoreline or provide alternative recreation and access opportunities pursuant to the access and recreation policies of the LCP and Coastal Act, consistent with other provisions of this chapter. In determining if another character of use is appropriate, findings shall be made on the specific factors enumerated in Section ### of this Development Code. The trail access shall be legally described as required by Section ### of this Development Code.** **5. Recreational Access** **Minimum requirements. A condition to require public recreational access as a condition of approval of a coastal development permit (or some other authorization to proceed with development) required pursuant to Section ### of this Development Code shall provide the public with the permanent right of access and use within a designated recreational access area. Conditions required pursuant to this section shall specify the location and extent of the public access area. The form and content should take the form of requirements in Section ### of this Development Code as applicable. The accessway shall be legally described as required in Section ### of this Development Code.**

	18.56.050 - ~~Prescriptive Rights~~ **Protection of Historic Public Use** **(a). Substantial evidence determination. Substantial evidence that the area used by the public has been impliedly dedicated shall be determined based on evidence of all of the following:** **1. The public must have used the land for a period of five years or more as if it were public land.** **2. Without asking for or receiving permission from the owner.** **3. With the actual or presumed knowledge of the owner.** **4. Without significant objection or bona fide attempts by the owner to prevent or halt the use.** **5. The use must be substantial, rather than minimal.** **6. The applicant must not have demonstrated that the law has prevented the property from being impliedly dedicated.** **(b) Findings. Where an issue as to the existence of public prescriptive rights has been raised during the course of reviewing a coastal development permit application, one of the following findings shall be made:** **1. Substantial evidence does not warrant the conclusion that public prescriptive rights exist.** **2. There is substantial evidence of the existence of public prescriptive rights, but development will not interfere with those rights.** **3. There is substantial evidence of the existence of public prescriptive rights which requires denial of a coastal development permit because of interference with those rights.** **4. There is substantial evidence of the existence of public prescriptive rights, but a condition requiring dedication of public access protects the rights of the public and is equivalent in time, place and manner to any prescriptive rights which may exist.** **5. There is substantial evidence of the existence of public prescriptive rights, but a condition requiring siting development away from the area used by the public protects the rights of the public.** ~~Where evidence of prescriptive rights (historic public use) is found in reviewing a Coastal Development Permit application, equivalent access easements to protect the~~

~~types, intensity and areas subject to prescriptive rights shall be required as a condition of permit approval.~~

C. Siting and Design Requirements

~~A~~**1**. Development shall be sited and designed in a manner that does not interfere with **or diminish any public right of access which may exist based on** the potential public rights based on **substantial evidence of** historic public use**.** ~~;~~ ~~provided that development may be sited in an area of historic public use if equivalent type, intensity and area of replacement public access is provided on or reasonably adjacent to the project site (parcel).~~ **. Only when site constraints are so severe that siting of the accessway or recreational use area in its historic location would significantly impair the proposed development and alternative development siting is not feasible, development may be sited in the area of public right of access based on historic use provided that the applicant provides an equivalent area of public access or recreation to and along the same destination and including the same type and intensity of public use as previously existed on the site. Mechanisms for guaranteeing the continued public use of the area or equivalent area shall be required in accordance with Section ### of this Development Code. Gates, guardhouses, barriers or other structures designed to regulate or restrict access shall not be permitted within private street easements where they have the potential to limit, deter, or prevent public access to the shoreline, inland trails, or parklands where there is substantial evidence that prescriptive rights exist.**

~~B. Continued public use of the site shall be required and guaranteed in compliance with Section 18.56.060 (Access Title and Guarantee).~~

~~C~~**2**. An access condition shall not serve to extinguish, adjudicate or waive potential prescriptive rights. The following language shall be added to the access condition in a permit with possible prescriptive rights:

> "Nothing in this condition shall be construed to constitute a waiver of any sort or a determination on any issue of prescriptive rights which may exist on the parcel itself or on the designated easement."

18.56.060 - Access Title and Guarantee

Where public coastal accessways are required by this Chapter, approval of a Coastal Development Permit for new development shall require guarantee of the access through deed restriction, or dedication of right-of-way or easement. Before the approval of a Coastal Development Permit, the method and form of the access guarantee shall be approved by City Attorney, and shall be recorded in the office of the County Recorder, identifying the precise location and area to be set aside for public access. The method of access guarantee shall be chosen according to the following criteria:

A. **Deed restriction**. Shall be used only where an owner, association or corporation agrees to assume responsibility for maintenance of and liability for the public access area, subject to approval by the Director.

B. **Grant of fee interest or easement**: Shall be used when a public agency or private organization approved by the Director is willing to assume ownership, maintenance and liability for the access.

C. **Offer of dedication**. Shall be used when no public agency, private organization or individual is willing to accept fee interest or easement for accessway maintenance and liability. These offers shall not be accepted until maintenance responsibility and liability is established.

D. Legal Description of an Accessway: Recordation

(a) An access dedication (offer to dedicate or grant of easement) required pursuant to Section ### of this Development Code shall be described, in the condition of approval of the permit or other authorization for development in a manner that provides the public, the property owner, and the accepting agency with the maximum amount of certainty as to the location of the accessway. As part of the condition of approval, easements shall be described as follows:
(1) for lateral access: along the entire width of the property from the mean high tide line landward to a point fixed at the most seaward extent of development (as applicable): the toe of the bluff, the intersection of sand with toe of revetment, the vertical face of seawall, or other appropriate boundary such as

	stringline or dripline. On beachfront property containing dune ESHA the required easement for lateral public access shall be located along the entire width of the property from the mean high tide line landward to the ambulatory seawardmost limit of dune vegetation; (2) for blufftop access or trail access: extending inland from the bluff edge or along the alignment of a recreational trail; (3) for vertical access: extending from the road to the mean high tide line (or bluff edge). A privacy buffer provided pursuant to Section ### shall be described as applicable. (b) Prior to the issuance of the coastal development permit or other authorization for development, the landowner shall execute and record a document in a form and content acceptable to the Coastal Commission [or local agency authorized pursuant to 14 Cal. Code of Regulations Section 13574(b)], consistent with provisions of Section ### of this Development Code, irrevocably offering to dedicate (or grant an easement) to a public agency or private association approved by the Coastal Commission [or local agency authorized by the Commission pursuant to 14 Cal. Admin. Code Section 13574(b)] an easement for a specific type of access as described in Section 5.10 (B) and a specific character of use as described in Section ### of this Development Code, as applicable to the particular condition. (c) The recorded document shall provide that: (1) the terms and conditions of the permit do not authorize any interference with prescriptive rights in the area subject to the easement prior to acceptance of the offer and, (2) development or obstruction in the accessway prior to acceptance of the offer is prohibited. (d) The recorded document shall include legal descriptions and a map drawn to scale of both the applicant's entire parcel and the easement area. The offer or grant shall be recorded free of prior liens and any other encumbrances which the Coastal Commission [or local agency authorized by the Commission pursuant to 14 Cal. Admin. Code Section 13574(b)] determines may affect the interest being conveyed. The grant of easement or offer to dedicate shall run with the land in favor of the People of the State of California, binding all successors and assignees, and the offer shall be irrevocable for a period of 21 years, such period running from the date of recording.

	E Privacy buffers. (a) Minimum requirements. Separation between a public accessway and adjacent residential use may be provided when necessary to protect the landowner's privacy or security as well as the public's right to use of the accessway. Any such buffer shall be provided within the development area. Access should not be sited closer to any residential structure than the distnace specified in the certifie LUP, or where there is no distance specified, no closer than 10 feet. The buffer can be reduced where separation is achieved through landscaping, fences or grade separation. F. Implementation. (a) For any project where a public access easement is required, the preferred implementation should be through a recorded grant of easement to the City or to a designated private nonprofit association acceptable to the Executive Director of the Coastal Commission who is willing to accept the easement and willing to operate and maintain the public accessway or trail. Where grants of easement are not feasible because neither the City nor private nonprofit association is willing to accept, maintain and operate the accessway, implementation of required access mitigation shall be implemented through a recorded Offer to Dedicate (OTD) an easement to a public agency or a designated private nonprofit association acceptable to the Executive Director of the Coastal Commission. (b) For all grants of easement to the City, the City shall open the easement to the public as soon as is feasible, and shall be responsible for operating and maintaining the accessway, or the City shall grant the easement to a private nonprofit association acceptable to the Executive Director of the Coastal Commission that is willing to accept, maintain and operate the accessway. (c) In the case of an Offer to Dedicate or where the City grants an easement to a private nonprofit association, an accessway shall not be required to be opened to public use until a public agency or private association approved in accordance with Section ### of this Development Code agrees to accept responsibility for maintenance and liability of the access, except in cases where immediate public access is implemented through a deed restriction. New offers to dedicate public beach or trail access easements shall include an interim deed

	restriction that 1) states that the terms and conditions of the permit do not authorize any interference with prescriptive rights, in the area subject to the easement prior to acceptance of the offer and, 2) prohibits any development or obstruction in the easement area prior to acceptance of the offer. (d) Access facilities constructed on access easements (e.g., walkways, paved paths, boardwalks, etc.) shall be as wide as necessary to accommodate the numbers and types of users that can reasonably be expected. Width of facilities can vary for ramps or paved walkways, depending on site factors. (e) Any government agency may accept an offer to dedicate or grant of an easement if the agency is willing to operate and maintain the easement. For all grants of an easement or offers to dedicate that are required as conditions of Coastal Development Permits approved by the City, the Executive Director of the Coastal Commission has the authority to approve a private non-profit association that seeks to accept the offer or the grant of easement. In order for the Executive Director to approve any private non-profit association, the non-profit association must submit a plan that indicates that the association will open, operate, and maintain the easement in accordance with terms of the recorded offer to dedicate or grant the easement. (f) The appropriate agency or organization to accept and develop trail dedication offers or grants of easement resulting from City issued CDPs shall be determined through coordination, where applicable, with the National Park Service, the State Department of Parks and Recreation, the State Coastal Conservancy, Mendocino County, and nonprofit land trusts or associations. Public agencies and private associations which may be appropriate to accept offers to dedicate include, but shall not be limited to, the State Coastal Conservancy, the State Department of Parks and Recreation, the State Lands Commission, the County, the City, the Mendocino Land Trust, and other nongovernmental organizations. (g) Grants of public access easements or offers to dedicate shall be accepted for the express purpose of opening, operating, and maintaining the accessway for public use. Unless there are unusual circumstances, the accessway shall be opened within five (5) years of acceptance. If the accessway is not opened within this period, and if another public agency or qualified private association

	expressly requests ownership of the easement in order to open it to the public, the easement holder shall transfer the easement to that entity within six (6) months of the written request. A Coastal Development Permit that includes a grant of easement or offer to dedicate for public access as a term or condition shall require the recorded offer to dedicate to include the requirement that the easement holder shall transfer the easement to another public agency or private association that requests such transfer, if the easement holder has not opened the accessway to the public within five (5) years of accepting the offer. (h) Facilities to complement public access to and along the shoreline and trails shall be permitted where feasible and appropriate. This may include parking areas, restrooms, picnic tables, or other improvements. No facilities or amenities, including, but not limited to, those referenced above, shall be required as a prerequisite to the approval of any lateral or vertical accessway or trail OTD or grant of easement or as a precondition to the opening or construction of the accessway or trail. Where there is an existing, but unaccepted and/or unopened public access OTD, easement, or deed restriction for lateral, vertical, bluff or trail access or related support facilities, necessary access improvements shall be permitted to be constructed, opened and operated for the intended public use. (i) Any accessway which the managing agency or organization determines cannot be maintained or operated in a condition suitable for public use shall be offered to another public agency or qualified private association that agrees to open and maintain the accessway in a condition suitable for public use. (j) All public access mitigation conditions or terms required by a CDP shall include, as a compliance component, a requirement that the permittee submit a detailed and surveyed map, drawn to scale, locating any proposed or required easements or deed restricted areas. ~~E~~G. **Timing of access implementation.** The type and extent of access to be dedicated, and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established at the time of land use permit approval, as provided by this Section. 1. **Dedication**: Shall occur before issuance of construction permits or the

	start of any construction activity not requiring a permit. 2. **Construction of improvements**: Shall occur at the same time as construction of the approved development, unless another time is established through conditions of land use permit approval. 3. **Interference with public use prohibited**. Following an offer to dedicate public access in compliance with ~~to~~ this Section; the property owner shall not interfere with use by the public of the areas subject to the offer before and after acceptance by the responsible entity. **H. Title Information** **As a requirement for any public access condition, prior to the issuance of the permit or other authorization for development, the applicant shall be required to furnish a title report and all necessary subordination agreements. All offers or grants shall be made free of all encumbrances which the approving authority pursuant to Section ### of this Development Code determines may affect the interest being conveyed. If any such interest exists which could extinguish the access easement, it must be subordinated through a written and recorded agreement.**

	18.56.070. REQUIRED FINDINGS AND SUPPORTING ANALYSIS FOR PUBLIC ACCESS DEDICATIONS A. Required Overall Findings (1) Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals, denials or conditional approvals of projects between the first public road and the sea. Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals or conditional approvals of where an access dedication is included in the project proposal or required as a condition of approval. Such findings shall address the applicable factors identified by Section ### of this Development Code and shall reflect the specific level of detail specified, as applicable. Findings supporting all such decisions shall include: a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to Section ### of this Development Code. The type of affected public access and recreation opportunities shall be clearly described. b. An analysis based on applicable factors identified in Section ### of this Development Code of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act. c. A description of the legitimate governmental interest furthered by any access condition required. d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified and is reasonably related to those burdens in both nature and extent. B. Required Project-Specific Findings In determining any requirement for public access, including the type of access and character of use, the City shall evaluate and document in written findings the factors identified in subsections (a) through (e), to the extent applicable.

	The findings shall explain the basis for the conclusions and decisions of the City and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the dedication will alleviate or mitigate the adverse effects which have been identified and is reasonably related to those adverse effects in both nature and extent. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning requirements or regulations. (a) Project effects on demand for access and recreation including: • Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development; • Analysis of the project's effects upon existing public access and recreation opportunities; • Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout; • Projection of the anticipated demand and need for increased coastal access and recreation opportunities for the public; • Analysis of the contribution of the project's cumulative effects to any such projected increase; • Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas; • Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities. (b) Shoreline processes including: • Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of existing or proposed shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of

	that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site; • Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development; • Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity; • Analysis of the effect of any identified changes of the project -- alone or in combination with other anticipated changes -will have upon the ability of the public to use public tidelands and shoreline recreation areas. (c) Historic public use including: • Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal); • Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc. and for passive and/or active recreational use, etc. Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made; • Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts; • Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use). (d) Physical obstructions including: • Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline. (e) Other adverse impacts on access and recreation including:

- Description of the development's physical proximity and relationship to the shoreline and any public recreation area;
- Analysis of the extent to which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation;
- Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

3. Required Findings for Public Access Exceptions

Any determination that one of the exceptions of Section ### of this Development Code applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:

(a) The type of access potentially applicable to the site involved (vertical, lateral, blufftop, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable.

