

AGENCY: Planning Commission
MEETING DATE: March 30, 2022
PREPARED BY: Kevin Locke
PRESENTED BY: Kevin Locke

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Coastal Development Permit (CDP) 11-19, Use Permit (UP) 2-19, & Design Review (DR) 4-22

OWNER: Eastman Family Trust

APPLICANT: Thompson's Porta Septic Service Inc.

PROJECT: Outdoor storage of porta-potties and supplies. Truck to truck waste transfer

LOCATION: 1241 N Main Street

APN: 069-232-12-00

LOT SIZE: 30,668 Sq. Ft.

ZONING: Heavy Industrial

ENVIRONMENTAL DETERMINATION: This project is exempt pursuant to CEQA per California Code of Regulations §15303 (c) Categorical Exemption for "New Construction or Conversion of Small Structures"

SURROUNDING LAND USES:
NORTH: Superior Pump Services
EAST: Single Family Residence
SOUTH: Geo Aggregates
WEST: MacKerricher State Park

APPEALABLE PROJECT: **Can be appealed to City Council**
 Can be appealed to California Coastal Commission

BACKGROUND & PROJECT DESCRIPTION

The project site is a 0.70 acre parcel in the northwest portion of the City at 1241 N Main Street. The site was a generally vacant lot with miscellaneous ground disturbances in the past. The City was made aware by an anonymous member of the public on July 17, 2017 that the vacant lot had been converted into a porta-potty/outdoor storage lot without the City's review first. Staff requested that the business owner submit an application for a Coastal Development Permit, Design Review, and Use Permit. The City's Coastal Land Use & Development Code (CLUDC) requires these entitlements for outdoor storage in the coastal zone.

Existing Operation

The main operations of the site are for the storage of portable toilets, fleet vehicles, and miscellaneous accessories. Units are loaded onto trucks along with supplies necessary to stock the units such as soap, paper towels, and toilet paper. All servicing of the toilets are done on-site and returned to the site cleaned and dry. Beyond the outdoor storage, truck to truck transfers of waste occur on site. Detailed explanations of operations can be found in **Attachment 3**. The proposed site map of operations can be seen on **Figure 1**. The applicants are seeking to maintain these operations on site through CDP, DR, and UP approval.

