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DATE: August 31, 2018

TO: Coastal Commissioners and Interested Persons

FROM: Alison Dettmer, Deputy Director
Robert S. Merrill, North Coast District Manager
Cristin Kenyon, Supervising Analyst

SUBJECT: **City of Fort Bragg LCP Amendment No. LCP-1-FTB-18-0031-1 (Riverview Building LLC)**
For the Commission meeting of September 12, 2018 in Fort Bragg

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the proposed City of Fort Bragg LCP Amendment No. LCP-1-FTB-18-0031-1 as submitted. The motions to accomplish this recommendation are found on [Page 4](#) of this staff report.

LCP Amendment LCP-1-FTB-18-0031-1 would amend the land use and zoning maps of the City's certified LCP to redesignate and rezone a portion of an undeveloped, 0.69-acre parcel located at the southeastern corner of the intersection of Highway One and Boatyard Drive in the City of Fort Bragg (APN 018-150-55). The parcel is currently split-designated and zoned, with the western two-thirds of the parcel zoned and designated Highway Visitor Commercial (CH), and the eastern third of the parcel zoned and designed Very High Density Residential (RVH). Under the proposed amendment, the entire parcel would be uniformly designated and zoned CH.

The proposed land use and zoning map change would increase the utility of the site for visitor-serving uses consistent with the priority use provisions of the Coastal Act and the certified LUP. The CH district allows residential uses with a conditional use permit above the ground floor or on the ground floor at the rear of buildings but it also allows for a broader array of visitor-serving commercial and public recreational uses than the RVH district as well as for visitor-serving lodging, which is not allowed in the RVH district.

Staff is recommending the Commission approve the Land Use Plan (LUP) amendment as submitted because the LUP amendment meets the requirements of, and is in conformity with, the Chapter 3 policies of the Coastal Act. The subject parcel is located inland of Highway One in an urban area with access to services, and thus any future development on the site would

concentrate development in an existing developed area able to accommodate it, consistent with Coastal Act Section 30250. The proposed amendment does not increase the potential maximum density and intensity of development that could be allowed on the site (based on maximum heights, floor-area-ratios, and site coverage requirements of the CH and RVH districts). There are no wetlands or ESHA located on the subject parcel, and the parcel is flat and located on a coastal terrace outside of the 100-year flood zone and the tsunami inundation zone. No public access use has been identified on the subject parcel and adequate public access is available nearby. No public views of the ocean or Noyo River would be impacted by future development on the site, and because the site is surrounded by commercial development including a hotel, fast food restaurant, and motel, future commercial development of the site would fit the character of the surrounding area.

Staff is also recommending the Commission approve the IP amendment as submitted because the IP amendment conforms with and is adequate to carry out the provisions of the certified LUP. The subject parcel is located adjacent to Highway One near the southern entry to the City. The CH designation and district are both intended to apply to land uses serving residents and visitors at sites which are located along Highway One and arterials at the entry points to the community.

Therefore, staff recommends that the Commission **approve** LCP-1-FTB-18-0031-1 **as submitted**.

DEADLINE FOR COMMISSION ACTION

The City transmitted an application for LCP-1-FTB-18-0031-1 to the Commission on April 2, 2018. The LCP amendment submittal was filed as complete by the North Coast District Office on June 25, 2018. As the proposed amendment affects both the Land Use Plan and Implementation Plan portions of the LCP, the Commission has a 90-day deadline, or until September 23, 2018 to take a final action on the LCP amendment. Therefore, unless extended for a period of up to 12 months pursuant to the provisions within the Coastal Act, the Commission must take action on the amendment request at the September 12-14, 2018 meeting.

ADDITIONAL INFORMATION

For additional information about the LCP amendment, please contact Robert Merrill at the North Coast District Office at (707) 826-8950. Please mail correspondence to the Commission at the letterhead address.

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APPENDICES

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[Appendix B – A Comparison of Allowable uses in the Very High Density Residential \(RVH\) and Highway Visitor Commercial \(CH\) districts](#)

EXHIBITS

[Exhibit 1 – Regional Location Map](#)

[Exhibit 2 – Project Site & Vicinity Maps](#)

[Exhibit 3 – Proposed Change to Land Use Map](#)

[Exhibit 4 – Proposed Change to Zoning Map](#)

[Exhibit 5 – City’s Resolution of Transmittal of LCP Amendment](#)

[Exhibit 6 – Underlying Subdivision Final Parcel Map](#)

I. MOTIONS & RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

A. APPROVAL OF LUP AMENDMENT NO. LCP-1-FTB-18-0031-1 AS SUBMITTED

Motion 1:

I move that the Commission certify Land Use Plan Amendment No. LCP-1-FTB-18-0031-1 as submitted by the City of Fort Bragg.