(b) Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected.

(c) Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.

18.56.080. REVIEW OF RECORDED ACCESS DOCUMENTS

1. Standards and Procedures

Upon final approval of a coastal development permit or other authorization for development, and where issuance of the permit or authorization is conditioned

	upon the applicant recording a legal document which restricts the use of real property or which offers to dedicate or grant an interest or easement in land for public use, a copy of the permit conditions, findings of approval and drafts of any legal documents proposed to implement the conditions shall be forwarded to the California Coastal Commission for review and approval prior to the issuance of the permit consistent with the following procedures and California Code of Regulations Section 13574: All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to the following procedures: (a) The Executive Director of the Coastal Commission shall review and approve all legal documents specified in the conditions of approval of a coastal development permit for public access and conservation/open space easements. (1) Upon completion of permit review by the City and prior to the issuance of the permit, the City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the Executive Director of the Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies; (2) The Executive Director of the Commission shall have fifteen (15) working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions if any; (3) The City may issue the permit upon expiration of the fifteen (15) working day period if notification of inadequacy has not been received by the City within that time period; (4) If the Executive Director has recommended revisions to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the executive director; or (b) If the City requests, the Commission shall delegate the authority to process the recordation of the necessary legal documents to the City if the City identifies the City department that has the resources and authorization to

	accept, open and operate and maintain the accessways and open space/conservation areas required as a condition of approval of coastal development permits subject to the following: Upon completion of the recordation of the documents the City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents pertaining to the public access and open space conditions to the Executive Director of the Commission. 18.56.090. CDP PERMITTING AND APPLICATION In addition to permit and application submittal requirements established elsewhere in this LCP, new development pursuant to Section ### of this Development Code shall be subject to the following additional permit and/or application requirements: 1. In order to maximize public access and recreation opportunities at existing public beaches or parks, limitations on time of use or increases in use fees or parking fees, which effect the intensity of use, shall be subject to a Coastal Development Permit. 2. The City shall not close, abandon, or render unusable by the public any existing accessway which the City owns, operates, maintains, or is otherwise responsible for without first obtaining a Coastal Development Permit unless determined to be necessary for public safety. 3. Any limitation on existing public access to or along a beach, trail, or bluff located in a sensitive habitat area determined to be necessary for temporary protection of habitat, restoration, repair and/or maintenance shall be for the minimum period necessary but shall not exceed the nesting season for shorebird habitat or be greater than 90 days for habitat restoration or 30 days for repair and maintenance, and shall require a Coastal Development Permit. Any limitation for purposes of protecting or restoring habitat shall be subject to review and approval, where required, from the Department of Fish & Game and U.S. Fish and Wildlife. Access to or along public tidelands or areas subject to an accepted and opened Offer to Dedicate or grant of easement shall not be fully restricted.

	4. No signs shall be posted on a beachfront or on public beach unless authorized by a Coastal Development Permit. Signs which purport to identify the boundary between State tidelands and private property or which indicate that public access to State tidelands or public lateral or vertical access easement areas is restricted shall not be permitted. 5. Improvements and/or opening of accessways already in public ownership or that are accepted pursuant to an offer to dedicate required by a Coastal Development Permit shall be permitted regardless of the distance from the nearest available vertical accessway. 6. All applications for new development located along the shoreline or fronting a beach shall include the submittal of a review and/or determination in writing from the State Lands Commission that addresses the proposed project relative to its location or proximity to, or impact upon, the boundary between public tidelands and private property. Any application for development on or along the shoreline filed without such determination shall be determined to be incomplete for filing. 7. Coastal Development Permit application filing requirements shall include the submittal of mapped documentation identifying the location of any existing recorded shoreline or inland trail OTDs, deed restrictions, or easements on the subject parcel(s).

Circulation Policies (LUP)

Existing Policies

Policy XV-1: Avoiding Traffic Problems in the Woodward Street Neighborhood. The City shall monitor traffic volumes on Myrtle and Woodward Streets, and should those volumes substantially increase, it shall develop and implement a plan for circulation improvements that will maintain levels of traffic volumes and safety appropriate for the neighborhood.

Policy XV-3: Bicycle Circulation. The City shall implement the County's Bicycle Path Study within the City by posting signs and striping bicycle lanes where appropriate, in conformance with the policies and standards set forth in Caltran's publication, dated April 1972, "Bikeway Planning Criteria and Guidelines."

Policy III-16/XV-4: Marking Pedestrian Routes to Public Access Points. At appropriate places in the downtown area and especially at major visitor destinations (e.g., motels, the Skunk Train Depot, etc.), convenient pedestrian routes leading to coastal and river access points should be marked. The City shall seek non-local funding for this program.

Policy XV-5: Highway Access and Egress Limitations. The City shall work with the State Department of Transportation to develop improved highway access standards. Those standards shall include, but not be limited to: parking area stacking lanes; the number and placement of driveways in relation to intersections and turning lanes; on-street parking; access visibility; and curb, gutter, sidewalk and landscaping requirements.

Proposed Policies w/ Suggested Modifications

[MOD: The following policies and programs demarcated with the City seal are not part of the certified LCP and shall not govern the review and approval of Coastal Development Permits: Policy C-12.1 through Program C-12.2.2 (Access for the Mobility Impaired); and Policy C-15.1 through Program C-15.1.6 (Funding Transportation Improvements).]

Goal C-1 Coordinate land use and transportation planning.

Policy C-1.1 Level of Service Standards: Establish the following Level of Service (LOS) standards:

Signalized and All-Way-Stop Intersections Along Highway One	LOS D
Side Street Stop Sign Controlled Intersections Along Highway One (Side Street Approach)	LOS D, or LOS F if there are less than 15 vehicles/hour left turns plus through movements from the side street and the volumes do not exceed Caltrans rural peak hour signal warrant criteria levels.
Signalized and All-Way Stop Intersections Not Along Highway One	LOS C
Side Street Stop Sign Controlled Intersections Not Along Highway One (Side Street Approach)	LOS C, or LOS E if there are less than 15 vehicles/hour left turns plus through movements

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FORT BRAGG LCP UPDATE
CIRCULATION (LUP)
POLICY CHART

Policy XV-6: Specific Design Plan for Circulation Improvements. The City shall request that the State Department of Transportation and the County of Mendocino join with it in preparing a specific design plan for long-term circulation improvements in the area along Highway I between the Noyo River and Hare Creek and out Highway 20 to beyond South Harbor Drive. An intersection improvement district shall be formed by the City council with the invited participation of the County of Mendocino and all owners of parcels on which development would generate traffic onto Highway 1, between the Noyo and Hare Creek Bridges and to the intersection of South Harbor Drive with Highway 20. The purpose of the district shall be to prepare and assist in implementing a detailed development plan for intersection improvement that will accommodate traffic from developed parcels within the district. The district shall apportion the share of improvement costs above those that will be met by Caltrans and permits for development shall be issued only on receipt of a guarantee that the applicant's share will be paid.

Policy XV-7: Phasing of Development and Circulation Improvements at Highways 1 and 20. Any proposed new development between the Noyo River and Hare Creek which would increase traffic by more than one percent above levels existing at the project inception shall not be constructed until at least one of the following occurs:

1. The design of specific, long-term circulation improvements for the area have been developed and approved by the City of Fort Bragg, the County of Mendocino (to the extent that the improvements are outside the City limits), and the State Department of Transportation;

	from the side street and the volumes do not exceed Caltrans rural peak hour signal warrant criteria levels.

- If volumes at an unsignalized intersection are increased to meet or exceed Caltrans rural peak hour signal Warrant #11 criteria levels and the intersection is operating at an unacceptable level of service, then signalization of the intersection is warranted.
- LOS E for Main Street (Highway One) between the northbound lane merge area and Manzanita Street.
- LOS D for Main Street south of the northbound merge lane and north of Manzanita Street and other City-designated arterials and collectors.
- LOS C on all City-designated local streets.
- The maximum allowable LOS standards for Main Street apply to the p.m. peak hour weekdays during the summer and to the p.m. peak hour on weekdays and weekends during the remainder of the year. They do not apply to p.m. peak hours on weekends and holidays during the summer. During the p.m. peak hours on summer weekends and holidays, Main Street can operate at LOS F.

Policy C-1.2 Coordinate Land Use and Transportation: Ensure that the amount and phasing of development can be adequately served by transportation facilities.

~~Program~~ **Policy** C-1.2.1: Review development proposals for their direct and cumulative effects on roadway Level of Service standards. During the development review process, City staff will determine whether traffic studies need to be carried out and the scope of such studies.

2. A specific proposal for shared funding of the improvements has been approved by the governmental agencies and developer involved; or
3. The developer has committed to pay for his appropriate pro rata share of the improvement costs.

This existing policy is extended to include development within the proposed district located on Highway 20. (1/86)

Policy XV-10: The improved public access and recreational facilities on the north side of the Noyo River shall be adequately marked for both vehicular and pedestrian traffic. (1/86)

Policy XV-12: The Todd Point and Noyo Point annexation district areas shall apportion the share of improvement costs above those that will be met by Caltrans. Coastal development permits shall be issued only on receipt of a guarantee that the applicant's share will be paid. (1/86)

Policy XV-13: The City shall work with Caltrans to develop improved access to Highway 1. Further, the City shall continue to pursue the proposed improvements to Highway 1 by Caltrans between North Harbor Drive and Manzanita Street and other potential alternatives to improve and mitigate traffic access conditions on Highway 1. (1/86)

Policy XV-14: Any proposed new development between the Noyo River and Hare Creek and any proposed development on the two parcels located along Highway 20 which would increase traffic by more than one percent above existing levels, shall not be constructed until one of the following occurs:

~~Program~~ **Policy** C-1.2.2: Do not permit new development that could result in the exceedance of roadway and intersection Levels of Service standards unless one of the following conditions is met:

a) Revisions are incorporated in the proposed development project which prevent the Level of Service from deteriorating below the adopted Level of Service standards; or
b) Funding of prorata share of the cost of circulation improvements and/or the construction of roadway improvements needed to maintain the established Level of Service is included as a condition or development standard of project approval.

~~Program~~ **Policy** C-1.2.3: Include specific time frames for the funding and completion of roadway improvements for projects which cause adopted roadway and intersection Level of Service standards to be exceeded. Require security, bonding or other means acceptable to the City to ensure the timely implementation of roadway mitigations.

~~Program~~ **Policy** C-1.2.4: When traffic impact fees are collected, establish a schedule from the date of collection of said fee for the expenditure of funds to construct roadway improvements that meets project needs. Where a project would cause a roadway or intersection to operate below the adopted traffic Level of Service standards, the roadway or intersection improvements should be completed in a timely manner but no later than five years after project completion.

2. Recommended Roadway Improvements

Goal C-2 Develop and manage a roadway system that accommodates future growth and maintains acceptable Levels of Service while considering the other policies and programs of the General Plan.

Policy C-2.1 Roadway Improvements: In coordination with Caltrans and Mendocino County, plan for and seek funding for on-going improvements to the local and regional road system to ensure that the roadway system operates safely and efficiently **and to ensure that Highway 1 in rural area outside the urban/rural boundary will remain a scenic two-lane road consistent with Section 30254 of**

1. The design of specific, long-term circulation improvements for the area have been developed and approved by the City of Fort Bragg, the County of Mendocino (to the extent that the improvements are outside the City limits) and Caltrans; 2. A specific proposal for shared funding of the improvements has been approved by the governmental agencies and developer(s) involved; or 3. The developer has committed to pay the appropriate pro rata share of the improvement costs. (1/86)	**the Coastal Act**. Project applicants are fiscally responsible for their fair share of roadway improvements necessary to serve their projects. **Policy C-A: Improvements to major road intersections for public safety or increased vehicle capacity shall be permitted, as necessary, in existing developed areas and where such improvements are sited and designed to be consistent with all policies of the LCP.** **Policy C-B: In scenic areas, roadway improvements, including culverts, bridges or overpasses, shall be designed and constructed to protect public views and avoid or minimize visual impacts and to blend in with the natural setting to the maximum extent feasible.** Program C-2.1.1: When a traffic analysis of levels of service and/or safety hazards indicates the need, construct the following roadway improvements **where such roadway improvements are found to be consistent with all applicalbe policies of the LCP including, but not limited to, the wetland, environmentally sensitive habitat area, public access, and visual protection policies:** a) Signalize the Main Street/Pudding Creek Road intersection; ~~b) Signalize the Franklin Street/Oak Street intersection;~~ c) Widen the section of Main Street from the Pudding Creek Bridge to the northern City Limits to three lanes, adding a center turn lane; d) Reconstruct the Main Street/Ocean View Drive intersection at time of development of the property between the College of the Redwoods and Main Street. Require a traffic engineering analysis of the intersection to determine appropriate geometrics and signal timing. Construct turning lane mitigations as needed. e) Signalize the Main Street/Laurel Street intersection or provide some other improvement to provide for pedestrian safety; f) Signalize the Main Street/Pine Street intersection; ~~g) Construct bicycle lane and pedestrian improvements on Chestnut Street and Oak Street;~~

~~h) When warranted by traffic volumes, install a right-turn pocket for westbound travelers on Oak Street at the Oak Street/Harold Street intersection; and~~

i) Consider extending Harrison Street south from Walnut Street to Cypress Street.

j) Continue the two northbound through lanes on Main Street from Oak Street to just north of Laurel Street. Stripe the curb lane as a right turn only lane between Redwood Avenue and Laurel Street. **Implement t**his improvement ~~will be done~~ only if **the improvement in combination with** other **planned** circulation improvements will not result in the street operating ~~above~~ **at** LOS F.

k) Construct a second southbound through travel lane on Main Street from Elm Street to Laurel Street. This improvement will be done only if other circulation improvements will not result in the street operating ~~above~~ **at** LOS F.

Policy C-2.2 Roadway Standards: Continue to provide consistent standards for the City's street system.

Program C-2.2.1: Establish standards for public streets, which allow for the following:

a) traffic "calming" measures;
b) sidewalks with curbs, gutters, and a planting strip between the sidewalk and the roadway;
c) rounded street corners with "bulb-outs" at key intersections;
d) continuation of the grid street system; and
e) standards for radius returns for local, collector, and arterial streets.

~~Program~~ **Policy** C-2.2.2: Continue to prohibit the establishment of private roads.

Program C-2.2.3: Adopt standards for alleyways which address parking restrictions, shared access, lighting, and maintenance.