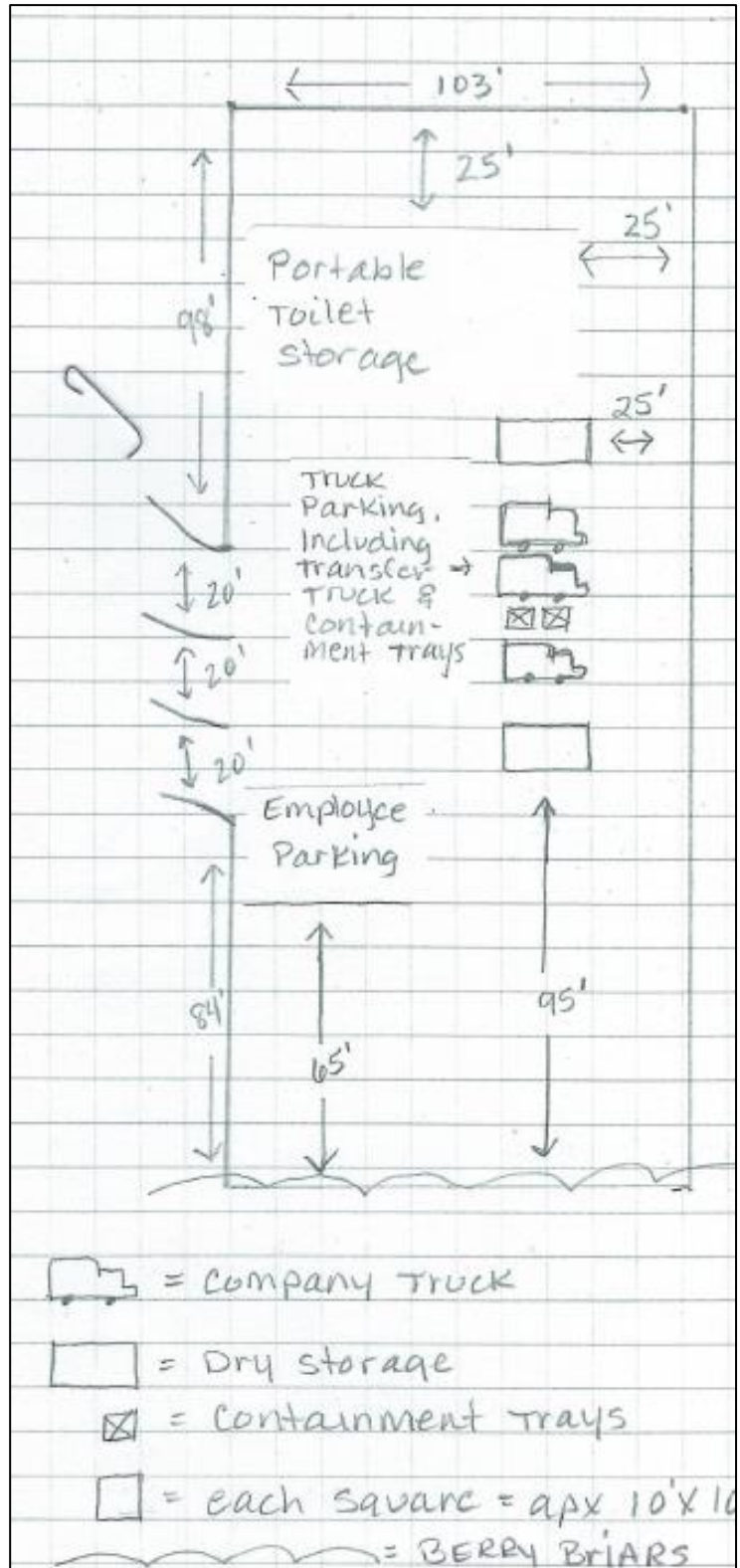


Figure 1 – Site Map

CONSISTENCY WITH PLANNING POLICIES

The CLUDC classifies and regulates the uses of land and structures within the City. The CLUDC considers the proposed use “outdoor storage,” and specifically defines the use as follows:

“CLUDC Section 17.100.020. Storage – Outdoor. The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.”

The subject parcel is zoned Heavy Industrial (IH). CLUDC Section 17.24.030 identifies the uses of land permitted in the industrial zoning districts, and the planning permit required to establish particular uses. Outdoor storage is an allowable use in the IH district with an approved use permit. The CLUDC references section 17.42.140 for standards and requirements necessary for the approval of a Use Permit for outdoor storage. These referenced regulations are discussed in greater detail later in this report.

In addition to regulating uses, the CLUDC includes multiple site planning and project design standards applicable to the project. Staff analyzed the project’s consistency with these standards, and identified special conditions to make the project consistent.

Fencing: The proposed site plan or project description does not include plans for fencing. Per 17.42.170(A) – Outdoor Storage *“Outdoor storage areas shall be entirely enclosed by a solid wall or fence as approved by the reviewing authority with a minimum height of six feet and a maximum height of eight feet”*. As well, section 17.42.140(B) states that *“the materials within the storage areas shall not be higher than the fence, except where authorized by the Use Permit for storage area”*. As shown in attachment 2, the site has numerous natural and manmade features which obscure the view of the site.

The average height of a porta-potty is roughly 7’4”, so any proposed fence should be at or above that height unless otherwise determined by Planning Commission. Also, per 17.30.050(B)(1), a fence that is greater than 6ft shall require a building permit. Therefore, staff are proposing the following special conditions:

Special Condition #1: The applicant shall install a screening fence where determined by the reviewing authority consistent with Coastal Land Use & Development Code section 17.30.050 – Fences, Walls, and Screening.

Special Condition #2: Should the fence exceed 6 feet in height, the applicant shall apply for a building permit.