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

Resolution 1 to certify the land use plan amendment as submitted:

The Commission hereby certifies the Land Use Plan Amendment No. LCP-1-FTB-18-0031-1 as submitted by the City of Fort Bragg and adopts the findings set forth below on grounds that the land use plan as amended meets the requirements of and is in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

B. APPROVAL OF IP AMENDMENT NO. LCP-1-FTB-18-0031-1 AS SUBMITTED

Motion 2:

I move that the Commission reject Implementation Plan Amendment No. LCP-1-FTB-18-0031-1 as submitted by the City of Fort Bragg.

Staff recommends a **NO** vote on the foregoing motion. Failure of this motion will result in certification of the Implementation Plan Amendment No. LCP-1-FTB-18-0031-1 as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution 2 to certify the implementation plan amendment as submitted:

The Commission hereby certifies the Implementation Plan Amendment No. LCP-1-FTB-18-0031-1 as submitted by the City of Fort Bragg and adopts the findings set forth below

on grounds that the implementation plan amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the implementation plan amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The standard of review for land use plans and their amendments is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512 (c):

The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

The standard of review for implementation plans and their amendments is found in Section 30513 of the Coastal Act. This section states in part:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...

...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken...

Pursuant to the above cited sections, to certify the proposed amendment to the LUP portion of the City of Fort Bragg LCP, the Commission must find that the LUP as amended meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. To certify the proposed amendment to the IP portion of the City of Fort Bragg LCP, the Commission must find that the IP as amended would be in conformity with and adequate to carry out the policies of the certified LUP.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City of Fort Bragg's Planning Commission held a public hearing on the proposed amendment on August 23, 2017, and the City Council held a public hearing on February 26, 2018. The hearings were noticed to the public consistent with Sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(b) of Title 14 of the California Code of Regulations, a local government's resolution for submittal to the Coastal Commission may specify that a LCP amendment will either require formal local government adoption after Commission approval, or state that it is an amendment that will take effect automatically upon the Commission's approval. In this case, the City's resolution of transmittal of the LCP amendment to the Commission for certification (Resolution No. 4070-2018¹) indicates that the amendment will require formal local government adoption after Commission approval (Exhibit 5). Therefore, if the Commission certifies the LCP amendment as submitted, further Fort Bragg City Council action will be necessary to formally adopt the amendment. Should the Commission certify the LCP amendment subject to suggested modifications, final approval by the City Council and a determination by the Executive Director of compliance with Section 13544 of the Commission's regulations also will be required in order for the amendment to take effect. Should the Commission deny the LCP amendment as submitted without suggested modifications, no further action is required by either the Commission or the City, and the proposed LCP amendment will not become effective.

III. AMENDMENT DESCRIPTION & BACKGROUND

A. AMENDMENT DESCRIPTION

The City is proposing to amend its certified LCP to redesignate and rezone a portion of a 0.69-acre parcel located at the southeastern corner of the intersection of Highway One and Boatyard Drive in the City of Fort Bragg (APN 018-150-55), less than 1,500 feet from the southern City boundary on a coastal terrace above the Noyo River (See [Exhibits 1-2](#)). The parcel is currently split-designated and zoned, with the western approximately two-thirds of the parcel adjacent to the highway designated and zoned Highway Visitor Commercial and the eastern approximately one-third of the parcel designated and zoned Very High Density Residential (See [Exhibit 2](#), pg. 3). Under the proposed amendment, the entire parcel would be uniformly designated and zoned Highway Visitor Commercial (See Exhibits 3 and 4 for the proposed changes to the land use and zoning maps). No changes to the text of the LCP are proposed.

The LCP amendment is proposed at the behest of the owner of the subject parcel, Riverview Building LLC, who wishes to sell the property. The purpose of the amendment is to establish a

¹ As adopted on February 26, 2018, Resolution No. 4070-2018 included a statement that the amendment would take effect automatically upon Coastal Commission approval; however, the City had not yet completed formal adoption of the amendment. As a result, the City Council amended Resolution No. 4070-2018 on May 29, 2018 to state that the amendment will take effect upon adoption of an implementing ordinance amendment following Coastal Commission approval.

uniform commercial land use designation and corresponding zoning district over the entire 0.69-acre parcel. No development is currently proposed.

B. BACKGROUND INFORMATION

1. Setting

Properties abutting Highway One to the north, south, and west of the subject parcel are designated and zoned CH, while properties along the north-south segment of Boatyard Drive inland of Highway One are designated and zoned RVH (See [Exhibits 3-4](#)).