	Policy C-2.3 High Trip Generating Uses: **Traffic studies shall be required for all major development proposals** ~~Identify and mitigate the impacts of high trip generating uses such as~~ **including but not limited to,** drive-through facilities, fast food outlets, convenience markets, major tourist accommodations, shopping centers, **commercial development, residential subdivisions,** and other generators of high traffic volumes **that would affect a Level of Service. Traffic studies shall identify, at a minimum:** **(a) the amount of traffic to be added to the street system by the proposed development;** **(b) other known and forseeable projects and their effects on the street system;** **(c) the direct, indirect, and cumulative adverse impacts of project traffic on street system operations, safety, and public access to the coast;** **(d) mitigation measures necessary to provide for project traffic while maintaining City Level of Service standards;** **(e) the responsibility of the developer to provide improvements; and** **(f) the timing of all improvements.** Program C-2.3.1: For projects requesting a conditional approval from the City, require a traffic study for high trip generating uses; the traffic study shall identify cumulative and project-specific traffic impacts. Reduce traffic impacts through measures included in project approvals as development standards and/or conditions of approval. Program C-2.3.2: Adopt standards to consolidate commercial driveway accesses onto arterials and Main Street.

Policy C-C: Direct, indirect, and cumulative adverse impacts to Highway 1 capacity in the rural areas surrounding Fort Bragg shall be considered during the review of proposed LCP amendments that would increase density or change land use classifications to ensure that Highway 1 in rural areas outside the urban/rural boundary remains a scenic two-lane road consistent with Section 30254 of the Coastal Act.

Policy C-2.4 Continuation of Streets: Require the continuation of streets and bicycle and pedestrian paths through new developments wherever possible.

> ~~Program~~ **Policy** C-2.4.1: Review site plans for new development to facilitate the continuation of streets to improve local circulation. **Priority shall be given to providing pedestrian and bicycle trails to connect streets wherever possible.**
>
> ~~*Continuation of existing streets should be considered with the development of larger parcels located between streets where this will not generate adverse impacts for traffic movement, public safety, and the character of the neighborhood.* Priority shall be given to providing pedestrian and bicycle trails to connect streets wherever possible. *Chestnut Street, east Fort Bragg, and the area around the hospital are among the locations requiring additional roadway connections.*~~

Policy C-2.5 Timber Resources Industrial Lands: Ensure that the grid street system and a north/south arterial be designed to ensure the maximum benefit **to local traffic, pedestrian, and bicycle circulation and to provide maximum public access to the coast** ~~is derived from the new arterial~~.

Policy C-2.6 Right-of-Way Acquisition: Require right-of-way acquisition for new development to meet the City's roadway width standards.

Policy C-2.7 Roadway Safety: Improve the safety of the roadway system. **All safety improvements shall be consistent with the policies of the LCP including, but not limited to, the wetlands, environmentally sensitive habitat area, public access, and visual protection policies.**

Program C-2.7.1: Periodically analyze the locations of traffic accidents to identify problems and use this information to set priorities for improvements as a part of the City's Capital Improvement Program.

3. Residential Areas

Goal C-3 Preserve the peace and quiet of residential areas.

Policy C-3.1 Reduce Through-Traffic on Local Streets: Reduce through-traffic on local streets to preserve the peace and quiet of residential areas.

Program C-3.1.1: Develop measures to limit through-traffic on residential streets when traffic studies indicate that traffic volumes on such streets exceed the adopted Levels of Service and/or safety concerns warrant such measures.

Program C-3.1.2: Consider the following measures, as appropriate, to reduce through-traffic from using local streets in residential areas:

a) narrow and landscape the street entrances to residential areas that experience heavy traffic;
b) restrict turning movements into residential areas; and
c) use traffic calming measures such as permitting wider sidewalks, additional on-street parking, and landscape strips between the sidewalk and the road.

Policy C-3.2 Additional Connector Streets: Establish additional connectors between residential streets to improve emergency access, particularly on dead-end streets south of Chestnut Street.

4. Main Street Corridor

Goal C-4 Regard the quality of life in Fort Bragg and maintaining community identity as more important than accommodating through-traffic.

	Policy C-4.1 Community Priorities for Transportation Improvements: Place a higher priority on maintaining a sense of place and enhancing the attractiveness of the Central Business District than on efficient traffic flow and movement. *The adopted Level of Service Standards make an exception for Main Street between the northbound lane merge area, currently located just south of Laurel Street, to Manzanita Streets, to prevent street widening and/or elimination of on-street parking which would require acquisition of the right-of-way, and consequently change the character of the City's historic downtown. Widening this segment of Main Street would require acquisition of right-of-way and reduction in on-street parking, thereby changing the intimate, pedestrian-oriented downtown the City wishes to preserve and enhance.* Program C-4.1.1: Consider traffic safety, the ease and safety of pedestrian movement across Main Street, and adequacy of on-street parking as key factors in evaluation of proposed roadway improvements along Main Street. Program C-4.1.2: Ensure that property and business owners in the Central Business District are informed and actively involved in planning future improvements to Main Street and other nearby streets. Program C-4.1.3: Signalize the intersection of Laurel Street and Main Street to provide adequate pedestrian safety. Program C-4.1.4: Consider signalizing the intersection of Pine Street and Main Street to provide adequate pedestrian safety. Program C-4.1.5: Consider options for increasing the capacity of Main Street north of the northbound lane merge area south of Laurel Street that do not require elimination of parking. ~~Policy C-4.2 Franklin Street: Ensure that Franklin Street in the Central Business District is maintained as a pedestrian-oriented corridor with safe vehicular and pedestrian traffic patterns.~~ ~~Program C-4.2.1: When clearly warranted by pedestrian and traffic counts~~

~~and safety considerations, consider the need and feasibility of changing the intersection of Franklin and Laurel Streets to a three-way stop to improve pedestrian safety and to maintain the character of the Central Business District.~~

~~Program C-4.2.2: Continue to monitor traffic volumes and accidents on Franklin Street and Main Street and make necessary safety improvements as warranted.~~

5. Parking

Adequate off-street parking is essential for Central Business District businesses[1]. Fort Bragg has implemented an in-lieu fee to build additional off-street parking facilities. Providing additional off-street parking facilities in the Central Business District will have a community-wide benefit.

Goal C-5 Provide additional parking spaces in the Central Business District.

Policy C-5.1 Additional Off-Street Parking: Continue to construct additional off-street parking spaces in the Central Business District.

Program C-5.1.1: Continue, and update, as needed, the City's parking in-lieu fee program for the Central Business District.

Program C-5.1.2: Define priorities for the acquisition of property and the construction of additional parking facilities.

Program C-5.1.3: Encourage the use of reciprocal access agreements and interconnecting off-street parking and circulation between adjacent commercial uses.

Program C-5.1.4: Revise the Zoning Ordinance to allow shared parking and driveways for commercial uses having day/night activity patterns.

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1 Refer to the Downtown Parking Study, City of Fort Bragg, 1999.

Program C-5.1.5: Develop a comprehensive signage program within the Central Business District to direct vehicles to off-street parking areas.

Program C-5.1.6: Develop incentives for employers and employees to park off-street in the Central Business District.

Program C-5.1.7: Continue enforcing parking restrictions in alleyways to ensure access for emergency and delivery vehicles.

Program C-5.1.8: Review building setback standards from alleyways to ensure adequate emergency vehicle access.

6. Additional Access to Noyo Harbor

Currently, access to the north side of Noyo Harbor is limited to North Harbor Drive. Another access is required to improve traffic circulation and to ensure that emergency vehicles can reach Noyo Harbor in the event North Harbor Drive is obstructed. Improved access to the Noyo Harbor would be considered if and when the City annexes the harbor.

Goal C-6 Improve access to the North Part of the Noyo Harbor.

Policy C-6.1 Provide Additional Access Routes to Noyo Harbor: Consider constructing a new access route from the west side of Main Street to the north side of the Noyo Harbor. **Any new access route to the north side of the Noyo Harbor shall be consistent with all applicalbe policies of the LCP including, but not limited to, the wetland, environmentally sensitive habitat area, public access, and visual protection policies.**

Program C-6.1.1: Evaluate the economic and environmental feasibility of acquiring an access route to Noyo Harbor using existing road alignments extended onto the Georgia-Pacific site.

Policy C-6.2 Improve Existing North Harbor Drive: Consider improvements to North Harbor Drive to increase capacity and safety for vehicles and pedestrians. **Any improvements to North Harbor Drive shall be consistent with all applicable**

policies of the LCP including, but not limited to, the wetland, environmentally sensitive habitat area, public access, and visual protection policies.

Program C-6.2.1: Develop a plan to improve North Harbor Drive by enlarging lane widths and constructing a sidewalk along one side of the street.

7. Additional Eastern Emergency Route

The City needs to establish an emergency route to the east for emergency vehicles and for evacuation in the event bridges are blocked or destroyed.

Goal C-7 Improve emergency access to the City.

Policy C-7.1 Emergency Access: Establish an access route out of Fort Bragg that could be used in the event of damage to the Noyo River and Pudding Creek Bridges.

Program C-7.1.1: Work with the Georgia-Pacific Corporation to obtain temporary use, in the event of an emergency, of the logging road that begins on Cypress Street and provides access to Highway 20, east of Fort Bragg.

~~Program C-7.1.2: Work with the Mendocino Council of Governments and Mendocino County to upgrade Sherwood Road to Willits to provide a year-round emergency access route.~~

Program C-7.1.3: Prepare an emergency evacuation route plan for the City.

8. Improving East-West Access

As Fort Bragg continues to grow, additional vacant and underdeveloped land east and west of Main Street will be developed. The City's annexation policies discussed in the Land Use Element establish priorities for expansion of City boundaries in an orderly and planned manner. Annexation and development in these areas will require development of and/or improvement to east-west access routes. In some areas new roads will be required, while in other areas extensions to existing roads would be the best solution.

	Goal C-8 Improve east-west access routes that are sensitive to the environment and preserve Fort Bragg's unique identity and sense of place. ~~Policy C-8.1 Eastern Areas: Identify the location of extensions to City streets and new streets in anticipation of future annexation and development east of City limits.~~ ~~Program C-8.1.1: Work with the County to review proposed development in the Sphere of Influence to ensure that connecting rights-of-way are identified and preserved.~~ ~~Program C-8.1.2: Work with the Mendocino Council of Governments to identify needed east-west streets in the *Regional Transportation Plan*.~~ ~~Program C-8.1.3: Use traditional grid patterns for roadways where feasible.~~ ~~Program C-8.1.4: Request that the County maintain access and rights-of-way from Oak Street/Sherwood Road to Monson Way.~~ ~~Policy C-8.2 Improve East-West Arterials: Improve Oak Street, Chestnut Street, and Redwood Avenue to provide safe and efficient circulation between Main Street and east Fort Bragg.~~ ~~Program C-8.2.1: Maintain and improve Oak Street and Redwood Avenue to ensure sufficient lane width.~~ ~~Program C-8.2.1: Consider widening Chestnut Street by acquiring additional right-of-way and limiting on-street parking where feasible.~~ ~~Program C-8.2.3: Consider increasing the non-parking red curb areas at the intersection of Oak and Harold Streets to improve sight distances.~~ Alternatives to the Automobile Effective alternatives to automobile use are needed. These include: • Better public transit;

- Expansion of bicycle routes;
- Provision of safe sidewalks throughout the City; and
- Land use designations which reduce the need to drive from home to work, schools, and/or commercial outlets.

By improving alternative modes of transit, the City best serves those individuals who lack access to a vehicle and those who would prefer to use alternate modes of transport to conserve energy, reduce air and noise pollution, and/or reduce the costs of constructing and maintaining roads and parking facilities.

Goal C-9 Provide better public transportation.

Policy C-9.1 Encourage Transit Use.

Program C-9.1.1: Continue to support the expansion of transit services provided by MTA and other public transit providers.

Policy C-9.2 Bus Shelters: Encourage attractive, well-lighted, and comfortable bus shelters placed in convenient locations.

Policy C-D: Continue to require the provision of bus stops, bus shelters, benches, turnouts, and related facilities in all major new commercial, industrial, residential, and institutional developments [*moved from Program C-9.2.1*]

Program C-9.2.1: ~~Continue to require the provision of bus stops, bus shelters, benches, turnouts, and related facilities in all major new commercial, industrial, residential, and institutional developments and i~~ Identify, in collaboration with MTA, additional locations for bus stops and shelters.

Goal C-10 Make it easier and safer for people to walk in Fort Bragg.

Policy C-10.1 Provide Continuous Sidewalks: Provide a continuous system of sidewalks throughout the City.

~~Program~~ **Policy** C-10.1.1: Require a sidewalk on both sides of all collector and arterial streets and on at least one side of local streets as a condition of

	approval for new development. Program C-10.1.2: Consider implementing the following funding sources for the purpose of installing sidewalks in existing developed areas of the City: a) special benefit assessment districts; and/or b) a low-interest revolving loan fund. Program C-10.1.3: Work with the Mendocino Council of Governments and Caltrans to construct pedestrian walkways over the Hare Creek and Pudding Creek Bridges. These facilities may qualify for Transportation Enhancement Activities (TEA) funding available through Mendocino Council of Governments (MCOG). ~~Program~~ **Policy** C-10.1.4: Where feasible, incorporate pedestrian facilities into the design and construction of all road improvements. Program C-10.1.5: Incorporate additional sidewalks from the Noyo Bridge to Ocean View Drive in the Capital Improvement Program. *Refer to Program C-6.2.1 above regarding a sidewalk for North Harbor Drive. Pedestrian safety will also be improved by constructing the improvements listed in Program C-2.1.1 when it is shown that such improvements are warranted on either the basis of inadequate level of service or safety hazards.* Policy C-10.2 Sidewalk Maintenance: Ensure that property owners maintain sidewalks in a safe manner. Program C-10.2.1: Continue to implement City regulations that require sidewalks to be maintained by property owners. Carry out regular inspections, notification, and enforcement of this requirement. ~~Policy~~ **Program** C-10.3 Financial Concerns: Consider the financial ability of property owners when establishing proposed sidewalk assessment districts. Program C-10.3.1: Seek available funding from grants and other funding

	sources for the construction of sidewalks in existing developed areas. Program C-10.3.2: Consider deferring payment for sidewalk installations for property owners with low incomes and/or on fixed incomes. Policy C-10.4 Pedestrian Paths: Develop a series of continuous pedestrian walkways throughout the commercial districts and residential neighborhoods. Program C-10.4.1: Allow asphalt or other approved surface pedestrian paths in very low density single-family residential areas where sidewalks are not required. *Factors to consider in applying this measure include compatibility with the neighborhood, connection with the existing sidewalk system, safety, and aesthetics.* Program C-10.4.2: Revise the Subdivision and Zoning Ordinances to allow asphalt or other approved surface pedestrian paths within developments to create pedestrian connections to nearby streets, community facilities, and adjacent developments as a part of on- and off-site improvements. ~~Program~~ **Policy** C-10.4.3: Ensure that pedestrian paths are sited to avoid wetlands and other ~~ecologically fragile areas. Construct pedestrian walkways in~~ environmentally sensitive areas ~~in a manner that maintains ecological diversity~~. Policy C-10.5 Improve Pedestrian Safety. Program C-10.5.1: Continue to provide traffic controls and well-lit intersections in areas with a high volume of pedestrian movement. Program C-10.5.2: Consider expanded use of illuminated crosswalks. ~~Program C-10.5.3: Upgrade and widen sidewalks on Chestnut Street, Dana Street, Sanderson Way, Pine Street, and Bush Street to provide "Safe Routes to Schools."~~

11. Bikeways

Goal C-11 Make it easier and safer for people to travel by bicycle.