Landscaping: Per 17.34.020(A), *“Each new nonresidential and multi-family residential project shall provide landscaping in compliance with this Chapter”*. At this time, the applicant is not proposing any new landscaping and intends to leave any remaining foliage in its natural state. Generally, landscaping shall be provided on site in the setbacks, unused areas, and parking areas. However, per section 17.34.050(A)(2) and 17.34.050(B)(2), landscaping may not be required in the setbacks and unused areas if the applicant maintains the site in its natural state and it meets the purposes of the landscaping chapter. Parking lot landscaping will be analyzed in the parking section below.

The purpose of the landscaping standards is *“to enhance the appearance of development projects, reduce heat and glare, control soil erosion, conserve water, screen potentially incompatible land uses, preserve the integrity of neighborhoods, improve air quality, and improve pedestrian and vehicular traffic and safety”*. Staff are proposing to waive the landscaping requirements for the setback and unused areas. See staff analysis of the purpose below. Ultimate discretion on waiving these requirements is with the reviewing authority.

- **Enhance the appearance of development projects:** The project site is heavily obscured and located in a heavy industrial zoning district where function comes in front of form. As well, **Special Condition #1** will screen any aesthetic incompatibility.
- **Reduce heat and glare:** The structures proposed on site will be minimal and will vary depending on the time of year, so impacts to heat and glare will be minimal.
- **Control soil erosion:** The existing site soil is heavily compacted and uses the existing natural landscape to control soil erosion. No structures or ground disturbance will occur on site beyond minimal disturbance due to **Special Condition #1**; therefore, there will be less than significant impact to soil erosion.
- **Conserve water:** The existing landscape uses no water, whereas additional landscaping may require additional water use through upkeep.
- **Screen potentially incompatible land uses:** With **Special Condition #1**, the site will be screened from any “incompatible” land uses.
- **Preserve the integrity of neighborhoods:** The site is not located in a neighborhood.
- **Improve air quality:** The existing site will act as outdoor storage and will have minimal impact to air quality. The Porta-potties will be dry-stored on site and odorless.
- **Improve pedestrian and vehicular traffic and safety:** The site is not open to the public, and the only vehicles entering the site are employee-operated vehicles. There is a maximum of 10-15 vehicles entering and exiting per day. No landscaping will have a less than significant impact to pedestrian and vehicular traffic and safety.

Should the findings for not requiring landscaping be insufficient to the Commission, Staff recommends the following optional condition:

1. **Optional Special Condition #1: The applicant shall submit a landscape plan for the site in compliance with Chapter 17.34 “Landscaping Standards” of the CLUDC.**

Parking: Per 17.36.020(A), off street parking is required for each land use and structure, including a change or expansion of land use or structure. As well, spaces shall be permanent and clearly marked. For outdoor storage, it is required that there be one space for each 3000 Sq. Ft. of lot area. Since the site is roughly 30,000 square feet, 10 spaces would be required.

However, the applicants have an existing permitted paved parking pad at their adjacent office at 1251 N Main Street. Based on 17.36.040(a), each land use shall provide off-street parking, except where greater or lesser number of spaces are required through Use Permit approval. The City discourages excessive parking spaces in order to avoid the inefficient use of land, unnecessary pavement, and excessive storm water runoff. As the site is not open to the public, and the applicants have used their existing facilities to adequately serve their vehicles,

staff believe additional parking spaces are not necessary and would be excessive. Currently the applicants do use both sites to park their vehicles, so in order to ensure a uniform use of land and compliance with chapter 17.36, staff are proposing the following condition:

Special Condition #3: Outside of necessary business operations, the applicants shall park their vehicles at 1251 North Main Street.

Should Planning Commission determine that parking is still necessary for the site; staff have prepared the following optional special condition:

2. Optional Special Condition #2: The applicant shall install ten parking spaces in compliance with Chapter 17.36 Parking and Loading on 1241 N Main Street.

LOCAL COASTAL PROGRAM & COASTAL RESOURCES

The Coastal Land Use & Development Code Section 17.71.045(l)(2)(a) requires that the finding be made that a proposed project is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources.