The subject parcel is relatively flat and currently undeveloped. There are no wetlands or environmentally sensitive habitat areas on or directly adjacent to the subject parcel. The parcel is immediately surrounded by Highway One to the west, Boatyard Drive to the north and east, and commercial development to the south. The CH-zoned and designated properties to the south, north, and west along Highway One are developed with a motel, a fast food chain, and a hotel with a mini-golf course and arcade, respectively. The RVH-zoned and designated parcels directly to the south and east of the subject parcel are undeveloped. The RVH parcel located across Boatyard Drive to the east consists of a forested slope extending down to Noyo Harbor. A stand of trees along the bluff north and east of the parcel largely blocks views of the Noyo Harbor from the subject parcel and adjacent public roadways.

The subject 0.69-acre parcel is narrow, with the longest parcel dimension running east-west for approximately 400 feet and the widest dimension running north-south for approximately 110 feet. Although the parcel is located at the southeastern corner of Highway One, the parcel is separated from the highway by a portion of Boatyard Drive's right-of-way that provides driveway access to the motel to the south. As a result, any future vehicular access to the parcel will come from Boatyard Drive and not directly from the highway.

The subject property was once part of an approximately eight-acre parcel extending along the east side of Highway One from the southern boundary of the subject property north and east to the Noyo River. In 1991, Boatyard Drive was constructed as a through-road, physically separating the subject property from the remainder of the parcel north of Boatyard Drive. Although the subject property became physically separated from the remainder of the parcel, no division of land occurred establishing the subject property as a separate legal parcel until 2014 (See Exhibit 6 for the final map).² The coastal development permit conditions for the 2014 land division required frontage improvements including sidewalks, curb gutters, drainage inlets, and bicycle lane striping. These improvements have since been installed along the subject parcel's Boatyard Drive frontage.

² In 1992, the City approved a division of the 8-acre parcel (DIV 1-92; CDP 9-92) to create a 0.93-acre lot at the northeastern corner of Highway One and Boatyard Drive, across Boatyard Drive to the north of the subject property (where a McDonald's is currently established). Then in 2014, the City permitted a further division of the remainder 7.13-acre parcel into four parcels, with the subject 0.69-acre property becoming one of the four separate legal parcels (DIV 4-02/14; CDP 9-02/14). This local CDP was not appealed to the Commission.

2. Background on Applicable Land Use Designations and Zoning

The proposed amendment would redesignate and rezone the eastern third of the parcel from Very High Density Residential (RVH) to Highway Visitor Commercial (CH) in order to uniformly designate and zone the entire parcel as CH. The RVH land use designation is intended to allow high density multi-family housing on sites that are close to commercial areas and public services, while the CH designation applies to land uses serving residents and visitors at sites which are located along Highway One and arterials at the entry points to the community. The RVH and CH zoning districts implement the RVH and CH land use designations respectively. The table included as Appendix B compares allowed uses in the two districts.

The RVH and CH districts both allow for a diversity of land uses, including agricultural, recreational, educational, public assembly, residential, retail trade, business and profession services, general services, and public facilities use types (See [Appendix B](#)). Overlapping uses that are allowed (principally or conditionally) in both zoning districts include crop production, horticulture, orchards, and vineyards; parks and playgrounds; home occupation; multi-family housing; accessory, professional/administrative, and doctor's offices; hospitals; restaurants, cafés, and coffee shops; public and private meeting facilities; public safety and utility facilities; personal services; and pipelines and transmission lines. The RVH district includes a broader range of residential uses than the CH district, many without a use permit, in addition to allowing schools and child day cares, which the CH district does not allow. The CH district includes a broader range of retail and public recreational uses than the RVH district, many without a use permit, in addition to allowing a number of business, financial, and general services not allowed in the RVH district, including visitor-serving overnight accommodations.

Although the RVH district is primarily intended for high-density residential development, the RVH district allows for limited, neighborhood-serving commercial uses with a conditional use permit, such as convenience stores, cafes, and restaurants located primarily on individual parcels or in small clusters of retail establishments. Conversely, while the CH district is primarily intended for land uses serving both residents and visitors such as lodging enterprises, restaurants, and retail stores, the CH district allows residential uses with a conditional use permit above the ground floor or on the ground floor at the rear of buildings.

The permitted residential density for the RVH district is 12 to 24 units per acre, while the permitted residential density for the CH district is up to 24 units per acre. The CH district has a maximum floor area ratio of 0.40 for all structures, while the RVH district has a maximum floor area ratio of 0.40 for commercial structures, with no overall limit (See [Appendix A](#) for excerpts from relevant sections of the certified IP).

IV. FINDINGS FOR APPROVAL OF THE LUP AMENDMENT AS SUBMITTED

The subsections below discuss conformity with relevant Chapter 3 policies. The Commission hereby finds and declares as follows:

A. VISITOR-SERVING PRIORITY USES

The Coastal Act includes the following policies prioritizing visitor-serving uses:

Section 30213 of the Coastal Act states in applicable part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred....