Policy C-11.1 Comprehensive Bikeway System: Establish a comprehensive and safe system of bikeways connecting all parts of Fort Bragg.

Program C-11.1.1: Complete the bikeway system as indicated in Map C-2: Bicycle Paths. Make the completion of the following bike paths a high priority:

a. Pudding Creek Trestle/Glass Beach to Otis Johnson Park;
~~b. Fort Bragg Middle School to Dana Gray School;~~
~~c. Dana Gray School to Maple Street; and~~
~~d. A bicycle path on Oak Street and Sherwood Road providing access to areas east of Fort Bragg and connecting with the proposed future ball field complex and trail linkages in east Fort Bragg, when they are constructed.~~

Program C-11.1.2: Incorporate bicycle and pedestrian facilities into the design and construction of all road improvements as feasible.

Program C-11.1.3: Continue to participate in MCOG's *Regional Bikeway Plan* to qualify for State Bicycle Lane Account funds.

Program C-11.1.4: Utilize park-in-lieu funds, dedications, grant funding, traffic impact fees, and other means, as appropriate, to acquire rights-of-way needed for a comprehensive bikeway system as indicated in Map C-2.

Program C-11.1.5: Maintain bikeways to ensure that they are free of debris and other obstacles. Consider increasing the number of trash receptacles, solar-powered emergency telephones, and increased lighting along bicycle trails.

~~Program~~ **Policy** C-11.1.6: Require new development to provide on-site connections to existing and proposed bikeways, as appropriate.

~~Program~~ **Policy** C-11.1.7: Require that streets linking residential areas with school facilities be designed to include bikeways.

~~Program~~ **Policy** C-11.1.8: Consider bicycle operating characteristics in the design of intersections and traffic control systems.

Policy C-11.2 Bicycle Parking: Provide adequate and secure bicycle parking at public transit facilities, park and ride lots, schools, the library, parks, City offices, and commercial areas.

Program C-11.2.1: Revise Zoning Ordinance parking standards to require larger commercial and multi-family residential projects, public buildings, and transit facilities to provide secure bicycle parking.

Program C-11.2.2: Continue the bicycle safety program conducted by the Police Department.

12. Access for the Mobility Impaired

Goal C-12 Provide mobility-impaired persons with access to transportation.

Policy C-12.1 Regulations for Disabled Persons: Enforce Federal and State regulations regarding access for persons with disabilities.

~~Program~~ **Policy** C-12.1.1: In conformance with State and Federal regulations, continue to review all projects for handicapped access and require the installation of curb cuts, ramps, and other improvements facilitating handicapped access.

Program C-12.1.2: Assist organizations, such as the Senior Center, which provide transit service to the elderly and the mobility-impaired, in identifying and obtaining funding.

Policy C-12.2 Support Improved Access: Support improved access to public transportation and pedestrian facilities for people with disabilities.

Program C-12.2.1: Continue to apply for grants for ADA-related projects from MCOG and other sources.

Program C-12.2.2: Consider funding to implement the City's ADA Access and Transportation Plan through the City's Capital Improvement Plan (CIP), grants, and State and Federal transportation funds.

13. Train Service

Goal C-13 Increase the use of the Skunk Line for transportation of people and freight.

Policy C-13.1 Skunk Train: Encourage increased use of the Skunk Train.

Program C-13.1.1: Continue to work with the California Western Railroad to improve and expand facilities at the Skunk Depot.

Program C-13.1.2: Work with the Mendocino Council of Governments to facilitate increased use of the Skunk Line as an alternative to automobile transportation between Fort Bragg and Willits.

Goal C-14 Coordinate regional traffic planning.

Policy C-14.1 Regional Transportation Efforts: Participate in regional transportation planning efforts.

Program C-14.1.1: Continue to provide City Council and staff representation on regional transportation planning agencies.

Program C-14.1.2: Work with the MCOG and Caltrans to coordinate transportation planning and to identify funding for necessary transportation improvements.

Program C-14.1.3: Continue to ensure that MCOG's Regional Transportation Plan (RTP), the State Transportation Improvement Program (STIP) and the

State Highway Systems Operation and Protection Plan (SHOPP) include needed improvements to Highway One and Highway 20 in the Fort Bragg Planning area. **Such improvements shall be designed to ensure that Highway One in rural areas outside the urban/rural boundary remains a scenic two-lane road consistent with Section 30254 of the Coastal Act.**

15. Funding Transportation Improvements

Goal C-15 Promote balanced funding for transportation.

Policy C-15.1 Development to Pay Its Fair Share: Require new development to pay its fair share of transportation improvements to maintain levels of service and traffic safety in the City.

Program C-15.1.1: Develop a City-wide Traffic Mitigation Fee Program.

The first step would be to conduct a traffic mitigation fee nexus study determining the costs for traffic improvements required to accommodate new development and the fair share for each new development contributing traffic to an affected roadway section, bridge, or intersection.

Program C-15.1.2: Work with the County of Mendocino and MCOG to develop traffic mitigation fees for the Fort Bragg Sphere of Influence. Consider adopting a memorandum of understanding between the City of Fort Bragg and the County regarding traffic mitigation fees.

Program C-15.1.3: Work with MCOG to ensure that the standards and requirements contained in the joint City and County Traffic Mitigation Program between Fort Bragg and the County are incorporated into the Regional Transportation Plan.

Program C-15.1.4: Include in the Traffic Mitigation Fee Program mitigation fees for new development with primary access to Highway One and Highway 20. Utilize the funds collected as a local match to encourage Caltrans to raise the priority of Highway One and Highway 20 improvements.

Program C-15.1.5: Ensure that the City's Pavement Management System

	obtains funding from the Traffic Mitigation Fee Program, as deemed appropriate by the traffic impact fee nexus study and applicable State law. Program C-15.1.6: Carry out an ongoing inventory of transportation system needs to be included in the City's Capital Improvement Plan.

Visual Resource Policies (LUP & IP)

Existing Policies	Proposed Policies w/ Suggested Modifications
Policy XIV-1: General Policy on Visual Resources. New development within the City's Coastal Zone shall be sited and designated to protect views to and along the ocean, be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.	***[MOD: Move "H. Visual Resources in the Coastal Zone" section and Map LC-3 from Coastal Element to Community Design Element and modify as follows:]*** **Goal LC-5 Preserve and enhance scenic views.** Policy LC-5-1 Visual Resources: **Permitted development shall be d**~~D~~esign**ed** and site**d** ~~new development in the Coastal Zone~~ to protect views to and along the ocean **and scenic coastal areas, to minimize the alteration of natural landforms,** to be visually compatible with the character of surrounding areas, and**, where feasible,** to restore and enhance scenic views in visually degraded areas. Program LC-5.1.1: Require Design Review of new development or significant expansion to existing development[1] located in areas designated "Potential Scenic Views Toward the Ocean or the Noyo River" on Map LC-3: Scenic Views in the Coastal Zone. ~~Program~~ **Policy** LC-5.1.2: The large trees fronting the west side of Highway One between the North Cliff Hotel and Cypress Street shall be retained as far as feasible; trees may be removed if they are dead or damaged or pose a public safety hazard, or to provide driveways or new public streets. The forested area north of the Georgia-Pacific nursery and south of Maple Street shall be maintained as a sensitive natural habitat and scenic resource, and it shall not be developed. ~~*The forested area north of the Georgia-Pacific nursery contains a mature forest and likely includes wetlands. It is likely an environmentally sensitive habitat area, though this could not be confirmed when preparing the General Plan. It also contains a valuable aesthetic resource near the southern end of the Central Business District.*~~

EXHIBIT NO. 11
APPLICATION NO.
FTB-MAJ-1-06
FORT BRAGG LCP UPDATE
VISUAL RESOURCES
(LUP/IP) POLICY CHART

[1] **For purposes of Design Review,** Significant expansion of existing development is defined as an increase equal to or over 25 percent of the existing floor area of a structure.

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~Program~~ **Policy** LC-5.1.3: **Visual Analysis.** ~~Revise the Zoning Ordinance to require the preparation of a Visual Analysis for all projects involving two or more dwelling units and all commercial and industrial development that would impact a significant viewshed identified in Map LC-3. The City will determine whether the Visual Analysis is warranted on a project-by-project basis. The Visual Analysis shall identify scenic viewsheds on the site, and demonstrate how the proposed development would preserve scenic views of the shoreline from public right-of-way, and views from bluff tops and public accesses, as applicable.~~ **A. A Visual Analysis shall be required for all development located in areas designated "Potential Scenic Views Toward the Ocean or the Noyo River" on Map LC-3 except development listed in (B)(1)-(5) below.** **B. Development exempt from Visual Analysis includes the following:** **1. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.** **2. The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.** **3. Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.**

Existing Policies	Proposed Policies w/ Suggested Modifications
	4. The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure. 5. Any repair or maintenance activity for which the Director has determined, pursuant to Section 18.71.040 (Coastal Development Permit) of the Coastal Zone Land Use and Development Code, that a coastal development permit will be required. C. Definitions as used in this subsection: 1. "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner. 2. "Bulk" means total interior cubic volume as measured from the exterior surface of the structure. 3. "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster. ~~*The Visual Analysis required under this program is a more detailed analysis than required under Design Review for new development elsewhere in the City. The Visual Analysis should include, at minimum, clear photographs of the scenic views identified in Map LC-3 as seen from the public right-of-way, which includes roads, streets, and bicycle and pedestrian paths, as applicable. Proposed structures should be superimposed on these photographs by means of lines, blocked out areas of shading, or other means in a manner that accurately identifies the location, height, and bulk of the structures. The City may require the erection of story poles to show the height and footprint of the building (the height at the ridgeline and at all corners). A site map and elevations of proposed structures should be provided with an explanation of how the scenic views would be affected by*~~

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~the proposed development, and what mitigations are proposed.~~ [***MOVED TO IP***] Policy CD-A: New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent. Policy CD-B: All new development shall be sited and designed to minimize alteration of natural landforms by: 1. Conforming to the natural topography. 2. Preventing substantial grading or reconfiguration of the project site. 3. Eliminating flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs. 4. Requiring that man-made contours mimic the natural contours. 5. Ensuring that graded slopes blend with the existing terrain of the site and surrounding area. 6. Minimizing grading permitted outside of the building footprint. 7. Clustering structures to minimize site disturbance and to minimize development area. 8. Minimizing height and length of cut and fill slopes. 9. Minimizing the height and length of retaining walls. 10. Cut and fill operations may be balanced on-site, where the grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography. Policy CD-C: Fences, walls, and landscaping shall minimize blockage of scenic views from roads, parks, beaches, and other public viewing areas. Policy CD-D: Bluff Face and Bluff Retreat Setback Development. 1. Development on the bluff face and within the bluff retreat setback shall be limited to the following uses with a conditional use permit where there is no feasible less environmentally damaging alternative, feasible mitigation measures have been provided to minimize all adverse environmental

Existing Policies	Proposed Policies w/ Suggested Modifications
	impacts, and allowable structures are designed to be visually compatible with the surrounding area to the maximum extent feasible. (a) engineered accessways or staircases to beaches for public access purposes, (b) pipelines to serve coastal dependent industry, (c) habitat restoration, (d) hazardous materials remediation, and (e) landform alterations where such alterations re-establish natural landforms and drainage patterns that have been eliminated by previous development activities. Policy CD-E: Blufftop development shall incorporate a setback from the edge of the bluff that avoids and minimizes visual impacts from the beach and ocean below. The blufftop setback necessary to protect visual resources may be in excess of the setback necessary to ensure that risk from geologic hazards are minimized for the life of the structure, as detailed in Policy SF-B. Policy CD-F: Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity fixtures, and shielded so that no light shines beyond the boundary of the property. Policy CD-G: All proposed divisions of land and boundary line adjustments shall be analyzed for consistency of potential future development with the visual resource protection policies of the LCP, and no division of land or boundary line adjustment shall be approved if development of resulting parcel(s) would be inconsistent with these policies. Policy CD-H: New development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site to the maximum extent feasible. Program LC-5.1.4: Consider amending the Zoning Ordinance to adopt ~~comprehensive~~ **additional** design standards to protect scenic resources.

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~*Refer to the Community Design Element for policies and programs regarding urban design.*~~
Policy XIV-2/XVI-3: Industrial Development Near Visitor Sites. The City shall require that any new industrial development sited next to visitor serving land uses and facilities, including public accessways, be designed so as to minimize its visual impact on the visitor serving land uses and facilities. Policy XIV-3: The views from the bluffs at the mouth of Pudding Creek and the Noyo River shall be protected. (1/86) Policy XIV-4: The views from Highway 20 to the ocean and Hare Creek Cove shall be protected. (1/86) Policy XIV-5: All newly annexed areas shall be included in the City's scenic corridor design review system. (1/86) Policy XIV-6: The City shall make an effort to remove the large billboard near the Highway 1/Highway 20 intersection, i.e., along Highway 20 east of Highway 1 to 'protect and create additional views of the ocean and Hare Creek Cove. (1/86)	Policy LC-5.2 Maintain Unobstructed Views of the Ocean: Require new development north of Pudding Creek to leave unblocked views to the ocean from Highway One. ~~Program~~ **Policy** LC-5.2.1: ~~Revise the Zoning Ordinance to require that n~~ **N**ew development north of Pudding Creek and west of Main Street **shall be required to** leave a minimum of 30 percent of the **parcel** frontage undeveloped. The undeveloped **parcel** frontage shall not include narrow passageways between buildings on the site, but shall be concentrated on the north and/or south ends of each building complex. ~~*If new development on adjacent parcels of land were coordinated, relatively large unbroken blocks of land would result thereby maintaining intermittent views of the ocean while still allowing reasonable development on the parcels.*~~ ~~Program~~ **Policy** LC-5.2.2: ~~Revise the Zoning Ordinance to require that a~~ **A**ll new development (including decks and balconies) north of Pudding Creek **shall** be set back at least 30 feet from the edge of the Old Haul Road **and shall be consistent with all other applicable LCP setback requirements**.
	Policy CD-1.1 Design Review Guidelines: **All development that has the potential to affect visual resources shall be subject to Design Review. Design Review approval requirements shall not replace, supersede or otherwise modify the independent requirement for a coastal development permit approved pursuant to the applicable policies and standards of the certified LCP. Where both CDP and Design Review approval is required, Design Review approval shall occur first and shall be substantiated at the time the CDP application is submitted. Design Review approvals shall be granted** ~~Ensure that development is constructed~~

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~in a manner~~ consistent with the Design Review Guidelines. ~~Program CD-1.1.1: Revise the existing Site and Architectural Review standards and Scenic Corridor Guidelines and combine them into new Design Review Guidelines which include additional guidelines for development and establish procedures to streamline and simplify the Design Review process. The Design Review Guidelines shall be used by City staff and the Planning Commission in reviewing development proposals.~~ ~~Program CD-1.1.2: Continue to require all non-residential development to undergo Design Review and revise the Zoning Ordinance to require residential projects consisting of two units or more to undergo Design Review.~~ ~~Program CD-1.1.3: Eliminate the Scenic Corridor Overlay District and provide specific Design Review Guidelines that address issues relating to commercial and industrial development along the main commercial corridors.~~ ~~*Refer to Coastal Element Program LC-5.1.3 regarding visual analyses within the Coastal Zone.*~~ Program CD-1.1.4: Consider adding the following to the Design Review Guidelines: a) Continue the grid street system throughout the City. b) Encourage the inclusion of tree planting in new residential development. c) Permit a variety of lot sizes where found to be harmonious with the existing neighborhood. d) Encourage the placement of garages to the rear of parcels accessible through an alleyway. e) Encourage traditional home designs compatible with existing neighborhoods. f) Encourage the establishment of parks, schools, and local-serving retail uses within or near residential areas. g) Encourage undergrounding of all utilities.