Cultural Resources – The proposed project is located on a heavily impacted site due to the surrounding heavy industrial uses. The land is heavily compacted through use over the years. Ground disturbance will be minimal as the only disturbance involved with this project is the required installation of a screening fence. Should any materials of archaeological significance be unearthed during construction activities (i.e. shell fragments, stone tools, etc.), all activities would be required to be halted while the finds are investigated by a qualified archaeologist. This is listed as a standard condition of all permits.

Public Access – See “supplemental findings required by 17.56.070 for projects between the first public road and the sea” section for analysis of impact on public access.

Environmentally Sensitive Habitat Areas – On July 5, 2019 a botanical analysis was conducted for the site to determine if the project would have a significant adverse environmental impact to special status species. The result of the study found no California Native Plant Society (CNPS) 1A, 1B, 2A, or 2B species on site. Based on the fact that the botanical study did not find any special status plant species and the applicants are not proposing removal of any vegetation, the project would result in little to no impact to Environmentally Sensitive Habitat Areas (ESHAs).

Water Supply, Sewage Disposal, Solid Waste, and Public Roadway Capacity – The proposed project uses well water and properly disposes waste at numerous sites as described in Attachment 4. The City of Fort Bragg recently opened the septage receiving station at the Waste Water Treatment Plant to allow businesses to dispose of waste, allowing for further capacity to support Thompson's.

Impact on roadways would be minimal, expected traffic entering and exiting the site is roughly a combined 10-15 trips daily.

Visual Resources – Overall, the site is difficult to view from public roads and pathways due to manmade and natural visual obstructions. Large piles of debris on Geo-aggregates, natural

berry bushes adjacent to MacKerricher State Park, and a private residence all work to substantially obscure the site from public view. As per special condition #1, the site will be required to use screening fencing which will further obscure the project from public view.

However, the project is located within Map CD-1, related to potentially scenic views toward the ocean or the Noyo River. Therefore, a project must comply with the findings within 17.50.070 Visual Resources. Those findings and staff analysis can be found below:

Finding	Staff Analysis
1. Minimize the alteration of natural landforms;	The project is not altering natural landforms in any way, therefore complying with this finding.
2. Is visually compatible with the character of the surrounding area;	The area is zoned as heavy industrial and the site is substantially surrounded by those uses. Outdoor storage of materials is typical for the area and the project does not present a use of land not typically found in the zone.
3. Is sited and designed to protect views to and along the ocean and scenic coastal areas; and	As mentioned earlier, the site is already very difficult to view from the public right of way from manmade and natural obstructions. This means the project is sited to avoid most visual impacts to the ocean and scenic coastal areas.
4. Restores and enhances visual quality in visually degraded areas, where feasible.	Due to the zone the project is located in, generally, function comes before form, so the area is not visually pleasing compared to other locations in town. So any additional development would add to visual degradation. Special Condition #1 would shield the proposed storage from public viewing and minimize impact to visual quality.

CONSISTENCY WITH GENERAL PLAN

Land Use Element

The zoning for the subject site is Heavy Industrial (IH) in the Coastal Zone. The proposed use is “Outdoor Storage” which is a conditionally allowed use in the Heavy Industrial zoning district. The proposed project is consistent with the following Land Use Policy.

Policy LU-7.3 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.

The proposed site is in close proximity and adjacent to a heavily developed industrial area. In addition, the project will require minimal use of public services, and will be able to be served (if needed) by public services. The project uses well water and properly disposes of any waste generally created on site as described in “Water supply, sewage disposal, solid waste, and public roadway capacity”.

Public Facilities Element

The project does not fall into any of the goals, policies, and programs listed in this element, but it does not conflict with any of the goals, policies, and programs in this element.

Conservation, Open Space, Energy, and Parks Element

The project is consistent with the following Conservation chapter goals, policies and programs:

Policy OS-9.1: Minimize Introduction of Pollutants. Development shall be designed and managed to minimize the introduction of pollutants into coastal waters (including the ocean, estuaries, wetlands, rivers, streams, and lakes) to the extent feasible.

The applicants ensure pollutants are minimized through their solid waste disposal plan and discharge response plan. See **Attachment 3** for more detailed plans.