Section 30222 of the Coastal Act states as follows:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30254 of the Coastal Act states in applicable part:

... 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.

The proposed LCP amendment would convert land from a residential designation and district (RVH) to a commercial designation and district (CH) on a portion of an undeveloped parcel on the inland side of Highway One in the City of Fort Bragg in order to uniformly designate and zone the entire parcel as CH. The Coastal Act prioritizes visitor-serving commercial recreational facilities over private residential, general industrial or general commercial development. The RVH district is primarily a residential district that only allows limited, neighborhood-serving commercial uses and does not allow any visitor-serving lodging. In contrast, the CH district also allows for visitor-serving lodging including bed and breakfast inns, hotels, motels, recreational vehicle parks, and campgrounds, as well as a broader array of other commercial uses, including a number of visitor-serving commercial uses such as artisan shops; art, antique, and collectable stores; bars; outdoor retail sales and activities; and equipment rentals. In terms of visitor-serving recreational uses, both districts allow for parks and playgrounds, but the CH district also allows for a number of other public recreational and assembly uses that may be appealing to visitors such as studios, theaters, libraries, museums, art galleries, and convention facilities. Thus the rezone and redesignation from RVH to CH would increase the utility of the site for visitor-serving uses consistent with the priority use provisions of Sections 30213, 30222, and 30254 of the Coastal Act.

B. SITING NEW DEVELOPMENT

Section 30250 of the Coastal Act states in applicable part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, 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, either individually or cumulatively, on coastal resources...

Section 30250(a) of the Coastal Act requires that new development be located in or near existing developed areas that are able to accommodate it and where it will not result in significant adverse effects, either individually or cumulatively, on coastal resources.

In terms of maximum allowable building density, the CH district has a maximum floor area ratio (FAR) of 0.40 for all structures, while the RVH district has a maximum FAR of 0.40 for commercial structures, with no overall FAR requirement or overall limit on lot coverage (i.e. 100% of the lot could be covered by pavement and/or structures to the maximum building height, as long as the commercial structures on the parcel retain an FAR of 0.4).³ As for building height, the CH district limits development to a maximum height of 35 feet, while the RVH district allows development up to 45 feet in height. Therefore based on maximum FARs and building heights, the maximum potential density and intensity of development that could be allowed at the site would not increase with the proposed land use change from RVH to CH.

The subject undeveloped parcel is located in an urban area at the intersection of Highway One and Boatyard Drive between a fast food restaurant and a motel. According to the staff report prepared for the 2014 subdivision establishing the subject parcel, municipal water and sewer lines are present along the southern boundary of the parcel. Since the subdivision was approved, sidewalk, curb, and gutter improvements have been installed along Boatyard Drive where the parcel fronts the road, and future driveway access is planned from Boatyard Drive into the parcel, approximately 250 east of its intersection with Highway One. Because of the site's infill location and access to services, any future development on the site would concentrate development in an existing developed area able to accommodate it, consistent with Coastal Act Section 30250.

Furthermore, any future development will require a coastal development permit with findings that the development is consistent with the certified LCP. The City's certified LUP includes Coastal Act Section 30250(a) as LUP Policy LU-10.2. The certified LUP also contains policies requiring evidence that proposed development will be served by adequate public services and infrastructure including adequate water and wastewater treatment without substantially reducing the services provided to existing residents and businesses or failing to retain adequate service capacity for existing, authorized, and probable priority uses (Policies LU-10.4, PF-1.1, PF-1.2, and PF-1.3). In addition, the certified LUP includes policies limiting new development that could result in the exceedance of roadway and intersection Levels of Service standards (Policy C-1.3), and requiring traffic studies for all major development proposals, including but not limited to, drive-through facilities, fast food outlets, convenience markets, major tourist accommodations,

³ Both the CH and RVH Districts allow for a maximum residential density of 24 units per acre.

shopping centers, commercial development, residential subdivisions, and other generators of high traffic volumes that would affect a Level of Service (Policy C-2.6).

For all the reasons discussed above, the proposed amendment is consistent with Coastal Act Section 30250(a).

C. VISUAL RESOURCES

Section 30251 of the Coastal Act states in applicable part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

Coastal Act Section 30251 requires in part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas. The subject parcel is located on a coastal terrace approximately a quarter mile south of the Noyo River and approximately one-half mile due west of the Pacific Ocean. The Noyo Harbor flats are located approximately 500 feet due east across Boatyard Drive and down a forested slope.

