

# ATTACHMENT 3: GENERAL PLAN/CLUDC - CONSISTENCY ANALYSIS

## ILUDC 3-23 AND LCP 3-23 “OUTDOOR DINING” ZONING CODE AMENDMENTS

This attachment analyzes both the ILUDC and CLUDC outdoor dining amendments consistent with the respective Inland and Coastal General Plans and their implementation in the land use and development codes.

### 1. Coastal General Plan & CLUDC Consistency Analysis

#### Required Findings

The CLUDC 17.95.060(B) requires that the following findings be made for the amendments to the Coastal Land Use and Development Code:

1. The proposed amendment is consistent with the Coastal General Plan and any applicable specific plan.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
3. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The amendment is consistent with relevant policies of the City’s Coastal General Plan as analyzed below.

#### Land Use Element

The proposed amendment to the CLUDC is **consistent** with the following Coastal General Plan Policies in the Land Use Element.

Policy	Analysis
Policy LU-3.1 Central Business District: Retain and enhance the small-scale, pedestrian friendly, and historic character of the Central Business District (CBD).	The proposed outdoor dining amendment would enhance the pedestrian friendly aspect of the CBD. However, large pavilions could conflict with the historic character of the Central Business District, therefore MJC recommends that the City Council consider regulatory limitations that help to preserve the historic character of the downtown. For example, pavilion color should be subject to administrative design

	<p>review much like color choices for all commercial buildings.  Recommended addition:  <b>B4k) Pavilion and tent colors should either be white or a color which is compatible with the colors of the restaurant building.</b></p>
<p>Policy LU-5.7: Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.</p>	<p>The proposed amendment does not comply with this policy, and the following language would help ensure compliance:  B2c. Outdoor Dining Facilities shall be located on previously developed areas such as a parking lot, sidewalk, or landscaped area. However, if outdoor dining is proposed for a parking lot, it may not result in a net loss of parking spaces. <del>unless otherwise allowed by this development code.</del> Outdoor dining must be located a minimum of 50 feet from any environmentally sensitive area, wetland or rare plant community.</p>
<p><b>Policy LU-10.2:</b> Locating New Development. New residential, commercial, or industrial development, except as otherwise provided in the LCP, 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.</p>	<p>The proposed ordinance complies with this policy because outdoor dining would be required to be adjacent to an existing restaurant.</p>
<p><b>Policy LU-10.4: Ensure Adequate Services and Infrastructure for New Development.</b>  Development shall only be approved when it has been demonstrated that the development will be served with adequate water and wastewater treatment. Lack of adequate services to serve the proposed</p>	<p>The City recently upgraded its Sewer Treatment Facility and has acquired property to develop additional water storage which together will ensure adequate sewer and water services throughout Fort Bragg. While restaurants have a significant impact of water and sewer capacity, the City has adequate</p>

development shall be grounds for denial of the development.	capacity of both to serve new and existing outdoor dining activities.
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There are no other applicable policies in the land use element.

### **Public Facilities Element**

The proposed amendment to the CLUDC is consistent with the following Coastal General Plan Policies in the Public Facilities Element.

<b>Policy</b>	<b>Analysis</b>
<b>Policy PF-1.1:</b> All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses.	The proposed zoning amendment would allow a dining pavilion facility of up to 1,300 SF as a permitted use by right, without charging water or sewer capacity fees for the additional service use. Restaurants are one of more intense water and sewer capacity uses. However, the City currently has the existing capacity to serve the water and sewage needs of all existing development and any new outdoor dining facilities.
<b>Policy PF-2.1 Development Pays Its Share:</b> Require that new development pay its share of capital improvements and the cost of public services to maintain adequate levels of service.	The ordinance does not require restaurants with outdoor dining areas to pay capacity fees for the square footage of the outdoor dining. The ordinance does contradict the plain language of Policy PF-2.1. Therefore, the City should consider striking the language regarding exempting outdoor dining from payment of capacity fees or include outdoor dining in Table 3-7 and indicate that no parking is required.  6. Parking Requirements <del>&amp; Capacity fees Exemption.</del> Outdoor dining facilities are exempt from parking requirements <del>and payment of sewer and water capacity fees.</del>

### **Conservation, Open Space, Energy, and Parks Element**

The proposed amendment would be consistent with the policies of the Conservation Element as a CDP is required if the project is located in an area that has the potential to have Environmentally Sensitive Habitat, Wetlands, visual resources or on other Coastal Act resources as illustrated in the Maps of the Coastal General Plan.