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	h) Encourage grading and construction to follow the natural contours; i) Promote roof angles and building massing which blend harmoniously with the surrounding landscape. j) Encourage new non-residential development to mirror the historic styles of the Central Business District. Policy CD-1.2 <u>Large Commercial Development</u>: Ensure that large commercial development, such as shopping centers, big box retail, and mixed use development, fits harmoniously with the scale and design of existing buildings and streetscape of the City. Program CD-1.2.1: Consider adopting the following Design Review Guidelines specifically for large commercial developments: a) Long walls of 100 feet or more shall be broken up with projections or recesses of sufficient depth along all sides to reduce the mass and bulk of the structure. b) Buildings shall include architectural features that contribute to the visual interest at the pedestrian scale and which provide finer detail by adding color, texture, wall offsets, reveals, or projecting ribs. c) Require buildings along sidewalk frontages to include windows, arcades, awnings, or other weather protection features to create a more appealing pedestrian environment. d) Roof designs shall provide variations in rooflines and add interest to, and reduce the massive scale of, large buildings. Roofs shall include two or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous appearance. e) Pedestrian flows shall be provided with continuous internal pedestrian walkways connecting the parking areas, entrances, and City sidewalks. f) Pedestrian-scale features such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features that define circulation paths and

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	outdoor spaces shall be provided to anchor pedestrian walkways. g) Customer entrances should provide orientation and give an aesthetically pleasing character to the building by providing multiple entrances to reduce walking distances to cars, transit, and other buildings. Entrances should include some of the following design features: canopies, porticos or overhangs, peaked roof forms, arches, outdoor patios, display windows, integral planters or wing walls that incorporate landscaped areas. All sides of a principal building that directly face a public street that abuts the site shall have at least one customer entrance. h) Landscaping shall be provided to buffer views from public streets as well as to create a pleasing view of the site. i) Exterior lighting shall be shielded so there is no light spill off the property and it is the minimum needed to ensure safety and security.
	Policy CD-1.3 <u>Second Dwelling Units and Manufactured Units and Single-Family Residential Development</u>: Ensure that second dwelling units, manufactured units, and single-family residences are sited and constructed in a manner harmonious with surrounding development. Program CD-1.3.1: For new second dwelling units, require Design Review to be conducted by City staff, with appeals or projects with significant planning and design issues being referred to the Planning Commission. Ensure that neighboring residents and property owners are notified of the application for Design Review for second dwelling units. Program CD-1.3.2: Consider including the following measures in the Design Review Guidelines for secondary dwelling units: window placement to ensure privacy for development on neighboring parcels, the height of the building, scale in relation to surrounding properties, and aesthetic compatibility with the neighborhood.

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	Program CD-1.3.3: Consider including the following measures in the Design Review Guidelines for manufactured units (to the degree allowed by State law) and other single-family residential development: front door placement, porches, garages, placement on the lot, and architectural details. Policy CD-1.4 Discourage Sameness and Repetitive Residential Designs. Program CD-1.4.1: Consider including the following in the revised Design Review Guidelines: a) Discourage the construction of residential units with similar facades located adjacent to, or facing, each other. b) Prohibit walled or gated developments, while allowing sound walls as buffers between residential and commercial uses. c) Discourage residential developments that do not face the street. Policy CD-1.5 Scenic Views and Resource Areas: Ensure that development does not adversely impact scenic views and resources as seen from a road and other public rights-of-way. Program CD-1.5.1: Adopt additional Design Review Guidelines for scenic views and resources identified in Coastal Element Map LC-3. Consider including, at a minimum, the following guidelines: a) Discourage continuous buildings that block scenic views and require view corridors providing unobstructed views of the shoreline and/or the sea from public rights-of-way. b) Require bluff setbacks for development adjacent to or near public areas along the shoreline. c) Cluster development to avoid blocking viewsheds to the maximum extent feasible. d) Minimize the size of advertising, business identification, and directional signs to ensure scenic views are not obstructed. e) Design night lighting of buildings to be indirect with no source of light visible, and lighting should not intrude on adjacent

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	property or cause glare. f) Prohibit or require screening of the following uses in scenic view corridors: signs and fencing which block the scenic views, mechanical equipment, refuse containers such as dumpsters, and the outdoor storage of materials. Program CD-1.5.1: Adopt additional Design Review Guidelines for scenic views and resources identified in Coastal Element Map LC-3. Consider including, at a minimum, the following guidelines: a) Discourage continuous buildings that block scenic views and require view corridors providing unobstructed views of the shoreline and/or the sea from public rights-of-way. b) Require bluff setbacks for development adjacent to or near public areas along the shoreline. c) Cluster development to avoid blocking viewsheds to the maximum extent feasible. d) Minimize the size of advertising, business identification, and directional signs to ensure scenic views are not obstructed. e) Design night lighting of buildings to be indirect with no source of light visible, and lighting should not intrude on adjacent property or cause glare. f) Prohibit or require screening of the following uses in scenic view corridors: signs and fencing which block the scenic views, mechanical equipment, refuse containers such as dumpsters, and the outdoor storage of materials. ... Policy CD-1.7 <u>Landscaping</u>: Encourage attractive native and drought-tolerant landscaping in residential and commercial developments. Program CD-1.7.1: Establish minimum landscape standards in the Design Review Guidelines. ...

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	Policy CD-5.2 Lighting Design Review Guidelines: Establish lighting design guidelines in the Design Review Guidelines. Program CD-5.2.1: Consider adopting the following Design Review Guidelines for the review of exterior lighting: a) Design night lighting of buildings to be indirect with no source of light visible off site. b) Prohibit the full lighting of building facades and roofs. c) Keynote special features such as towers and decorative cornices. d) Relate light standards heights to the lighting need and use: street lights should not exceed 30 feet, parking areas - 18 feet, and walkways and pedestrian areas - 15 feet. e) Prohibit blinking or flashing lights or lights which change intensity. f) Lighting should not spill over or intrude on adjacent property or cause glare into driver's eyes. Incorporate a cut-off shield to prevent light spill for any light sources over 10 feet high. g) Require lighting systems to be efficient. h) Light sources should be in the "warm" spectrum.

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18.61.028 Coastal visual resources and special communities. A. The following shall be considered Coastal scenic corridors: 1. Along the west side of Highway One. 2. Along the bluff of the Noyo River including any area within viewing distance from the bluff, and the bluffs at the mouth of Pudding Creek within the Coastal Zone (CZ). 3. The area along Highway 20, with views to the ocean and Hare Creek Cove within the Coastal Zone (CZ). B. Permitted development within the Coastal scenic corridors, where otherwise consistent with the Coastal Land Use Plan, shall, as determined by the approving authority: 1. Minimize the alteration of natural landforms. 2. Be visually compatible with the character of the surrounding area. 3. Be sited and designed to protect views to and along the ocean and scenic coastal areas. 4. Wherever feasible, restore and enhance visual quality in visually degraded areas. C. All new industrial development sited next to visitor serving land uses and facilities including public accessways shall be designed so as to minimize the visual impact on adjacent visitor serving land uses and facilities.	**18.50.070 - Visual Resources** **A. Purpose.** The provisions of this Section are intended to **consider and protect the scenic and visual qualities of coastal areas,** maintain existing scenic views of the coastline from Highway 1, and ensure that proposed development is consistent with the character of its surroundings. **B. Applicability.** The requirements of this Section apply to **the review and approval of planning permits, including but not limited to, coastal development permits for** proposed development **located on any parcel of land that is located along, provides views to, or is visible from any scenic area, scenic road, or public viewing area including:**: 1. Along the west side of Highway 1 ~~between the first continuous public road and the ocean;~~ 2. Along the bluff of the Noyo River including any area within viewing distance from the bluff, and the bluffs at the mouth of Pudding Creek within the Coastal Zone (CZ); ~~and~~ 3. Along Highway 20 and Highway 1 on sites with views to the ocean~~.~~**; and** **4. Areas designated "Potential Scenic Views Toward the Ocean or the Noyo River" on Map LC-3.** **C. Visual Analysis. A Visual Analysis shall be required for all new development located in areas designated "Potential Scenic Views Toward the Ocean or the Noyo River" on Map LC-3, except development listed in (a)-(e) below.** **1. Development exempt from the Visual Analysis requirement includes the following:**

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	a. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure. b. The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure. c. Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than l0 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure. d. The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure. e. Any repair or maintenance activity for which the Director has determined, pursuant to Section 18.71.040 (Coastal Development Permit), that a coastal development permit will be required. 2. Information required for Visual Analysis: Applications for development requiring a Visual Analysis shall include the following: a. Photographs of scenic views as seen from public lands and rights-of-ways;

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	b. Photographic simulations wherein proposed structures should be superimposed on these photographs by means of lines, blocked out areas of shading, or other means in a manner that accurately identifies the location, height, and bulk of the structures; c. Provisions for the erection of story poles to show the height and footprint of the building (the height at the ridgeline and at all corners); and d. A site map and elevations of proposed structures should be provided with an explanation of how the scenic views would be affected by the proposed development, and what mitigations are proposed. 3. Definitions as used in this subsection: a. "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner. b. "Bulk" means total interior cubic volume as measured from the exterior surface of the structure. c. "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster. ~~C~~D. **General findings for project approval.** Coastal Development Permit approval for ~~new~~ development in the areas identified by Subsection B. shall require that the review authority first find, ~~where applicable~~, that the proposed project: 1. Minimize the alteration of natural landforms; 2. Is visually compatible with the character of the surrounding area;

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	3. Is sited and designed to protect views to and along the ocean and scenic coastal areas; and 4. Restores and enhances visual quality in visually degraded areas, where feasible. **E. Development Standards.** **1. Development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent.** **2. Fences, walls, and landscaping shall minimize blockage of views of scenic areas from roads, parks, beaches, and other public viewing areas.** **3. Development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site to the maximum extent feasible**. **4. Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity fixtures and shielded so that no light shines beyond the boundaries of the property.** ~~D~~**E**. **Commercial development west of Highway 1.** Commercial development west of Highway 1 shall be designed and constructed in a manner that maintains scenic views of the coast by providing sufficient separation between buildings, as determined by the review authority based on the characteristics of the site and existing development in the area, and by preventing a continuous facade of buildings that would block scenic views of the coastline. ~~E~~**G.** **Industrial development.** All new industrial development sited next to visitor serving land uses and facilities including public accessways shall be designed so as to minimize the visual impact on adjacent visitor serving land uses and facilities.

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	H. Development North of Pudding Creek. [*COPIED FROM LC-5.2.1*] a. New development north of Pudding Creek and west of Main Street shall be required to leave a minimum of 30 percent of the parcel frontage undeveloped. The undeveloped parcel frontage shall not include narrow passageways between buildings on the site, but shall be concentrated on the north and/or south ends of each building complex. b. All new development (including decks and balconies) north of Pudding Creek shall be set back at least 30 feet from the edge of the Old Haul Road and shall be consistent with all other applicable LCP setback requirements. I. Bluff Face and Bluff Retreat Setback Development. 1. Development on the bluff face and within the bluff retreat setback shall be limited to the following uses with a conditional use permit where there is no feasible less environmentally damaging alternative, feasible mitigation measures have been provided to minimize all adverse environmental impacts, and allowable structures are designed be visually compatible with the surrounding area to the maximum extent feasible. (a) engineered accessways or staircases to beaches for public access purposes, (b) pipelines to serve coastal dependent industry, (c) habitat restoration, (d) hazardous materials remediation, and (e) landform alterations where such alterations re-establish natural landforms and drainage patterns that have been eliminated by previous development activities. 2. Blufftop development shall incorporate a setback from the edge of the bluff that avoids and minimizes visual impacts from the beach and ocean below. The blufftop setback necessary to protect visual resources may be in excess of the setback necessary to ensure that risk from geologic

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	hazards are minimized for the life of the structure, as detailed in Section 18.50.060 (Hazards and Shoreline/Bluff Development). J. Alteration of natural landforms. All new development shall be sited and designed to minimize alteration of natural landforms by: 1. Conforming to the natural topography. 2. Preventing substantial grading or reconfiguration of the project site. 3. Eliminating flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs. 4. Requiring that man-made contours mimic the natural contours. 5. Ensuring that graded slopes blend with the existing terrain of the site and surrounding area. 6. Minimizing grading permitted outside of the building footprint. 7. Clustering structures to minimize site disturbance and to minimize development area. 8. Minimizing height and length of cut and fill slopes. 9. Minimizing the height and length of retaining walls. 10. Cut and fill operations may be balanced on-site, where the grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography.
SC—SCENIC CORRIDOR COMBINING ZONE **18.58.010 Generally** This combining zone (SC) classification is intended to be applied to land areas adjacent to roads and highways which have been designated as scenic highways in the general plan and on a finding that they meet criteria for such classification and require the particular protection of the regulations of this chapter to preserve the areas scenic qualities and the public interest therein.	**18.71.050 - Design Review** A. Purpose. Design Review is intended to ensure that the design of proposed development and new land uses assists in maintaining and enhancing the small-town, coastal, historic, and rural character of the community. B. Applicability. All new structures, any relocation, exterior addition(s), or changes of or to existing structures, and any other physical improvements shall be subject to Design Review, whether or not a Building Permit is required, unless exempt in compliance with Subsection B.3 (Improvements exempt from Design Review), below. Design Review shall be required in addition to all other planning permit or approval requirements of this Development Code and the Municipal Code, including but not limited to requirements for coastal

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18.58.020 Application of basic zoning regulations – Additional regulations. In any zone with which the SC classification is combined, the regulations of the basic zone shall apply subject to the following additional zone regulations: A. No general advertising, wrecking or junkyards, refuse disposal sites, or open displays of used cars, good, machinery or equipment shall be permitted in any case; B. No use permits shall be issued for any uses which are clearly in conflict with the intent and purpose of the Standards for Corridor Protection" developed by the California Department of Public Works or other such standards adopted by the city council. C. Any use permit approved by the Scenic Review Committee be issued subject to conditions and guarantees which will protect and preserve the scenic and esthetic characteristics existing in the vicinity of the proposed use. (Ord. 480 § 29,1977; Ord 396 § 5.07(B),1971) **18.58.030 Plan review approval – Purpose.** The purpose of plan review approval within the scenic corridor zone is to promote orderly and harmonious development in the city, encourage the stability of land values and investments, promote the general welfare, and to help prevent the impairment and depreciation of land values and discourage the erection of structures within the scenic corridor zone which are unsightly, undesirable or of obnoxious appearance. (Ord. 817 §8, 1999.)	**development permits. When development requires both Design Review approval and a coastal development permit, the Design Review approval shall occur first and shall be submitted prior to filing as complete a coastal development permit application.** 1. Improvements subject to Design Review by the Commission. a. The following improvements shall always require Design Review by the Commission: (1) A structure located within 100 feet of a coastal bluff. (2) A project resulting in three or more residential dwelling units on a single parcel, including apartments, condominiums, townhouses, and other multi-family residential development projects. (3) All nonresidential development projects, including: (a) Commercial, offices, and industrial structures; (b) Marinas and yacht harbors; and (c) Cultural, fraternal, quasi-public, religious, social, and similar structures for places of assembly. (4) The aesthetic impact of grading or filling of land. b. The following improvements shall require Design Review by the Commission only if in conjunction with a development project: (1) Removal of natural ground cover, trees, or vegetation. (2) Installation of a fence, wall, or retaining wall visible from a public right-of-way.

