

Attachment 3 – Consistency Analysis of LCP Amendment with the Certified LCP

MJC has reviewed the Certified LCP and determined that the proposed amendment will not conflict with other sections of the Certified LCP. Further MJC has described the relationship to and effect of the LCP amendment on all relevant Elements of the General Plan and all relevant Sections of the Coastal Land Use and Development Code, as described below.

1. Coastal General Plan

Land Use Element. The Land Use Chapter of the Coastal General Plan establishes policies and programs to maintain the existing pattern of land uses within the City while anticipating and providing for future growth and development. The Land Use Element of the Coastal General Plan, certified in 2008, established the newly created Timber Resources Industrial land use to support the continued use of the area for timber processing activities and to establish a clear planning process for transitioning this land to other uses. MJC reviewed the Land Use Element and determined that the proposed changes to LU Map 1 and LU Map 4 do not conflict with any of the other maps, policies or programs of the Land Use Element.

The purpose section of the Land Use Plan includes the following language regarding properties zoned Timber Resources Industrial:

The most significant policy change in the Land Use Element is the reclassification of the Industrial Lands which lie west of Highway One between Noyo River and Elm Street. The newly-created Timber Resource Industrial land use designation is intended to support the continued use of this area for timber processing activities and to establish a clear planning process for the transition of this land to other uses, as initiated by the property owners.

As indicated by the highlighted text above the changes to Map LU-4 would allow property owners who otherwise could not change the zoning of their property and opportunity to do so through a clear planning process.

The proposed changes to Map LU-1 and Map LU-4 combined with the community based comprehensive planning process of 2017 and 2019 and the proposed changes to the Zoning Map will result in new zoning for the site, conformance of existing development with IP regulations, and potential new development. All new zoning and proposed new development must comply with all associated regulations and policies in the Certified LCP and the Coastal Act. The parcels which will be rezoned through the LCP amendment use existing zoning districts (Parks and Recreation, Low Density Residential, and Public Facilities) and accordingly will be regulated just like all other parcels within each of these zoning districts. These map changes will not conflict with any policies, maps or regulations of the LCP.

The proposed changes to Map LU-4 will ensure that all parcels within Plan Area C will comply with Polic LU-72 which requires a comprehensive planning process and mill site rezoning be “consistent with all policies of the Coastal Act and Fort Bragg’s LCP.”

All policies of the Land Use Element will continue to apply to Plan Area C or the Mill Site..

Public Facilities Element. There are no policies in the Public Facilities Element that conflict with the proposed changes to Map LU-4. However, a number of policies will guide the future reuse of Plan Area C of the Mill Site. Key policies from the Public Facilities Element that will influence the design and financing of infrastructure on the site include the following:

Policy PF-1.1: All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses.

Program PF-1.1.1: New development shall be responsible for any improvements or extensions of infrastructure or the service capacity necessary to serve the development.

Policy PF-1.2: Ensure Adequate Services and Infrastructure for New Development. No permit for development shall be approved unless it can be demonstrated that such development will be served upon completion with adequate services, including but not limited to potable water; wastewater collection, treatment and disposal; storm drainage; fire and emergency medical response; police protection; transportation; schools; and solid waste collection and disposal; as applicable to the proposed development.

- a. Demonstration of adequate water and sewer facilities shall include evidence that adequate capacity will be available within the system to serve the development and all other known and foreseeable development the system is committed to serving, and that the municipal system will provide such service for the development;
- b. Demonstration of adequate road facilities shall include information demonstrating that (i) access roads connecting to a public street can be developed in locations and in a manner consistent with LCP policies; and (ii) that the traffic generated by the proposed development, and all other known and foreseeable development, will not cause Levels of Service (LOS) of roads, streets, and intersections within the City to reduce below LOS standards contained in Policy C-1.1 of the Circulation Element of the Coastal General Plan.

Policy PF-2.1 Development Pays Its Share: Require that new development pay its share of capital improvements and the cost of public services to maintain adequate levels of service.

Program PF-2.1.1: Maintain development impact and mitigation fees at a level adequate to finance infrastructure costs. Periodically review the City’s fee structure to ensure that it accurately reflects the actual cost of providing services.