The certified LUP includes Map CD-1 that identifies “Potential Scenic Views toward the Ocean or the Noyo River.” The subject property is not identified on Map CD-1 as having potential views. Views of the ocean from the subject parcel and from nearby public vantage points on Highway One and Boatyard Drive are largely blocked by intervening vegetation and structures, although there are a few pocket blue-water views of the ocean from the parcel to the northwest of the intersection of Boatyard Drive and Highway One. Views of the Noyo Harbor from the subject parcel and from nearby public vantage points on Highway One and Boatyard Drive are largely blocked by the heavily forested hillside between the harbor and the subject parcel. As the stand of trees along the bluff north and east of the parcel has been identified as Bishop Pine Forest ESHA, future removal of these trees would be inconsistent with the policies of the Coastal Act and LCP prohibiting disruption of ESHA.

In addition to protecting views, Coastal Act Section 30251 requires that permitted development minimize the alteration of natural landforms. As the subject parcel is flat, future development can minimize the alteration of natural landforms.

Coastal Act Section 30251 also requires that permitted development be visually compatible with the character of the surrounding area. As described in more detail above, the CH district does allow for a wider range of commercial developments than the RVH district, including higher intensity commercial uses such as auto and heavy equipment sales and rentals, shopping centers, and big box retail.⁴ The subject parcel is located within an urban area, directly adjacent to Boatyard Drive, Highway One, and a motel, with additional commercial development including

⁴ All of these uses are allowed in the CH District with a conditional use permit.

a hotel, fast food restaurant, and large strip mall complex further west, north, and south. Because the subject parcel is an infill site surrounded by existing commercial development, the increased potential for future commercial development of the site under the CH designation does not reduce the potential compatibility of the site with the character of the surrounding area.

Since the land use change alters the regulations applicable to one-third of the site, the RVH requirements would no longer apply and the CH requirements would take their place. As described above, the RVH district allows development up to 45 feet in height, and permits lot coverage of up to 100 percent with no overall FAR. Comparatively, the CH district limits development to a maximum height of 35 feet and a maximum FAR of 0.40. Thus the maximum potential scale of future development would decrease with this land use change, reducing the potential maximum visual mass of future projects and thus potential impacts to visual quality.

Additionally, any future development on the subject parcel will be subject to the visual resource protection policies of the certified LCP. The certified LUP incorporates Coastal Act §30251 as LUP Policy CD-1.1, and includes Policy CD-2.1 requiring design review for all development that has the potential to affect visual resources. The certified LUP also contains policies that require that large commercial developments, such as shopping centers, big box retail, and mixed use development, fit harmoniously with the scale and design of existing buildings and streetscape of the City (Policy CD-2.2), and discourage further strip development along Highway One (Policy CD-2.8). Any future development of the property would have to conform to these policies, and be compatible with the land uses in the surrounding neighborhood.

For all the reasons described above, the proposed LUP Amendment is consistent with Coastal Act Sections 30251.

D. ESHA

Section 30240 of the Coastal Act states as follows:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Coastal Act Section 30240 requires the protection of environmentally sensitive habitat areas (ESHA). In 2013, prior to approval of the creation of the subject parcel through a four-lot subdivision, a biological survey was conducted on the property for potential ESHA (WRA Environmental Consultants). The survey report indicates that the subject parcel is entirely vegetated by disturbed ruderal plant species, with no ESHA. The parcel is immediately surrounded by Highway One to the west, Boatyard Drive to the north and east, and a motel development to the south. According to the biological survey, Northern Bishop Pine Forest

ESHA exists across Boatyard Drive at a minimum of 30 feet to the east of the subject parcel, on the slope down to the Noyo River.

As no ESHA exists on the site, the proposed LUP amendment is consistent with Coastal Act section 30240(a) because future development can be sited to avoid ESHA. In addition, the proposed LUP amendment is consistent with Coastal Act section 30240(b) because development at the property can be sited and designed to prevent impacts which would significantly degrade adjacent ESHA and be compatible with the continuance of the adjacent Northern Bishop Pine Forest ESHA. As discussed above, the amendment does not increase the potential maximum density and intensity of development allowed on the site. As discussed in Finding E below, stormwater runoff from the subject property would be collected in existing street gutters which direct discharges away from the Northern Bishop Pine Forest ESHA across Boatyard Drive from the site. Further, the LCP contains numerous policies aimed at the preservation and protection of biological resources that would apply to future development on the property regardless of land use designation. Under the certified LCP, any future proposed development could only be approved if it were demonstrated that the development would be sited and designed to prevent impacts which would significantly degrade the Northern Bishop Pine Forest ESHA and would be compatible with the continuance of that ESHA.