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18.58.040 Plan review approval – Applicability. Sections 18.58.030 through 18.58.080 apply in the area zoned Scenic Corridor Combining Zone (Chapter 18,58) of the city except that they are not applicable to single-family residential units. (Ord. 501 § 2, 1978.) **18.58.050 Plan review approval – Procedure.** A. The city staff shall review each application for a building permit within the Scenic Corridor Zone for any new structure and for remodeling of an existing building which modifies fifty (50) percent or more of any exterior wall which is visible from a public street or highway, except single-family residential units which are used for that purpose only and which are exempt from Sections 18.58.030 through 18.58.080; B. The city shall require an applicant to which said sections apply to file: 1. A site plan for setback, access, parking, building site and preliminary landscape plan for new construction; and 2. Accurate scale elevation drawings indicating front and side building's elevation, material, size and shape and the location, size color, shape and illumination of each proposed sign. C. The Scenic Review Committee must approve the site plan and submitted drawings prior to the issuance of a building permit by the city's building official. The Scenic Review	(3) Landscaping including vegetation, irrigation systems, and low level lighting. (4) Signs included with plans for any project listed above. (5) Exterior lighting. 2. **Improvements subject to Design Review by the Director.** The following improvements shall be subject to Design Review by the Director, except when in conjunction with a development project. If in conjunction with a development project, each of the following shall be subject to review and approval by the Commission: a. The construction or rehabilitation/remodeling of a secondary dwelling unit or duplex; **b. The construction or rehabilitation/remodeling/addition of any detached accessory structure or garage that exceeds 16 feet in height. [*CITY REQUESTED MOD*]** ~~b~~**c**. Removal of natural ground cover, trees, or vegetation; ~~c~~**d**. Installation of a fence, wall, or retaining wall visible from a public right-of-way; ~~d~~**e**. Landscaping including vegetation, irrigation systems, and low level lighting; ~~e~~**f**. Signs included with plans for any project listed above, and that do not require Commission review; or ~~f~~**g**. Exterior lighting. 3. **Improvements exempt from Design Review.** The following improvements are exempt from Design Review:

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Committee shall approve an applicant's site plan and submitted drawings if it finds that the proposed structure meets the following criteria: 1. The structure shall be so designed that it in general contributes to the character and image of the city as a place of beauty, spaciousness, and balance. 2. The exterior design and appearance of the structure is not of a quality or scale so as to cause the nature of the neighborhood to materially depreciate in appearance and value. 3. The structure is in harmony with proposed adjacent development in the area and the Scenic Corridor Zone and in conformity with the general plan of the city. D. In carrying out the purposes of said sections, the Scenic Review Committee shall keep in mind the following principles: 1. Conformity with the city's general plan, and, in particular, the scenic highway element of the general plan; 2. It is not the purpose of this section that control of design should be so rigidly enforced that individual initiative is prevented in the design of any particular building or substantial additional expenses incurred; rather, it is the intent of this section that any control exercised be the minimum control necessary to achieve the overall objectives of this section; 3. Good design based upon the suitability of a building for its purposes; upon the appropriate use of materials; and upon the	a. One single-family dwelling on a single parcel, including any related accessory structures; b. Structural improvements not visible from a public right-of-way; c. Signs in compliance with Chapter 18.38 (Signs), and which are to be located on an existing structure, or as approved under another development permit; d. Work determined by the Director to be minor or incidental within the intent and objectives of this Section; and e. Ordinary maintenance and repair of structures. **C. Application filing and processing.** An application for Design Review shall be filed and processed in compliance with Chapter 18.70 (Permit Application Filing and Processing). The application shall be accompanied the information and materials specified in the Department handout for Design Review, and the materials identified in Section **D**~~E~~. (Requirements for submittal), below. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection **E** ~~G~~. (Findings and decision), below. **D. Requirements for submittal.** Each plan submitted for Design Review shall be drawn to scale with all dimensions shown. **1. Site plans.** The site plan shall show the following proposed and existing physical improvements and features: a. All structures and other improvements on the subject parcel shall be shown demonstrating setback lines and the distance structures are from property lines. b. The plan shall show the location of all adjoining streets including pavement, curb, and sidewalk. c. On adjoining parcels the general location of primary and accessory

Existing Policies	Proposed Policies w/ Suggested Modifications
principles of harmony and proportion in the elements of the building; 4. Good design is not, in itself, more expensive than poor design, and is not dependent upon a particular style of design selected; 5. Where buildings are grouped in close proximity, harmony between individual buildings in any group is of equal importance to the design of any individual building. Similarity of materials, or color, of landscaping, or character of construction, will help to minimize disharmony between buildings in proximity. (Ord. 501 § 3, 1978) **18.58.060 Plan review approval – Permit denial – Standards.** If the Scenic Review Committee finds that the proposed structure does not meet the standards set forth in Section 18.58.050, it will notify the building official responsible for the issuance of building permits, as set forth in Section 18.58.030, that a permit should not be issued until the applicant's site plan and submitted drawings are approved by the planning commission. (Ord. 501 § 4, 1978.) **18.58.070 Plan review approval – Permit denial – Procedure.** If the Scenic Review Committee disapproves a site plan or submitted drawings, it shall state its findings and decision in specific detail so that the applicant is informed as to the basis of the commission's disapproval. The planning commission may also approve the site plan and submitted drawings with	structures, curb cuts, driveways and parking lots. **2. Architectural elevations.** a. Elevations of all sides of new structures shall be shown. b. If the exterior of an existing structure is to be changed, all existing and proposed elevations of the structure shall be shown. c. Exterior materials and colors of all proposed and existing structures shall be indicated or generally described. Color and material samples shall be submitted. d. All mechanical equipment or similar features located above the roof shall be shown. **3. Floor and roof plans.** Floor and roof plans for all structures shall be shown. **4. Landscape plans.** A detailed landscape plan shall be submitted for the entire site, in compliance with Chapter 18.34 (Landscaping Standards). **5. Sign plans.** A detailed sign plan shall be submitted for the entire site, in compliance with Chapter 18.38 (Signs). **6. Visual Impact Analysis. If the project is located within areas designated as properties with potential scenic views on the Scenic View Map LC-3 in the General Plan, the required visual analysis shall include: photographs of scenic views as seen from public lands and rights-of-way, and photographic simulations wherein proposed structures are superimposed on these photographs to accurately identify the location, height, bulk and architectural features of the structures. The City may also require the erection of story poles to show the height and footprint of the building (the height at the ridgeline and all corners). [*CITY REQUESTED MOD*]** **E. Project review criteria.** The review authority shall evaluate each application to ensure that the project:

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conditions, in which case the site plan and drawings must be amended to reflect such conditions prior to the issuance of building permit. The secretary of the Scenic Review Committee shall furnish the applicant and the city building official with the findings and decision of the Scenic Review Committee promptly and in no case later than ten days after the acts. (Ord. 501 § 5, 1978.) **18.58.080 Plan review approval – Permit denial – Appeal.** Any person aggrieved by an action of the Scenic Review Committee pursuant to this chapter may take an appeal to the city council as provided by Section 18.78.010. (Ord. 501 § 6, 1978.)	1. Complies with the purpose and requirements of this Section; 2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community; 3. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.; 4. Provides efficient and safe public access, circulation, and parking; 5. Provides appropriate open space and landscaping, including the use of water efficient landscaping; 6. Is consistent with the General Plan, any applicable specific plan, and the certified Local Coastal Program if located in the Coastal Zone; and 7. Complies and is consistent with the City's Design Guidelines. F. **Findings and decision.** The review authority shall approve or disapprove an application for Design Review approval concurrently with the approval or disapproval of any other planning permit (e.g., Use Permit, Minor Use Permit, Variance or Administrative Variance, Zoning Clearance) required for the project, if the Design Review application is filed with the City at the same time. Design Review approval shall require that the review authority first find that the project, as proposed or with changes resulting from the review process and/or conditions of approval, complies with all applicable criteria identified in Subsection E. (Project review criteria), above. 1. An application for Design Review may be approved, conditionally approved, or disapproved. 2. The Director shall review construction drawings, final plans, and other similar documents for compliance with the approved Design Review, any conditions of approval, and any approved or required modifications to the

Existing Policies	Proposed Policies w/ Suggested Modifications
	approved plans. 3. A Design Review decision shall become effective upon the expiration of 10 days following the decision, unless an appeal is made in compliance with Chapter 18.92 (Appeals). G. **Conditions of approval.** The review authority may require any reasonable and necessary conditions of approval to ensure that the project will comply with the findings required by Subsection G., above. The violation of any condition so imposed shall constitute a violation of this Section and may constitute grounds for revocation of the permit. H. **Expiration of Design Review approval.** 1. **Time limit.** Design Review approval in compliance with this Section shall lapse and become void 12 months from the date of approval, unless before the expiration of the 12 months, a Building Permit is issued and construction is commenced and diligently pursued towards completion. 2. **Exceptions.** The only exception to the above is Commission Design Review approval for a period not to exceed two years in a case where it is anticipated that the time for project development will exceed 12 months. 3. **Extension of approval**. Design Review approval may be extended by the Director for an additional period of 12 months; provided, no changes in conditions or requirements have occurred before the expiration of 12 months from the date of the original approval, and an application for an extension is filed with the Department at least 30 days before the date of expiration. I. **Post approval procedures.** The procedures and requirements in Chapter 18.76 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 9 (Land Use and Development Code Administration), shall apply following the decision on an application for Design Review.

Hazards Policies (LUP & IP)

Existing Policies	Proposed Policies w/ Suggested Modifications
Policy XI-1: Special Review of Bluff Development. The City shall require all development occurring in the "demonstration area" defined in this chapter to demonstrate that the area is stable for development and will neither create a geologic hazard nor diminish the stability of the area. The applicant shall file a report evaluating the geologic conditions of the site and the effects of development, to be prepared by a registered geologist, a professional civil engineer with expertise in soils or foundation engineering, or by a certified engineering geologist.	***[MOD: Move Section "I. Hazards Policies" from the Coastal Element to the Safety Element and modify as follows:]*** Policy LC-6.1 ~~Reduce~~ **Minimize** Hazards: ~~Continue to review development proposals to minimize hazards in the Coastal Zone.~~ **1. New development shall:** **(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.** **(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.** **Policy SF-A: All ocean-front and blufftop development shall be sized, sited and designed to minimize risk from wave run-up, flooding, and beach and bluff erosion hazards, and avoid the need for a shoreline protective structure at any time during the life of the development.** ~~Program~~ **Policy** LC-6.1.1: ~~Require that geologic reports for new development and significant expansion of existing development in the Coastal Zone contain the following:~~ **Applications for development located in or near an area subject to geologic hazards, including but not limited to areas of geologic hazard shown on Map SF-1, shall be required to submit a geologic/soils/geotechnical study that identifies all potential geologic hazards affecting the proposed project site, all necessary mitigation measures, and demonstrates that the project site is suitable for the proposed development and that the development will be safe from geologic hazard. Such study shall be conducted by a licensed Certified Engineering Geologist (CEG) or Geotechnical Engineer (GE) and shall be prepared consistent with the requirements of Land Use and Development Code Section 18.54.040 of the Coastal Land Use and Development Code.** a) ~~cliff geometry and site topography, extending the surveying beyond the site as needed to depict unusual geomorphic conditions that might affect the site and geologic conditions;~~

EXHIBIT NO. 12
APPLICATION NO.
FTB-MAJ-1-06
FORT BRAGG LCP UPDATE
HAZARDS (LUP/IP) POLICY CHART

Existing Policies	Proposed Policies w/ Suggested Modifications
	b) ~~historic, current and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs, where available, and possible changes in shore configuration and sand transport;~~ c) ~~evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development and construction on landslide activity;~~ d) ~~ground and surface water conditions and variations including hydrologic changes caused by the development from, for example, drainage or irrigation;~~ e) ~~potential effects of seismic forces resulting from a maximum credible earthquake;~~ f) ~~an evaluation of the potential off-site impacts of the proposed development;~~ g) ~~mitigation measures for any potential impacts and alternative solutions; and~~ h) ~~an analysis of whether the proposed project will be subject to or contribute to significant geologic instability throughout the life span of the project. Use a minimum 75-year life span for development in the Coastal Zone.~~ ~~Program LC-6.1.2: Require in areas where the City determines there are geologic hazards that a development permit not be issued until the applicant has signed as a condition of coastal permit approval a waiver of all claims against the public for future liability or damage resulting from permission to build. Record all such waivers on the deeds for subject properties.~~ **[*MOVED TO IP*]** ~~Program LC-6.1.3: Revise the Zoning and Grading Ordinances to require setbacks on bluff tops and other areas of erosion based on a minimum 75-year economic life of the project using the following setback formula: Setback (meters) = Structure life (years) X Retreat rate (meters/year).~~ **[*MOVED TO IP*]** **Policy SF-B: All development located on a blufftop shall be setback from the bluff edge a sufficient distance to ensure that it will be stable for a projected 100-year economic. Stability shall be defined as maintaining a minimum factor of safety against sliding of 1.5 (static) or 1.1 (pseudostatic), as described in Section 18.54.040(E) of the Coastal Land Use and Development Code. This requirement shall apply to the principal structure and accessory or ancillary structures. Slope stability analyses and erosion rate estimates shall be performed by a licensed Certified Engineering**

Existing Policies	Proposed Policies w/ Suggested Modifications
	Geologist or Geotechnical Engineer. **Policy SF-C: Siting and design of new blufftop development and shoreline protective devices shall take into account anticipated future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered. Development shall be set back a sufficient distance landward and elevated to a sufficient foundation height to eliminate or minimize to the maximum extent feasible hazards associated with anticipated sea level rise over the expected 100-year economic life of the structure.** **Policy SF-D: Land divisions, including subdivisions, lot splits, lot line adjustments, and conditional certificates of compliance which create new shoreline or blufftop lots, shall not be permitted unless the subdivision can be shown to create lots which can be developed without requiring a current or future bluff or shoreline protection structure. No new lots shall be created that could require shoreline protection or bluff stabilization structures at any time.**
Policy VI-5/XI-2/XI-5: Alterations of Landforms. The alterations of cliffs, bluff tops, faces or bases, and other natural landforms shall be minimized in the Coastal Zone and especially in runoff ("RO") special review areas. Such changes may be allowed only if a buffer sufficient to allow for the interception of any material eroded as a result of the proposed development has been provided.	Policy LC-6.2 Alterations to Landforms: Minimize, to the maximum feasible extent, alterations to cliffs, bluff tops, faces or bases, and other natural land forms in the Coastal Zone. Permit alteration in landforms only if **erosion/runoff is controlled and either** there exists no other feasible environmentally superior alternative **or** ~~and only with the provision of a permanent buffer sufficient to allow for the interception of any material eroded as a result of the proposed development. Permit alterations in landforms~~ **where such alterations re-establish natural landforms and drainage patterns that have been eliminated by previous development activities.** [***REQUESTED CITY MOD***] Program LC-6.2.1: Establish standards in the Zoning Ordinance or Grading Ordinance for the alteration and grading of natural landforms taking into account site characteristics, the resulting habitat disturbance, drainage modification, or erosion and sedimentation resulting from vegetation removal.