Policy OS-11.3: Minimize Impervious Surfaces. Development shall minimize the creation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas, where feasible. Redevelopment shall reduce the impervious surface site coverage, where feasible. Directly connected impervious areas include areas covered by a building, impermeable pavement, and/or other impervious surfaces, which drain directly into the storm drain system without first flowing across permeable land areas (e.g., lawns)

The applicant is not proposing any ground disturbance and will continue to use pervious surfaces on site.

Circulation Element

The project does not fall into any of the goals, policies, and programs listed in this element, but it does not conflict with any of the goals, policies, and programs in this element.

Community Design Element

The project is consistent with the following Community Design goals, policies and programs:

Policy CD-1.1: Visual Resources: Permitted development shall be designed and sited 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.

The site is located behind existing natural and manmade view blockers. The proposed project is minimal in scope and is difficult to view from public right of ways. The site is in a depressed area that allows for views of the ocean from Highway One.

Policy CD-1.4: 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.

The site is located behind existing natural and manmade view blockers. The proposed project is minimal in scope and is difficult to view from public right of ways. The project is in a location that minimizes potential view blockers to the extent feasible.

Policy CD-1.9: 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.

The project proposes no lighting.

Policy CD-1.12 Maintain Unobstructed Views of the Ocean: Require new development north of Pudding Creek to leave unblocked views to the ocean from Highway One.

Due to where the project is sited, a large portion of unobstructed views of the ocean are available between the site and Superior Pump's adjacent property to the north.

Policy CD-2.6 Property Maintenance and Nuisances : Ensure that properties are well maintained and nuisances are abated.

Should this entitlement be approved, the property will be abated and code enforcement would cease.

Safety Element

The project does not fall into any of the goals, policies, and programs listed in this element, but it does not conflict with any of the goals, policies, and programs in this element.

Noise Element

The project does not fall into any of the goals, policies, and programs listed in this element, but it does not conflict with any of the goals, policies, and programs in this element.

Housing Element

The project does not fall into any of the goals, policies, and programs listed in this element, but it does not conflict with any of the goals, policies, and programs in this element.

COASTAL DEVELOPMENT PERMIT ANALYSIS

According to the City of Fort Bragg Coastal Land Use Development Code Section 17.7.045(l)(2), the approval of any Coastal Development Permit shall be supported by the following findings:

Finding	Staff Determination
The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg’s certified Local Coastal Program and will not adversely affect coastal resources;	See “Local Coastal Program” analysis. The proposed development is in compliance with the Local Coastal Program.
If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);	This finding is made because the project will not impact public access. The current site is generally surrounded by industrial uses and is not meant for public access. There are ample recreational opportunities in the area adjacent to the site. See also, analysis within “Supplemental Findings Required By 17.56.070 For Projects Between the First Public Road And the Sea”
Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;	The proposed project will have minimal impacts on the environment, so no mitigation measures have been proposed. There is no construction or grading involved for this project. As well, on July 5, 2019 a botanical analysis was conducted for the site to determine if the project would have a significant adverse environmental impact to special status species. The result of the study found no California Native Plant Society (CNPS) 1A, 1B, 2A, or 2B species on site. Based on the fact that the botanical study did not find any special status plant species and the applicants are not proposing removal of any vegetation, the applicants will complying with this finding.
The proposed use is consistent with the purposes of the zone in which the site is located;	The Heavy Industrial zoning district is appropriate for a range heavy industrial including manufacturing, assembly and processing, the storage and distribution of materials, aggregate plants, and related industrial uses that are generally compatible with and require locations removed from residential and visitor serving uses. As this is the storage of materials, the proposed project complies with one of the listed purposes of the Heavy Industrial Zoning District.
The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity;	The project site is a 0.70 acre, square parcel that can demonstrably accommodate the design characteristics and operations of the proposed outdoor storage. The project was evaluated by the Planning and Public Works Department, and, as conditioned, found to be physically suitable in