Therefore, the Commission finds that the LUP as amended is consistent with Coastal Act section 30240 because future development at the property can be sited and designed to avoid ESHA , prevent impacts that would significantly degrade adjacent ESHA and be compatible with the continuance of the ESHA.

E. WATER QUALITY

Section 30231 of the Coastal Act states as follows:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with the surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Coastal Act Section 30231 requires the protection of water quality. The 2013 biological survey conducted on the property indicates that the subject parcel contains no wetlands. The Noyo River is located approximately 300-500 feet from the eastern boundary of the subject parcel, but it is separated from the parcel by an intervening roadway, a forested hillside, and development on the flats of Noyo Harbor. Any stormwater that falls on the property that is not infiltrated onsite flows to street gutters on Highway One or Boatyard Drive and enters the City's stormwater drainage system, ultimately discharging to an outfall approximately a half mile away to the southwest at Hare Creek. No runoff from the property is directed to the Noyo River estuary.

As discussed above, the proposed LUP amendment does not increase the potential maximum density and intensity of development allowed on the site. The LCP contains numerous policies aimed at the protection of water quality.. Future development would be individually subject to environmental review, where any project-specific impacts would require mitigation. Under the certified LCP, a coastal development permit for any future proposed development could only be approved if it were demonstrated that the development would not degrade the biological productivity and quality of the nearby Noyo River, including minimizing adverse effects of wastewater discharges.

Therefore, the Commission finds that the proposed LUP amendment is consistent with Section 30231 of the Coastal Act because future development at the property can be sited and designed to maintain the biological productivity and quality of coastal waters and streams, including by controlling runoff consistent with Sections 30231 of the Coastal Act.

F. HAZARDS

Section 30253 of the Coastal Act states as follows in applicable part:

New development shall do all of the following:

- (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...*

Coastal Act Section 30253 requires the minimization of adverse impacts and risks to human life. The subject parcel is located in an existing developed area east of Highway One. The parcel is flat and set back at least one hundred feet from the forested bluff down to Noyo Harbor located across Boatyard Drive to the east. The parcel is outside of, and at an elevation well above the 100 year flood zone and the tsunami inundation zone. Future development facilitated by the LUP amendment would need to conform to the certified LUP hazard policies. The certified LUP incorporates 30253(a) and (b) as LUP Policy SF-1.1. The certified LUP also includes Policy SF-1.3 requiring applications for development located in or near an area subject to geologic hazards to include a geologic/soils/geotechnical study prepared by a licensed expert 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; and Policy SF-2.2 requiring professional inspection of foundations and excavations, earthwork, and other geotechnical aspects of site development during construction on those sites specified in soils, geologic, and geotechnical studies as being prone to moderate or high levels of seismic hazard. Therefore, the proposed LUP amendment is consistent with Coastal Act section 30253 because future development at the property can be sited and designed to minimize geologic hazards, assure stability and structural integrity, and neither create nor significantly contribute to erosion or geologic instability.

G. PUBLIC ACCESS

Section 30210 of the Coastal Act states as follows:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states as follows:

Development 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.

Section 30212 of the Coastal Act states, in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby

Coastal Act Section 30214 requires in part (Emphasis added):

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to [Section 4 of Article X of the California Constitution](#). Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under [Section 4 of Article X of the California Constitution](#).

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects, except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or where adequate access exists nearby. Section 30211 of the Coastal Act requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area.

The subject parcel is located east of Highway One within a developed, urban area. A public access analysis was conducted during application review of the underlying subdivision in 2014, and no public access use has been identified on the subject parcel. A trail used by the public for access to the Noyo River was identified on the original parcel that was subdivided at a location over 1,000 feet north of the subject property near the southeastern corner of the Noyo Bridge. This trail provides public access from Highway One down the forested hillside to the southern bank of the Noyo River. As a condition of the CDP for the subdivision, the applicant recorded an offer to dedicate a 25-foot easement for vertical public access along this existing trail north of the subject parcel (See [Exhibit 6](#)).

As a condition of subdivision approval, a sidewalk and bike lane were also installed along the parcel's Boatyard Drive frontage. The need for any additional public access will be reassessed at the time any new development is proposed on the parcel, taking into account the density of the development and the additional demand for public access created by the proposed development. To be approved, a coastal development permit for any future development must be found consistent with the coastal access policies of the certified LUP. Therefore, the proposed LUP amendment is consistent with Coastal Act Sections 30210, 30211, 30212, and 30214.

V. FINDINGS FOR APPROVAL OF THE IP AMENDMENT AS SUBMITTED

The Commission hereby finds and declares as follows:

To approve the amendments to the City's Implementation Plan (IP), the Commission must find that the IP, as amended, would be in conformity with and adequate to carry out the policies of the certified LUP.