**Circulation Element**

The proposed amendment is consistent the policies of this element and does not conflict with anything in the element.

**Community Design, Safety, and Noise Elements**

The proposed amendment is consistent with the policies of this element and does not conflict with anything in the element.

<b>Policy</b>	<b>Analysis</b>
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.	As amended, new development would be required to apply for a CDP which would necessitate a visual analysis if visual resources would be impacted by a proposed project.
Policy CD-2.1 Design Review: All development that has the potential to affect visual resources shall be subject to Design Review, unless otherwise exempt from Design Review pursuant to Coastal Land Use & Development Code Section 17.71.050. Design Review approval requirements shall not replace, supersede or otherwise modify the independent requirement for a coastal development permit approved pursuant to the applicable policies and standards of the certified LCP. Ensure that development is constructed in a manner consistent with the Citywide Design Guidelines.	Policy CD-2.1 applies to pavilions as they are development under the Coastal Act. However, the Citywide Design Guidelines do not include any regulations specific to Pavilions. Furthermore, the City Council has decided to exempt pavilions from the need to obtain a Design Review permit and instead require compliance with the objective design requirements located within the ordinance. For conformance with this criteria, City Council should either exempt Outdoor Pavilions from Design Review or consider requiring at least administrative design review for pavilions. The following additional language is recommended. <b>B4) Objective Design &amp; Safety Criteria.</b> Outdoor dining pavilions and tents <b>are subject to Administrative Design Review and</b> shall comply with the following additional criteria:

Policy CD-2.5 Scenic Views and Resource Areas: Ensure that development does not adversely impact scenic views and resources as seen from a road and other public rights-of-way.	As proposed the ordinance does not include any regulations that would protect scenic resources. However, a CDP would be required for a pavilion, which would require this analysis.
Policy CD-3.2 Pedestrian Activity: Encourage increased pedestrian movement and activity in the Central Business District.	Outdoor dining improves pedestrian oriented activity in the Central Business District.
Policy CD-3.3 Economic Vitality: Continue to support the economic diversity and vitality of downtown businesses.	Outdoor dining will increase the vitality of downtown restaurants.
Policy CD-3.4 Parking: Improve the availability of public parking facilities in the Central Business District and other commercial areas.	The proposed ordinance has the potential to remove private parking spaces, which would otherwise be required to park existing restaurants. However, these are not public parking facilities so there is no conflict with this policy.
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.	As mitigated the ordinance requires that all lighting (in and outside) related to outdoor dining be shielded and downward facing.

**Safety Element**

The proposed amendment to the CLUDC **is consistent** with the Safety Element, including the following relevant policies:

<b>Policy</b>	<b>Analysis</b>
<b>Policy SF-5.1</b> Minimize Fire Risk in New Development: Review all development proposals for fire risk and require mitigation measures to reduce the probability of fire.	The proposed zoning code amendment requires review and approval by the Fire Marshall who will implement this Policy as part of his review.

**CONSISTENCY WITH CLUDC SITE PLANNING AND PROJECT DESIGN STANDARDS**

**Parking.** The proposed ordinance conflicts with the parking ordinance because it: 1) allows applicants to eliminate parking spaces in order to accommodate an outdoor dining area and 2) it does not require parking for the outdoor dining area itself. In order to eliminate this conflict, the following amendment would need to be added to the ordinance.

Furthermore, the following change can be made to the proposed ordinance to ensure that otherwise required parking spaces are not eliminated:

B2c) Outdoor Dining Facilities shall be located on previously developed areas such as a parking lot, sidewalk, or landscaped area. *However, if outdoor dining is proposed for a parking lot, it may not result in the loss of parking spaces for the indoor dining area unless otherwise allowed by this development code.* Outdoor dining must be located a minimum of 50 feet from any environmentally sensitive area, wetland or rare plant community.

## **COASTAL RESOURCES ANALYSIS**

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Outdoor dining facilities would be required to obtain an Administrative Coastal Development Permit and make specific findings that Coastal Act resources will not be impacted.