	<p>terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities.</p> <p>As such, the project would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.</p>
<p>Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development.</p>	<p>The proposed project was reviewed by the City of Fort Bragg Public Works and Planning Department. These departments reviewed the project for access to water, sewage disposal, solid waste, electricity, and public roadway capacity. The use proposed is minimal in scope and all services have been deemed available and capable of handling the project if necessary.</p>
<p>Supplemental findings for projects located between the first public road and the sea required by Section 17.56.070 Required Findings and Supporting Analysis for Public Access Dedications of this Development Code.</p>	<p>See “supplemental findings required by 17.56.070 for projects between the first public road and the sea” below. The project complies with these findings.</p>

USE PERMIT FINDINGS

Finding	Staff Determination
<p>1. The proposed use is consistent with the General Plan, any applicable specific plan, and the Local Coastal Program;</p>	<p>As conditioned, and as previously analyzed in this staff report, the project would be consistent with the Coastal General Plan and certified LCP.</p>
<p>2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;</p>	<p>The proposed use is allowed within the Heavy Industrial zoning district with a Use Permit. As discussed in this staff report, the project complies with the CLUDC and Fort Bragg Municipal Code.</p>
<p>3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;</p>	<p>The Heavy Industrial zoning district is appropriate for a range heavy industrial including manufacturing, assembly and processing, the storage and distribution of raw materials, aggregate plants, and related industrial uses that are generally compatible with and require locations removed from residential and visitor serving uses. The use would be compatible with the existing industrial which substantially surrounds the site.</p>
<p>4. The site is physically suitable in terms of design, location, shape, size, operating</p>	<p>The project site is a 0.70 acre, square parcel that can demonstrably accommodate the design</p>

<p>characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.</p>	<p>characteristics and operations of the proposed outdoor storage. The project was evaluated by the Planning and Public Works Department, and, as conditioned, found to be physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities.</p> <p>As such, the project would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.</p>
<p>5. The proposed use complies with any findings required by Section 17.22.030 (Commercial District Land Uses and Permit Requirements).</p>	<p>This finding is not applicable to the project as it is not located in a Commercial Zone.</p>

DESIGN REVIEW FINDINGS

Per Program CD-1.1.1 of the Coastal General Plan: Design review is required for new projects located in areas designated “Potential Scenic Views Toward the Ocean or Noyo River” on Map CD-1. The project is located in this area, therefore requires Design Review. Prior to approval of a project in this area, the following findings shall be made:

Finding	Staff Determination
<p>Complies with the purpose and requirements of this Section;</p>	<p>The project scope is minimal in nature and as conditioned, will be in conformance with the purpose and requirements of Design Review.</p>
<p>Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;</p>	<p>The project does not involve the creation of permanent structures. However, the proposed use is minimal and will be smaller in scale compared to many of the uses in the area. The area is intended for industrial type uses, and as this use is industrial, will be compatible with the site surroundings and community.</p>
<p>Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;</p>	<p>The project will be properly screened from any public viewing points using a durable and high quality material based on Special Condition #1. The project will comply with the setbacks. The project does not propose any grading, landscaping, lighting, or signs. As conditioned, the project will comply with this finding.</p>
<p>Provides efficient and safe public access, circulation, and parking;</p>	<p>The project does not involve the creation of any new parking and is not intended for public</p>

	access. The applicants will utilize existing parking spaces on an adjacent site. However, if necessary, optional special condition #2 would allow for further compliance with this finding.
Provides appropriate open space and landscaping, including the use of water efficient landscaping;	No changes to the existing open space and landscaping are proposed. However, if necessary optional special condition #1 will allow for further compliance with this finding.
Is consistent with the General Plan, any applicable specific plan, and the certified Local Coastal Program; and	See General Plan analysis and LCP analysis herein.
Complies and is consistent with the City's Design Guidelines.	Due to the proposed project lacking permanent structures or public access, most of the guidelines are not applicable to this project. However, the project will comply with screening requirements necessary for outdoor storage.