A. CONFORMITY WITH THE CH LAND USE DESIGNATION

Under the proposed amendment, the entire parcel would be uniformly designated and zoned Highway Visitor Commercial (CH). The certified LUP describes the intent of and allowable uses in the CH designation as follows:

Highway Visitor Commercial (CH). This land use designation applies to land uses serving residents and visitors on sites which are located along Highway One and arterials at the entry points to the community. Typical uses allowed in this designation include motels and other lodging enterprises, restaurants, and retail outlets. Residential uses are permitted above the ground floor or on the ground

floor at the rear of buildings at a maximum density of up to 24 units per acre with a conditional use permit.

Section 17.22.020(E) of the Coastal Land Use and Development Code (CLUDC), the City's certified IP, describes the intent and allowable uses of the CH district consistent with the CH designation as follows:

***CH (Highway and Visitor Serving) zoning district.** The CH zoning district is applied to sites along Highway 1 and arterials at the entry points to the community. Allowable land uses include lodging, restaurants, and retail stores. The maximum allowable residential density within the CH district for the residential component of a mixed use project is 24 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CH zoning district implements and is consistent with the CH land use designation of the Coastal General Plan.*

The subject vacant property is located at the intersection of a major arterial (Highway One) near the southern entry to the City (less than 1,500 feet from the southern City boundary), consistent with the LCP's definition of the CH land use designation and zoning district. According to CLUDC Section 17.22.020(E), the CH zoning district implements and is consistent with the CH land use designation of the certified LUP. The CH zoning district allows for the same range of uses as the CH designation, in particular land uses serving residents and visitors including lodging, restaurants, and retail stores, and secondary residential uses. In addition, the CH land use and zoning districts both apply to sites "along Highway One and arterials at the entry points to the community" [CLUDC §17.22.020(E); Coastal General Plan Chapter 2, Part G]. Therefore, the proposed CH rezone, as submitted, conforms with and is adequate to carry out the CH land use designation provisions of the certified LUP.

B. CONFORMITY WITH THE VISITOR-SERVING POLICIES OF THE LUP

The Coastal General Plan's Land Use Element includes a number of certified LUP policies that prioritize visitor-serving land uses [*emphasis added*]:

Policy LU-5.1 Additional Sites for Visitor-Serving Commercial: Continue to provide for and encourage additional visitor-serving commercial facilities.

Policy LU-5.2: Ensure that there are adequate sites for visitor-serving land uses by:

- (a) Maintaining existing areas designated for Highway-Visitor Commercial uses;*
- (b) Maintaining the Highway Visitor Commercial land use designation as one allowing primarily recreational and visitor-serving uses; and*
- (c) Reserving adequate infrastructure capacity to accommodate existing, authorized, and probable visitor serving uses.*

Policy LU-5.3: Lower Cost Facilities: Protect, encourage, and, where feasible, provide lower cost visitor and recreational facilities for persons and families of low and moderate income. If and when average annual occupancy rates at Fort

Bragg visitor facilities exceed 70%, removal or conversion of existing lower cost facilities shall be prohibited unless the use will be replaced with another facility offering comparable visitor serving or recreational facilities.

Policy LU-5.5: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The certified LUP requires the City to continue to provide for and encourage visitor-serving uses. As described in Finding Section IV-A above, the proposed expansion of the CH district to encompass the entire parcel increases the amount of land available for visitor-serving lodging and otherwise expands the type of allowable visitor-serving facilities that can be accommodated at the site. Therefore the IP amendment conforms with and is adequate to carry out the visitor-serving policies of the certified LUP.

C. CONFORMITY WITH THE HOUSING POLICIES OF THE LUP

The City's certified Land Use Plan is contained within a document known as the "City of Fort Bragg Coastal General Plan." Section C of Chapter 1 of the Coastal General Plan indicates that only certain policies contained within the Coastal General Plan constitute the certified Land Use Plan portion of the City's LCP and govern the review and approval of coastal development permits. Those policies are identified by policy number. The Coastal General Plan's Housing Element includes 13 housing policies that are included as part of the certified LUP, including the following relevant policies (see Appendix A for a full list of certified Housing Element policies):

Policy H-2.1 Regional Housing Needs: Ensure that adequate residentially-zoned land is available to accommodate the City's Regional Housing Needs Determinations as described in Section II.

Policy H-2.2 Mixed-Use Development: Encourage the development of residential uses in conjunction with commercial enterprises in commercial zones, where the viability of the commercial activities and visitor-serving uses would not be adversely affected.

Policy H-2.7 Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure.

Policy H-3.4 Increase Affordable Housing Development: Encourage the construction of housing units which are affordable to households with very-low to moderate incomes consistent with Chapters 18.31 and 18.32 of the Coastal Land Use and Development Code.