## 2. Inland General Plan & ILUDC Consistency Analysis

### Required Findings

The ILUDC 18.95.060(B) requires that the following findings be made for the amendments to the Inland Land Use and Development Code:

4. The proposed amendment is consistent with the Inland General Plan and any applicable specific plan.
5. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
6. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The amendment is consistent with relevant policies of the City’s General Plan and the ILUDC as mitigated and analyzed below.

### Land Use Element

The proposed amendment to the ILUDC is **consistent** with the General Plan Policies in the Land Use Element, with the following possible exception:

Policy	Analysis
<p>Policy LU-3.1 Central Business District: Retain and enhance the small-scale, pedestrian friendly, and historic character of the Central Business District (CBD).</p>	<p>The proposed outdoor dining amendment would enhance the pedestrian friendly aspect of the CBD. However, large pavilions could conflict with the historic character of the Central Business District, therefore MJC recommends that the City Council consider regulatory limitations that help to preserve the historic character of the downtown. For example, pavilion color should be subject to administrative design review much like color choices for all commercial buildings.</p> <p>Recommended addition:  <span style="color: red;">B4k) Pavilion and tent colors should either be white or a color which is compatible with the colors of the restaurant building.</span></p>

### Public Facilities Element

The proposed amendment to the CLUDC is consistent with the Coastal General Plan Policies in the Public Facilities Element with the following potential exceptions:

Policy	Analysis
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<p><b>Policy PF-1.2:</b> All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses.</p>	<p>The proposed zoning amendment would allow a dining pavilion facility of up to 1,300 SF as a permitted use by right, without charging water or sewer capacity fees for the additional service use. Restaurants are one of more intense water and sewer capacity uses. However, the City currently has the existing capacity to serve the water and sewage needs of all existing development and any new outdoor dining facilities.</p>
<p><b>Policy PF-2.1 Development Pays Its Share:</b> Require that new development pay its share of capital improvements and the cost of public services to maintain adequate levels of service.</p>	<p>The ordinance does not require restaurants with outdoor dining areas to pay capacity fees for the square footage of the outdoor dining. The ordinance does contradict the plain language of Policy PF-2.1. Therefore, the City should consider striking the language regarding exempting outdoor dining from payment of capacity fees or include outdoor dining in Table 3-7 and indicate that no parking is required.</p> <p>7. Parking Requirements <del>&amp; Capacity fees Exemption.</del> Outdoor dining facilities are exempt from parking requirements <del>and payment of sewer and water capacity fees.</del></p>

There are no other policies that are applicable to the proposed CLUDC updates.

**Conservation, Open Space, Energy, and Parks Element**

The proposed amendment would be consistent with the policies of the Conservation Element.

Policy	Analysis
<p>Policy OS-1.2 Preserve Natural Resources: Require that sensitive natural resources in Special Review Areas be preserved and protected to the maximum degree feasible.</p>	<p>As mitigated the proposed amendment would require that outdoor dining take place on previously developed areas and at least 50 feet from an environmentally sensitive area.</p>
<p>Policy OS-5.2 Riparian Habitat: Prevent development from destroying riparian habitat to the maximum feasible extent.</p>	



<p>Preserve, enhance, and restore existing riparian habitat in new development unless the preservation will prevent the establishment of all permitted uses on the property.</p>	
<p>Policy OS-6.3 Minimize Increases in Stormwater Runoff: Development shall be designed and managed to minimize post project increases in stormwater runoff volume and peak runoff rate, to the extent feasible.</p>	<p>The erection of an outdoor dining pavilion is exempt from the requirement to get a building permit. Furthermore, the ordinance would not require any other permitting for pavilions of less than 1,300 SF. This limits the ability of the City to regulate stormwater and to ensure that the requirements of Policy OS-6.3 are met. Therefore, the City Council should consider adding the following language to the ordinance.</p> <p><b>B2d) Outdoor dining pavilions and tents shall be sited so that they do not add to stormwater runoff volume or peak runoff rates.</b></p>

**Circulation Element**

The proposed amendment is consistent with the policies of this element and does not conflict with anything in the element.