SUPPLEMENTAL FINDINGS REQUIRED BY 17.56.070 FOR PROJECTS BETWEEN THE FIRST PUBLIC ROAD AND THE SEA

Finding	Staff Determination
<p>A. Required Overall Findings. 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 17.56.070(B) of this Development Code and shall reflect the specific level of detail specified, as applicable. Findings supporting all such decisions shall include:</p> <ol style="list-style-type: none"> 1. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to Section 17.56.070(B) of this Development Code. The type of affected public access and recreation opportunities shall be clearly described. 2. An analysis based on applicable factors identified in Section 17.56.070(B) of this Development Code of the necessity for requiring public access conditions to find the project 	<p>This finding is made because the project will result in no change to public access, neither individually or cumulatively. The site is located in a heavy industrial area which is not intended for use by the public. It is not safe for the public to walk into an active industrial area.</p>

<p>consistent with the public access provisions of the Coastal Act.</p> <p>3. A description of the legitimate governmental interest furthered by any access condition required.</p> <p>4. 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.</p>	
<p>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 (1) through (5), 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.</p>	
<p>a. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development;</p>	<p>There are multiple existing open public access and coastal recreation areas existing in reasonable proximity to the site. MacKerricher State Park is located west of the project site including multiple trails to access said park. There are multiple public access locations to the north and south of the site (Pudding Creek Trestle, 1121 N Main Street, Adjacent to Postmile 63.691) at a reasonable distance for coastal enjoyment. Therefore this finding is made.</p>
<p>b. Analysis of the project’s effects upon existing public access and recreation opportunities;</p>	<p>This finding is made because the project will have no impact on existing public access as it will not modify or remove any existing public access locations or recreational opportunities.</p>
<p>c. 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</p>	<p>The project will have minimal to no impact, as it does not increase traffic to access and recreational activities. It is a private site for outdoor storage. This finding is made.</p>

capacity of major coastal roads from subdivision, intensification or cumulative buildout;	
d. Projection of the anticipated demand and need for increased coastal access and recreation opportunities for the public;	The City and State Parks have greatly increased public access to the coast over the last 10yrs. The Coastal Trail now runs from Noyo Headlands Park to Ten Mile Beach. As well, many new additional trails have been added over the years. The additional network of trails provides for any potential demand for increased public access the coast. This finding is made.
e. Analysis of the contribution of the project's cumulative effects to any such projected increase;	The project will not contribute to any project increase to coastal access or recreational opportunities. The project is related to outdoor storage and is not open for public use. This finding is made.
f. 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;	The project site is a vacant lot which has been used over the years for various purposes. The site has been heavily impacted by human intervention related to industrial uses. The site is roughly 500ft from the ocean and 1500ft from the nearest tideland viewing point at Virgin Creek/beach. The site is not located near any upland recreation areas or trail linkages. This finding is made.
g. 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.	This site is located in a heavy industrial area. The Coastal General Plan describes this zoning as incompatible with residential and visitor serving uses, meaning the site is not suitable for creating, preserving, or enhancing public access. As mentioned previously, there are numerous other access points in more suitable locations that do not create hazardous situations for the public and allow continued access to tidelands or public recreational opportunities. This finding is made.
2. Shoreline processes including:	
a. 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;	The site is located nearly 500ft from the nearest cliff face. There is no impact to shoreline processes.
b. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development;	There are no anticipated changes to shoreline processes and beach profile unrelated to the proposed development. The existing shoreline is part of MacKerricher State Park and as a result will remain in its natural state.

<p>c. 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;</p>	<p>The project site is located roughly 500ft from the nearest beach. The project will not have any foreseeable impacts to wave and sand movement, profile of the beach, character extent, accessibility and usability of the beach or any other beach related factors.</p>
<p>d. 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.</p>	<p>The project is located roughly 500ft from the nearest tideland or shoreline recreation area. There are numerous public access points which provide sufficient access to public tidelands and shoreline recreation areas. The project will not affect the public's ability to use public tidelands and shoreline recreation areas as it does not modify or remove these access points or areas. There is no impact.</p>
<p>3. Historic public use including:</p>	
<p>a. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal);</p>	<p>The site has been vacant for many years beyond miscellaneous industrial uses. It is fenced off from the public and is private property. The site has not been known to be used by members of the public.</p>
<p>b. 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</p>	<p>The site has not had any use by members of the public. Based on the deed, it has been owned and maintained by the Eastman Family Trust.</p>
<p>c. and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made;</p>	<p>Based on historic aerial photo review of the site, the site has remained vacant for years. It has been blocked off by a fence and natural barriers for years. No historic value of the site has been found for public use. It is in a heavy industrial area where public use has remained incompatible. This finding is made.</p>
<p>d. 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;</p>	<p>Based on review of records, there has been no historical use of the area by the public and no known attempts by the owner to restrict the public. This finding is made.</p>
<p>e. 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).</p>	<p>The project site will be fenced off, however it will not change or impact public access to use of the area. There are no psychological impediments as a result of this change.</p>
<p>4. Physical obstructions including:</p>	