The Coastal General Plan's Land Use Element also includes the following certified LUP policy:

Policy LU-10.1 Preserve Neighborhoods: Preserve and enhance the character of the City's existing residential neighborhoods.

Policy LU-10.1 requires the preservation and enhancement of the character of the City’s existing residential neighborhoods. The subject parcel is located adjacent to a busy arterial street and visitor-serving commercial and retail developments including a motel and fast-food restaurant outside of any established neighborhoods and away from local streets. The additional commercial uses that could occur under the proposed amendment would thus not be out of character with the property’s surroundings. Therefore the change in zoning from RVH to CH conforms with Policy LU-10.1 of the certified LUP.

Policy H-2.1 requires the City to ensure that adequate residentially-zoned land is available to accommodate the City’s Regional Housing Needs Determinations. The City’s 2017 Housing Element Annual Report indicates that the City is currently providing housing beyond the requirements of the Regional Housing Needs Assessment (RHNA) set by the State Department of Housing and Community Development. In addition, the City conducted an analysis of vacant land available for residential development in 2014 and determined that the City has more than sufficient vacant and underdevelopment land to meet current and future RHNA requirements (See Table 1 below). The City’s 2014 housing analysis (the Housing Element of the Inland General Plan) determined that a relatively weak housing market is the key factor limiting the amount of housing built each year in the City, rather than insufficient vacant and underdeveloped land.

Table 1. 2014 Community Development Department Analysis of Vacant Land for Residential Development Potential				
General Plan Designation	Maximum Units Per Acre	Acres of Vacant Land	Maximum Units	Feasible Units Given Development Constraints
Low Density Residential (RL)	6	24.1	144	96
Medium Density Residential (RM)	12	6.2	75	67
High Density Residential (RH)	15	18.9	283	198
Very-High Density Residential (RVH)	24	47.6	1,143	522
Highway Visitor Commercial (CH)	24	10.0	241	183
General Commercial (CG)	24	4.8	116	104
Central Business District (CBD)	40	8.5	339	160
Total		120.2 acres	2,342 units	1,331 units

Also, under the proposed amendment, a 0.23-acre portion of a parcel currently zoned and designated RVH would be zoned and designated CH. Despite this change, there would be no loss of land available for residential development because the CH district allows multi-family dwellings and mixed use projects with a residential component as conditional uses above the ground floor or on the ground floor at the rear of buildings. The permitted residential density for the RVH district is 12 to 24 units per acre, while the permitted residential density for the CH district is up to 24 units per acre. The proposed amendment would thus not increase the

maximum potentially allowable residential density of the site and not change the number of potential residential units that the City could accommodate (as reflected by Table 1).

The CH district allows for a mix of commercial and residential uses consistent with LUP Policy H-2.2, which encourages the development of residential uses in conjunction with commercial enterprises in commercial zones. The proposed rezoning is also consistent with Policy H-2.7 which encourages housing development on existing infill sites. The subject parcel is within urban Fort Bragg, directly adjacent to a motel, with additional commercial development including a hotel (the Emerald Dolphin Inn & Mini Golf), fast food restaurant (McDonald's), and large strip mall complex (the Boatyard Shopping Center) further to the west, north, and south. In addition, the CH district allows for a maximum of 24 residential units per acre, the same maximum density as the RVH district, and only permits higher-density multi-family housing and mixed use development, not lower density single family housing. This higher density helps facilitate the construction of affordable housing units, consistent with Policy H-3.4.

For all the reasons outlined above, the IP as amended to rezone approximately 0.23-acres of the subject parcel from RVH to CH conforms with and is adequate to carry out the housing policies of the certified LUP.

VI. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As set forth in section 21080.9 of the California Public Resources Code, CEQA exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCP amendments. Instead, the CEQA responsibilities are assigned to the Coastal Commission, and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].

The City's LCP Amendment consists of both Land Use Plan (LUP) and Implementation Plan (IP) amendments. The Commission incorporates its findings on Coastal Act and Land Use Plan (LUP) conformity into this CEQA finding as it is set forth in full. As discussed throughout the staff report and hereby incorporated by reference, the LUP amendment has been found consistent with the Coastal Act, and the IP amendment has been found to be in conformity with, and adequate to carry out, the provisions of the LUP portion of the certified LCP. This staff report has discussed the relevant coastal resource issues with the proposal and has addressed issues

raised by public comment, and concludes that approval of the LCP amendment will not result in significant adverse environmental impacts within the meaning of the California Environmental Quality Act. Further, future individual projects would require CDPs. Throughout the Coastal Zone, specific impacts to coastal resources resulting from individual development projects are assessed through the coastal development review process; thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures which would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].