Policy	Analysis
<p>Policy C-1.2: Walking and bicycling shall be considered an essential and integral part of the city's circulation network.</p>	<p>As mitigated, the proposed amendment would require that outdoor dining not interfere with bicycle parking or egress.</p>

**Community Design, Safety, and Noise Elements**

The proposed amendment is consistent with the policies of this element and does not conflict with anything in the element.

Policy	Analysis
<p>Policy CD-1.1 Citywide Design Guidelines: Ensure that new development and remodels are constructed in a manner consistent with the Citywide Design Guidelines.</p>	<p>The ILUDC defines development as follows: <i>On land grading, removing, dredging, mining, or extraction of any materials; subdivision pursuant to the Subdivision Map Act, construction,</i></p>

	<p><i>reconstruction, demolition, or alteration of any structure.</i> According to this definition, Policy CD1.1 would apply to pavilions as they are a structure. However, the Citywide Design Guidelines do not include any regulations specific to Pavilions. Further the City Council has decided to exempt pavilions from the need to obtain a Design Review permit and instead require compliance with the objective design requirements located within the ordinance.</p>
<p>Policy CD-1.3 Scenic Views and Resource Areas: Ensure that development does not adversely impact scenic views and resources as seen from public rights-of-way.</p>	<p>As proposed the ordinance does not include any regulations that would protect scenic resources. Therefore, the following additional language is recommended:</p> <p><b>B2e) Outdoor dining pavilions and tents shall not be located in an area that would impact scenic views or resources as seen from a public right of way.</b></p>
<p>Policy CD-2.2 Pedestrian Activity: Encourage increased pedestrian movement and activity in the Central Business District.</p>	<p>Outdoor dining improves pedestrian oriented activity in the Central Business District.</p>
<p>Policy CD-2.3 Economic Vitality: Continue to support the economic diversity and vitality of downtown businesses.</p>	<p>Outdoor dining will increase the vitality of downtown restaurants.</p>
<p>Policy CD-2.4 Parking: Improve the availability of public parking facilities in the Central Business District and other commercial areas.</p>	<p>The proposed ordinance has the potential to remove private parking spaces, which would otherwise be required to park existing restaurants. However, these are not public parking facilities so there is no conflict with this policy.</p>
<p>Policy CD-5.3: 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.</p>	<p>As mitigated the ordinance requires that all lighting (in and outside) related to outdoor dining be shielded and downward facing.</p>

**Safety Element**

The proposed amendments to the ILUDC are consistent with the Safety Element, including the following relevant policies:

Policy	Analysis
<b>Policy SF-4.1</b> Minimize Fire Risk in New Development: Review all development proposals for fire risk and require mitigation measures to reduce the probability of fire.	The proposed zoning code amendment requires review and approval by the Fire Marshall who will implement this Policy as part of his review.

**Consistency with ILUDC Site Planning and Project Design Standards**

The Proposed Amendment is consistent with ILUDC standards with the following exceptions.

**Parking.** The proposed ordinance conflicts with the parking ordinance because it: 1) allows applicants to eliminate parking spaces in order to accommodate an outdoor dining area and 2) it does not require parking for the outdoor dining area itself. In order to eliminate this conflict, the following amendment would need to be added to the ordinance.

**TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE (Continued)**

Land Use Type: Retail Trade	Vehicle Spaces Required	
	Minimum	Maximum
All "Retail Trade" and general retail uses listed in § 18.22.030, Table 2-6, except for the following:	1 space for each 400 sf of floor area, plus 1 space for each 600 sf of outdoor sales area.	1 space for each 200 sf of floor area, plus 1 space for each 400 sf of outdoor sales area.
Restaurant, cafe, coffee shop	1 space for each 100 sf of dining area.	1 space for each 40 sf of dining area.
<b>Outdoor Dining</b>	<b>No parking required</b>	<b>No parking required</b>

Furthermore, the following change can be made to the proposed ordinance to ensure that otherwise required parking spaces are not eliminated:

B2c) Outdoor Dining Facilities shall be located on previously developed areas such as a parking lot, sidewalk, or landscaped area. **However, if outdoor dining is proposed for a parking lot, it may not result in the loss of parking spaces for the indoor dining area unless otherwise allowed by this development code.** Outdoor dining must be located a minimum of 50 feet from any environmentally sensitive area, wetland or rare plant community.