<p>a. 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.</p>	<p>There is an existing private residence, chainlink fence on the eastern and western property lines, and tall berry bushes on the eastern property preventing access to the site. However, there are multiple access points near the property which allow public access to tidelands, recreation areas, and public coastal resources. This finding is made.</p>
<p>5. Other adverse impacts on access and recreation including:</p>	
<p>a. Description of the development's physical proximity and relationship to the shoreline and any public recreation area;</p>	<p>The project is located roughly 500ft from the nearest tideland or shoreline recreation area. There are numerous public access points which provide sufficient access to public tidelands and shoreline recreation areas. The project will not affect the public's ability to use public tidelands and shoreline recreation areas as it does not modify or remove these access points or areas. There is no impact.</p>
<p>b. 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;</p>	<p>The property is in a heavy industrial zoning area and not meant for resident or visitor populations. The impact of the outdoor storage would be minimal and would not affect the public's use of coastal areas.</p>
<p>c. 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.</p>	<p>The proposed use is for outdoor storage of porta-potties. This is not the most visually pleasing use, however with the proposed special conditions, visual impact will be minimized due to screening. Individual or cumulative effects will be insignificant.</p>

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA per California Code of Regulations §15303 (c) Categorical Exemption for “New Construction or Conversion of Small Structures” as the storage of portable toilets will use less than 2500 square feet in floor area, uses minimal to no hazardous materials, all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive.

RECOMMENDED PLANNING COMMISSION ACTION

Staff recommends adoption of the resolution approving Coastal Development Permit (CDP) 11-19, Use Permit (UP) 2-19, and Design Review (DR) 4-22 pursuant to all the evidence presented, both oral and documentary, and further based on the findings and conditions stated therein.

ALTERNATIVE PLANNING COMMISSION ACTIONS

1. Hold a hearing, close the hearing, deliberate without a decision, and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.

2. Hold the hearing, and continue the hearing to a date certain if there is insufficient time to obtain all input from all interested parties. At the date certain, the Commission may then deliberate and make a decision.
3. Deny the Application.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to CLUDC Chapter 17.92 – Appeals;
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the CLUDC;
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City;
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes;
5. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions;
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
7. Unless a condition of approval or other provision of the Coastal Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with CLUDC Subsection 17.76.070(B).

SPECIAL CONDITIONS

1. Special Condition #1: The applicant shall install a screening fence where determined by the reviewing authority consistent with Coastal Land Use & Development Code section 17.30.050 – Fences, Walls, and Screening.
2. Special Condition #2: Should the fence exceed 6 feet in height, the applicant shall apply for a building permit.
3. Special Condition #3: Outside of necessary business operations, the applicants shall park their vehicles at 1251 North Main Street.

OPTIONAL SPECIAL CONDITIONS

1. Optional Special Condition #1: The applicant shall submit a landscape plan for the site in compliance with Chapter 17.34 “Landscaping Standards” of the CLUDC.
2. Optional Special Condition #2: The applicant shall install ten parking spaces in compliance with Chapter 17.36 Parking and Loading on 1241 N Main Street.

ATTACHMENTS

1. Draft Resolution
2. Site Photos
3. Business Plan & Best Practices

NOTIFICATION

1. Applicant
2. Planning Commission
3. California Coastal Commission
4. Property Owners within 300’
5. Residents within 100’
6. Notify Me- Public Hearing Notice