Existing Policies	Proposed Policies w/ Suggested Modifications
Policy XI-3/XI-7: Floodplain Development. New development in floodplains in the City's Coastal Zone shall be limited to those uses allowed in the Harbor District ("HD") land use classification in addition to the requirements of other land use plan policies. They shall be designed so as to minimize danger of loss of life and property during a flood, either on the site or downstream from the site.	Policy LC-6.3 Floodplain Development: Limit new development in floodplains in the Coastal Zone**, including but not limited to those floodplain areas shown on Map SF-2,** to those uses allowed in the Open Space land use designation **consistent with all** ~~in addition to~~ other applicable requirements **of the LCP**.
Policy XI-4: The bluff areas annexed to the City and discussed above shall be included in the "demonstration area," defined in Chapter XVII of this document, to demonstrate that the area is stable for development and will neither create a geological hazard nor diminish the stability of the area. Within the newly annexed areas this includes, the area labelled PD at Todd Point, the areas labelled IH and OS at Noyo Point, and the area labelled open space near the mouth of Pudding Creek (Figure 1). The applicant shall file a report evaluating the geologic conditions of the site and the effects of development, to be prepared by a registered geologist, a professional civil engineer with expertise in soils or foundation engineering, or a certified engineering geologist. (1/86) Policy XI-6: Due to the special significance of the bluffs near Pudding Creek and their location adjacent to the MacKerricher State Park, the bluffs labelled OS on the LUP map (Figure 1) adjacent to Pudding Creek, shall be preserved in their existing state. (1/86) Policy XI-8: No development shall be allowed within the 100-year flood portions of the Pudding Creek hazard area. (1/86)	Policy LC-6.4 Bluff Face **and Bluff Retreat Setback** Development: Prohibit development on the bluff face **and within the bluff retreat setback** because of the fragility of this environment and the potential for resultant increase in bluff and beach erosion due to poorly-sited development~~. Permit development such as~~ **except that the following uses may be allowed with a conditional use permit:** **(1) engineered accessways or** staircase**s** ~~accesses~~ to beaches**, boardwalks, viewing platforms, and trail alignments** for public access purposes, **[*CITY REQUESTED MOD*]** **(2)** pipelines to serve coastal dependent industry, ~~pursuant to a conditional use permit,~~ **(3) habitat restoration,** **(4) hazardous materials remediation, and** **(5) landform alterations where such alterations re-establish natural landforms and drainage patterns that have been eliminated by previous development activities**. ~~making~~ **F**indings **shall be made** that no feasible ~~or~~ less environmentally damaging alternative is available and that feasible mitigation measures have been provided to minimize all adverse environmental impacts. Require as a part of the conditional use permit, a full environmental, geological, and engineering **study** ~~review~~ as specified in **Policy LC-6.1.1**~~Program LC-6.5.1 below~~. **Such structures shall be constructed and designed so as to neither create nor contribute to erosion of the bluff face and to be visually compatible with the surrounding area to the maximum extent feasible.**
	Policy LC-6.5 Seawalls, Breakwaters and Other **Shoreline** Structures: Prohibit construction of seawalls, breakwaters, revetments, groins, harbor channels**, retaining walls,** and other structures altering the natural shoreline processes ~~or retaining walls~~ unless a finding is made that such structures are ~~necessary for the protection of existing development, public beaches, or existing coastal-dependent uses~~ **required (1) to serve coastal-dependent uses, or (2) to protect public beaches in danger**

Existing Policies	Proposed Policies w/ Suggested Modifications
	from erosion, or (3) to protect existing structures that were legally constructed prior to the effective date of the Coastal Act, or that were legally permitted prior to the effective date of this Coastal General Plan provided that the CDP did not contain a waiver of the right to a future shoreline or bluff protection structure, or (4) for a development consistent with Section 30233(a) of the Coastal Act ~~Permit the structure~~ **and only when it can be demonstrated that said existing structures are at risk from identified hazards,** ~~if~~ no feasible or less environmentally damaging alternative is available and ~~with conditions to ensure that~~ the structure has been designed to eliminate or mitigate adverse environmental impacts, including impacts upon local shoreline sand supply. The design and construction of allowed protective structures shall respect natural landforms and provide for lateral beach access. **"Existing structures" for purposes of this policy shall consist only of a principle structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, stairs, landscaping, etc.** ~~Program LC-6.5.1: Revise the Zoning Ordinance to require a conditional use permit for seawalls, breakwaters, revetments, groins, harbor channels and other structures altering the natural shoreline following a full environmental, geological, and engineering review.~~ **[*MOVED TO IP*]** ~~The review~~ **of shoreline structures** ~~should~~ shall ~~include site-specific information pertaining to seasonal storms, tidal surges, tsunami, littoral drift, sand accretion, and beach and bluff face erosion.~~ **[*MOVED TO IP*]** **[*MOVED TO POLICY LC-6.5 ABOVE*]**~~*Permit the structure if no feasible or less environmentally damaging alternative is available and with conditions to ensure that the structure has been designed to eliminate or mitigate adverse environmental impacts, including impacts upon local shoreline sand supply. The design and construction of allowed protective structures shall respect natural landforms and provide for lateral beach access.*~~

Existing Policies	Proposed Policies w/ Suggested Modifications
	Policy SF-1.3 Tsunami: Minimize development in areas subject to tsunami. Program SF-1.3.1: Request FEMA conduct the necessary studies to accurately map areas within the City that are subject to tsunamis. ~~Program~~ **Policy** SF-1.3.2: Review development proposals to ensure that new development is not in an area subject to tsunami damage **and** ~~or,~~ if such development is **otherwise allowable** ~~allowed~~, that it is designed to withstand tsunami damage. **Program SF-E: The City shall review local- and distant-source tsunami inundation maps for Fort Bragg and adjacent coastal communities as they are developed to identify susceptible areas, plan evacuation routes or locations suitable for vertical evacuation and make evacuation plans available to all emergency responders and other appropriate parties.** **Program SF-F: The City shall identify and map potential tsunami inundation zones for land use planning. Maps should identify generalized tsunami inundation zones on a probabilistic basis (e.g., 100-year event). These maps shall be submitted to the Coastal Commission for certification.** **Program SF-G: The City shall periodically review and update tsunami preparation response policies/practices to reflect current inundation maps and design standards, and submit these updated policies to the Coastal Commission for certification.** **Policy SF-H: The City shall avoid siting new critical facilities, including fire and police stations and hospitals in tsunami inundation zones to the maximum extent feasible. If it is necessary to site such facilities in tsunami inundation zones to provide adequate population protection, new critical facilities shall be located and configured to be functional immediately after a 100-year tsunami event.** **Policy SF-I: The City shall develop a local response plan and/or participate in any regional effort to develop and implement workable response plans for distribution of information on tsunami alerts, watches, and warnings, to appropriate emergency responders and City personnel.** **Policy SF-J: The City shall include tsunami evacuation route information as**

Existing Policies	Proposed Policies w/ Suggested Modifications
	part of any overall evacuation route sign program implemented in the City. Evacuation routes shall be clearly posted. An evacuation route traffic monitoring system that provides real-time information on the traffic flow at critical roadways should be considered. **Policy SF-K: The City shall develop and implement a tsunami educational program for residents, visitors, and people who work in the susceptible areas.** **Policy SF-L: The City shall require that overnight visitor-serving facilities in susceptible areas provide tsunami information and evacuation plans.**
	~~Policy SF-1.2 Identify Potential Hazards: Identify potential hazards relating to geologic and soils conditions during review of development applications.~~ ~~Program SF-1.2.1: Evaluate slopes over 15 percent, unstable land, and areas susceptible to liquefaction, settlement, and/or soil expansion for safety hazards prior to issuance of any discretionary approvals and require appropriate measures to reduce any identified hazards.~~ ~~Program~~ **Policy** SF-1.2.2: Require that development in areas with identified slope stability constraints as shown on Map SF-1 or other areas where City staff determines there is potential slope stability issues be supervised and certified by a geologist, geotechnical engineer, or engineering geologist. ~~Program SF-1.2.3: Require repair, stabilization, or avoidance of active or potentially active landslides, areas of soil creep, or areas with possible debris flow as a condition of project approval.~~ Policy SF-2.2 Storm Drainage: Continue to maintain effective flood drainage systems and regulate construction to minimize flood hazards. Program SF-2.2.1: Update the City's Storm Drain Master Plan. ~~Program~~ **Policy** SF-2.2.2: Require, as determined by City staff, analysis of the cumulative effects of development upon runoff, discharge into natural watercourses, and increased volumes and velocities in watercourses and their impacts on downstream properties. Include clear and comprehensive mitigation measures as part of project approvals to ensure that new development does not cause downstream flooding of other properties.

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~Program~~ **Policy** SF-2.2.3: Require development to pay for the costs of drainage facilities needed to drain project-generated runoff. Develop a City-wide drainage policy to assist staff to identify drainage improvements or impact fees required for development. ~~Program~~ **Policy** SF-2.2.4: Require, where necessary, the construction of siltation/detention basins to be incorporated into the design of development projects.

Existing Policies	Proposed Policies w/ Suggested Modifications
IP Hazard & Blufftop Development Policies	
18.61.026 Hazards. A. Development in Fort Bragg's Coastal Zone shall (i) minimize risks to life and property in areas of high geologic and flood hazard, (ii) assure structural integrity and stability, (iii) neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, nor in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. B. All development occurring in a demonstration area, as defined below, must demonstrate by credible evidence that the area is stable for development and will neither create a geologic hazard nor diminish the stability of the area pursuant to the following specific standards. 1. A demonstration area of stability shall include the base, face and top of all bluffs and cliffs. The extent of the bluff top includes the area between the face of the bluff and a line described on the bluff top by the intersection of a plane inclined at a twenty (20) degree angle from a horizontal plane passing through the toe of the bluff or cliff, or fifty (50) feet inland from the edge of the bluff or cliff, whichever is greater. 2. In a demonstration area, the applicant shall file a report evaluating the geologic conditions of the site and effects of development, to be prepared by a registered geologist, a professional civil engineer with expertise in soils or foundation engineering, or a certified engineering geologist. C. Alteration of cliffs, bluff tops, faces or bases and other natural landforms shall be minimized in	***[MOD: Move Policies of Chapter 18.50.060 to Chapter 18.54 and modify as follows:]*** ~~CHAPTER 18.54 - OCEAN FRONTING DEVELOPMENT~~ **18.54 ~~50.060~~ – Hazards and Shoreline/Bluff Development** **Sections:** 18.54.010 - Purpose 18.54.020 - Applicability 18.54.030 - Limitations on Development 18.54.040 - Application Requirements 18.54.050 - Site Planning and Project Design 18.54.060 - Shoreline Protection **18.54.070 – Floodplain Development** **18.54.010 – Purpose** ~~18.50.060~~ A. Purpose. This Section provides requirements to ensure that development in the Coastal Zone shall: 1. Minimize risks to life and property in areas of high geologic**, fire,** and flood hazard; 2. Ensure structural integrity and stability; and 3. Neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, nor in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. ~~B. Blufftop development. Development on a site with a bluff or cliff between the first public road and the ocean shall comply with the requirements of Chapter 18.54 (Ocean Fronting Development).~~

Existing Policies	Proposed Policies w/ Suggested Modifications
the Coastal Zone and especially in RO, runoff review areas. Any material eroded as a result of development must be intercepted. The runoff standards provided in Section 18.61.022(B) shall apply. D. Permitted new development in the city's Coastal Zone floodplains shall be limited to the following uses allowed in the Harbor District (HD) land use classification: 1. Primary uses: Commercial fishing facilities, fish processing plants, ship building and boat repair, public docks and marine services. 2. Secondary uses: Cold storage facilities, fishing piers, boat launching facilities, marine hardware, other minor harbor-related uses such as offices supporting coastal dependent uses, small grocery stores, bars and restaurants. 3. Secondary uses must be limited in size, subordinate to the marine commercial and industrial uses and not be the primary use on a waterfront site. 4. Uses shall be designed so as to minimize danger of loss of life and property during a flood, both on and downstream from the site. E. Pudding Creek Area. No new development shall be allowed within the 100 year flood plain portions of Pudding Creek hazard area.	~~This Chapter provides standards for proposed development and new land uses on parcels which border the ocean, where careful design and development practices are necessary to preserve significant coastline features, implement applicable provisions of the General Plan and Local Coastal Program, and comply with the Coastal Act.~~ **18.54.020 Applicability** The provisions of this Chapter apply to all development and new land uses proposed on **blufftop and shoreline** parcels **and within areas of high geologic, fire, and flood hazard**~~adjacent to the ocean~~. ~~In the event of any perceived conflict between the provisions of this Chapter and any other provision of these regulations, this Chapter shall control.~~ **18.54.030 Limitations on Development** **A. Prohibition on development needing protection.** Proposed development shall not be approved where the review authority determines that shoreline protective structures will be necessary to protect the new structures at the time of development, or within 100 years of development. **B. Public structures.** **All development, including** Stairs, retaining walls, fences, pipelines, and similar public or quasi-public facilities located on coastal bluffs shall require a Coastal Permit. **18.54.040 - Application Requirements** Land use permit applications for development on ~~ocean fronting~~ **blufftop and shoreline** parcels shall include the following information where applicable, in addition to all the information required by Section 18.70.040 (Application Preparation and Filing). **A. Erosion control plan.** All land use permit applications for **blufftop and shoreline** ~~ocean fronting~~ parcels shall include a site specific erosion control plan. The plan shall be prepared by a registered engineer qualified in hydrology and soil mechanics, and shall ensure that the development will not **create nor** contribute to the erosion or failure of any bluff face, and will eliminate or mitigate any adverse impacts on local shoreline sand supply to the maximum extent feasible. **B. Geology report.** ~~A geology report shall be required when structures are proposed within an area between the face of the bluff, and a line described on~~

Existing Policies	Proposed Policies w/ Suggested Modifications
	~~the blufftop by the intersection of a plane inclined at a 20 degree angle from horizontal, passing through the toe of the bluff or cliff, or 50 feet inland from the blufftop, whichever is greater.~~ **Applications for blufftop and shoreline development located in or near an area subject to geologic hazards, including but not limited to areas of geologic hazard shown on Map SF-1 of the Coastal Zone General Plan, shall be required to submit a geologic/soils/geotechnical study that identifies all potential geologic hazards affecting the proposed project site, all necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard.** C. **Preparation and contents of geology report.** A required geology report shall be prepared by a qualified, licensed **Certified Engineering Geologist (CEG) or Geotechnical Engineer (GE)** ~~engineer or engineering geologist~~ approved by the City, and shall be submitted with the planning permit application for the proposed **development** ~~structure~~. The report shall consider, describe, and analyze the following: 1. Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site; 2. Historic, current, and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available, and possible changes in shore configuration and sand transport; 3. Geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features such as bedding, joints, and faults; 4. Evidence of past or potential landslide conditions, the implications of such condition for the proposed development, and the potential effects of the development on landslide activity; 5. Impact of construction activity on the stability of the site and adjacent area; 6. Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage,

Existing Policies	Proposed Policies w/ Suggested Modifications
	effluent, and irrigation water to the groundwater system, alterations to surface drainage, and the like); 7. Potential erodibility of the site and mitigation measures to be used to ensure minimized erosion problems before and after construction (i.e., landscape and drainage design); 8. Effects of marine erosion on the coastal bluffs~~;~~ 9. Potential effects of seismic forces resulting from a maximum credible earthquake; ~~and~~ 10. Any other factors that might affect slope or bluff stability. **11. Whether the proposed project will be subject to or contribute to significant geologic instability throughout the 100-year life span of the project;** **12. Effects of future sea level rise on the development;** **13. Slope stability and bluff erosion rate determination performed as outlined in Section E and F below; and** **14. An alternatives analysis of, and mitigation measures for, all potential impacts.** **In addition to all applicable information required by section (C)(1)-(14) above, all applications for new shoreline structures shall include an analysis of beach erosion, wave run-up, and tsunami and flood hazards prepared by a licensed civil engineer with expertise in coastal engineering. These reports shall address and analyze the effects of said development in relation to the following:** **1. The profile of the beach;** **2. Surveyed locations of mean high tide lines acceptable to the State Lands Commission;** **3. The availability of public access to the beach;** **4. The area of the project site subject to design wave run-up, based on design conditions;** **5. Foundation design requirements;** **8. The long-term effects of proposed development on sand supply;** **9. The FEMA Base Flood Elevation and other mapped areas (A,B, or V zones);**

Existing Policies	Proposed Policies w/ Suggested Modifications
	10. Future projections in sea level rise; and 11. Project alternatives designed to avoid or minimize impacts to public access. D. Public Access information. Applications for blufftop or shoreline development, including but not limited to shoreline protective structures, shall include a site map that shows all existing easements, deed restrictions, or OTD's and/or other dedications for public access or open space and provides documentation that the development shall be located outside of and consistent with the provisions of such easement or offers. E. Slope Stability Analysis. For the purpose of this section, quantitative slope stability analyses shall be undertaken as follows: 1. The analyses shall demonstrate a factor of safety greater than or equal to 1.5 for the static condition and greater than or equal to 1.1 for the seismic condition. Seismic analyses may be performed by the pseudostatic method, but in any case shall demonstrate a permanent displacement of less than 50 mm. 2. Slope stability analyses shall be undertaken through cross-sections modeling worst case geologic and slope gradient conditions. Analyses shall include postulated failure surfaces such that both the overall stability of the slope and the stability of the surficial units is examined. 3. The effects of earthquakes on slope stability (seismic stability) shall be addressed through pseudostatic slope analyses assuming a horizontal seismic coefficient of 0.15g, and shall be evaluated in conformance with the guidelines published by the American Society of Civil Engineers, Los Angeles Section (ASCE/SCEC), "Recommended Practices for Implementation of DMS Special Publication 117, Conditions for Analyzing and Mitigating Landslide Hazards in California." 4. All slope analyses shall be performed using shear strength parameters (friction angle and cohesion), and unit weights determined from relatively undisturbed samples collected at the site. The choice of shear strength parameters shall be supported by direct shear tests, triaxial shear test, or literature references. 5. All slope stability analyses shall be undertaken with water table or potentiometric surfaces for the highest potential ground water conditions.

Existing Policies	Proposed Policies w/ Suggested Modifications
	6. If anisotropic conditions are assumed for any geologic unit, strike and dip of weakness planes shall be provided, and shear strength parameters for each orientation shall be supported by reference to pertinent direct sheer tests, triaxial shear test, or literature. 7. When planes of weakness are oriented normal to the slope or dip into the slope, or when the strength of materials is considered homogenous, circular failure surfaces shall be sought through a search routine to analyze the factor of safety along postulated critical failure surfaces. In general, methods that satisfy both force and moment equilibrium (e.g., Spencer, Morgenstern-Price, and General Limit Equilibrium) are preferred. Methods based on moment equilibrium alone (e.g., Bishop's Method) also are acceptable. In general, methods that solve only for force equilibrium (e.g., Janbu's method) are discouraged due to their sensitivity to the ratio of normal to shear forces between slices. 8. If anisotropic conditions are assumed for units containing critical failure surfaces determined above, and when planes of weakness are inclined at angles ranging from nearly parallel to the slope to dipping out of slope, factors of safety for translational failure surfaces shall also be calculated. The use of a block failure model shall be supported by geologic evidence for anisotropy in rock or soil strength. Shear strength parameters for such weak surfaces shall be supported through direct shear tests, triaxial shear test, or literature references. 9. The selection of shear strength values is a critical component to the evaluation of slope stability. Reference should be made to American Society of Civil Engineers, Los Angeles Section (ASCE/SCEC), "Recommended Practices for Implementation of DMS Special Publication 117, Conditions for Analyzing and Mitigating Landslide Hazards in California." when selecting shear strength parameters. E. Bluff Retreat Rate. For the purpose of this section, the long-term average bluff retreat rate shall be determined by the examination of historic records, surveys, aerial photographs, published or unpublished studies, or other evidence that unequivocally show the location of the bluff edge through time. The long-term bluff retreat rate is an historic average that accounts both for periods of exceptionally high bluff retreat, such as during extreme storm events, and for long periods of relatively little or no bluff retreat. Accordingly, the time span used to calculate a site-specific long-term bluff retreat rate

Existing Policies	Proposed Policies w/ Suggested Modifications
	shall be as long as possible, but in no case less than 50 years. Further, the time interval examined shall include the strong El Niño winters of 1982-1983, and 1997-1998. **The expected bluff retreat rate over the expected life of the development shall be based in part on the historic bluff retreat rate, but shall also include consideration of the effects of continued historic rates of sea level rise, potential accelerated sea level rise, increase in significant wave heights, and increase in storm intensity and frequency, as is expected under most scenarios of the Intergovernmental Panel on Climate Change.** **18.54.050 - Site Planning and Project Design** **A. Design.** All development adjacent to coastal bluffs and the beach shall be sited and designed to reduce the visual impact of bulk and scale. **B. Height limits.** Height limits for structures on **blufftop and shoreline** ~~ocean fronting~~ parcels are established by the applicable zoning district. **C. Setbacks.** Development proposed on **blufftop and shoreline** ~~ocean fronting~~ parcels shall comply with the setback requirements of the applicable primary zoning district, **and shall also comply with the required** ~~except where a side or rear lot line is adjacent to a coastal bluff, or where public access and/or recreational areas are required in compliance with these regulations. Proposed development shall be~~ set back from the top of the bluff as provided by this Subsection. **1. Bluff retreat setback requirements.** ~~New structures shall be set back a sufficient distance from the bluff top to be safe from bluff erosion for a minimum of 100 years~~ **All new development located on a blufftop shall be setback from the bluff edge a sufficient distance to ensure that it will be stable for a projected 100-year economic life. This entails an assurance that a factor of safety against slope instability of 1.5 (static) and 1.1 (pseudostatic) shall be maintained for the economic life of the development** as determined by a site-specific geology report, prepared in compliance with Section 18.54.040.~~B~~**C** (~~Application Content –~~ **Preparation and contents of** Geology Report); provided that in no case shall the minimum setback be less than 25 feet. **Stable shall be defined as maintaining a minimum factor of safety against sliding of 1.5. (static) and 1.1 (pseudostatic) as defined in Section 18.54.040(E). This requirement shall apply to the principal structure and accessory**

Existing Policies	Proposed Policies w/ Suggested Modifications
	or ancillary structures. Slope stability analysis and erosion rate estimates shall be performed by a licensed Certified Engineering Geologist or Geotechnical Engineer. 2. ~~Use of~~ Bluff Face and bluff retreat setbacks development. ~~No development except pathways, stairways, fencing, signage and other features associated with a public accessway or a necessary pipeline associated with a public facility shall be permitted within the bluff retreat setbacks identified in site specific geologic reports.~~ Prohibit development within the bluff retreat setback and on a bluff face except that the following uses may be allowed with a conditional use permit: (1) engineered accessways or staircases to beaches for public access purposes, (2) pipelines to serve coastal dependent industry, (3) habitat restoration, (4) hazardous materials remediation, and (5) landform alterations where such alterations re-establish natural landforms and drainage patterns that have been eliminated by previous development activities. All allowable ocean-front and blufftop development shall be supported by findings that no feasible less environmentally damaging alternative is available and that feasible mitigation measures have been provided to minimize all adverse environmental impacts. Require as a part of the coastal development and conditional use permit applications, a full environmental, geological, and engineering review. Such structures shall be constructed and designed to not create nor contribute to erosion of the bluff face and to be visually compatible with the surrounding area to the maximum extent feasible. 3. **Access and recreational area setbacks.** Additional blufftop setbacks may be required in compliance with Local Coastal Plan policies to accommodate public access and recreational areas, in compliance with Chapter 18.56 (Shoreline Access). ~~A.~~D. **Erosion and drainage control.** Proposed blufftop and shoreline development shall be designed and constructed to incorporate appropriate erosion control measures, in compliance with the City's grading standards and shall include

Existing Policies	Proposed Policies w/ Suggested Modifications
	measures to insure that: 1. No stockpiling of soil or construction materials shall occur on the shoreline; 2. All grading shall be properly covered and sandbags and/or ditches shall be used to prevent runoff and siltation; 3. Measures to control erosion shall be implemented at the end of each day's work; 4. No machinery shall be allowed in the intertidal zone at any time to the extent feasible; 5. All construction debris shall be removed from the beach. ~~A. Storm Ddrainage devices. A storm drainage device shall not extend over the bluff face shall not be permitted if the property can be drained away from the bluff face. Each new storm drainage structures shall be constructed so that drainage water will not spill over or onto the bluff face. Drain pipes shall be allowed only where no other less environmentally damaging drain system is feasible, and drain pipes are designed and placed to minimize impacts to the bluff face, toe of bluff, and beach.~~ All development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams. All development shall: (1) avoid creating concentrated runoff, particularly over steep slopes and bluff faces, by locating and directing drainage away from the bluff face and by installing energy dissipating devices, (2) create drainage swales, detention, and retention basins where appropriate, (3) control the timing and manner of new construction so that there are no bare soil slopes during the rainy season. ~~D~~E. **Structures on sandy beach.** No permanent structures shall be permitted on a dry sandy beach except facilities necessary for public health and safety, including lifeguard towers. F. Deed Restriction. All ocean-front and blufftop development shall be sized, sited and designed to minimize risk from wave run-up, flooding and beach and bluff erosion hazards and avoid the need for a shoreline protection structure at any time during the life of the development. To inform future owners of such restrictions, the property owner shall be

Existing Policies	Proposed Policies w/ Suggested Modifications
	required to record a deed restriction against the property that ensures that no shoreline protection structure shall be proposed or constructed to protect the development approved and which expressly waives any future right to construct such devices that may exist pursuant to Public Resources Code Section 30235 or the provisions of the certified LCP. **In areas where the City determines that there are geologic hazards, a development permit shall not be issued until the applicant has signed as a condition of coastal permit approval, a waiver of all claims against the public for future liability or damage resulting from permission to build. All such waivers shall be recorded on the deeds for subject properties. [*MOVED FROM PROGRAM LC-6.1.2*]** **18.54.060 - Shoreline Protection structures.** ~~C. **Shoreline protective structures.** Shoreline protective structures including sea walls, revetments, groins, breakwaters, and rip-rap may be allowed with Coastal Development Permit approval,~~ **Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be prohibited unless** ~~only when~~ the review authority determines that the structure is: 1. ~~Necessary to protect existing structures, coastal-dependent uses, public beaches and parks in danger from erosion~~ **Required (1) to serve coastal-dependent uses, or (2) to protect public beaches in danger from erosion, or (3) to protect existing structures that were legally constructed prior to the effective date of the Coastal Act, or that were legally permitted prior to the effective date of this Coastal General Plan provided that the CDP did not contain a waiver of the right to a future shoreline or bluff protection structure, or (4) protect development allowed under Coastal Act Section 30233, or (4) for a development consistent with Section 30233(a) of the Coastal Act;** 2. The least environmentally damaging feasible alternative; 3. Designed to successfully eliminate or mitigate adverse impacts on local shoreline ~~and~~ sand supply; 4. Designed to avoid significant rocky points and intertidal or subtidal areas;

Existing Policies	Proposed Policies w/ Suggested Modifications
	5. Designed to provide lateral beach access, where feasible; ~~and~~ 6. Designed to respect natural land forms and minimize visual impact to the extent possible, through means including the use of visually compatible colors and materials~~.~~**; and** 7. Designed to avoid ~~interface~~ **interference** with commercial or recreational boating traffic. **"Existing structures" for purposes of this policy shall consist only of a principle structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, stairs, landscaping, etc.** **18.50.070 – Floodplain Development** ~~C.~~ Floodplain development. Development within an identified floodplain in the Coastal Zone, **including but not limited to those areas shown on Map SF-2,** shall be limited to **those uses allowed in the Open Space land use designation consistent with all other applicable requirements of the LCP.** ~~the uses allowed by Article 2 (Zoning Districts and Allowable Land Uses).~~ 1. Standards for all uses. Each use shall be designed to minimize danger of loss of life and property during a flood, both on and downstream from the site. 2. Pudding Creek area. No new development shall be allowed within the 100 year flood plain portions of the Pudding Creek hazard area, as identified by the General Plan.