Program PF-2.1.2: Consider revising the Coastal LUDC to require property owners seeking annexation approval to enter into a pre-annexation agreement stating that they will not oppose assessment districts, including lighting and street maintenance districts.

Policy PF-2.2: Potable Water Capacity: Develop long-term solutions regarding the supply, storage, and distribution of potable water and develop additional supplies. In addition to providing capacity for potential build-out under the City General Plan outside the coastal zone, any expansion of capacity of water facilities

shall be designed to serve no more than the maximum level of development in the coastal zone allowed by the certified LCP that is consistent with all other policies of the LCP and Coastal General Plan. The City shall identify and implement water system improvements or changes in service areas that are designed to ensure adequate service capacity to accommodate existing, authorized, and projected probable future coastal dependent priority uses. Such uses include, but are not limited to, industrial (including commercial fishing facilities), visitor serving, and recreational priority uses in commercial, industrial, parks and recreation, and public facilities districts.

All policies of the Public Utilities Element will apply to future use of Plan Area C of the Mill Site.

Conservation, Open Space, Energy, and Parks Element. There are no policies in the Conservation Element that conflict with the proposed changes to Map LU-1 or Map LU-4. All policies of the Conservation Element will apply to future use of the Mill Site.

Circulation Element. The proposed changes to Map LU-1 or Map LU-4 will not conflict with any policies of the Circulation Element. Only Policy C-2.10 of the Circulation Element specifically addresses the reuse of the Mill Site.

Policy C-2.10 Continue Grid System onto Mill Site: Ensure that the grid street system and a north/south arterial on the Mill Site be designed, as feasible, to ensure the maximum benefit to local traffic, pedestrian, and bicycle circulation and to provide maximum public access to the coast.

The Coastal Trail parcel is directly connected to the grid street system at Glass Beach Drive and Cypress Street. The SVBP parcel is connected to the street grid at Noyo Point Road. The Noyo Center parcel cannot be connected to a street grid through the mill site at this time because the intervening property is owned by Mendocino Railroad. However the Noyo Center property does connect to the Street Grid indirectly via Jere Mello Way and Cypress Street.

A number of Circulation Element policies will guide the future reuse of Plan Area C including the following:

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

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

Policy C-1.3: Do not permit new development that would result in the exceedance of roadway and intersection Levels of Service standards unless one of the following conditions is met:

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

Policy C-1.4: Include specific time frames for the funding and completion of roadway improvements

for projects which cause adopted roadway and intersection Level of Service standards to be exceeded. Require security, bonding or other means acceptable to the City to ensure the timely implementation of roadway mitigations.

Policy C-2.7: Consider Impacts to Roads for LCP Amendments. Direct, indirect, and cumulative adverse impacts to Highway 1 capacity in the rural areas surrounding Fort Bragg shall be considered during the review of proposed LCP amendments that would increase density or change land use classifications to ensure that Highway 1 in rural areas outside the Mendocino County urban/rural boundary remains a scenic two-lane road consistent with Section 30254 of the Coastal Act.

Policy C-9.1: Provide Continuous Sidewalks: Provide a continuous system of sidewalks throughout the City.

Policy C-9.2: Require Sidewalks. Require a sidewalk on both sides of all collector and arterial streets and on at least one side of local streets as a condition of approval for new development.

Policy C-10.2: Require Bikeways. Require new development to provide on-site connections to existing and proposed bikeways, as appropriate.

All policies of the Circulation Element will apply to future use of the Mill Site.

Community Design Element. The proposed changes to Map LU-1 or Map LU-4 will not conflict with any policies of the Community Design Element. All policies of the Community Design Element will apply to future use of the Mill Site.

Safety Element. The proposed changes to Map LU-1 or Map LU-4 will not conflict with any policies of the Safety Element. All policies of the Safety Element will apply to future use of the Mill Site.

Noise Element. The proposed changes to Map LU-1 or Map LU-4 will not conflict with any policies of the Noise Element. All policies of the Noise Element will apply to future use of the Mill Site.

Housing Element. The proposed changes to Map LU-1 or Map LU-4 will not conflict with any policies of the Housing Element. All policies of the Housing Element will apply to future use of the Mill Site.

Glossary. The proposed changes to Map LU-1 or Map LU-4 will not conflict with any definitions in the glossary.

2. Coastal Land Use and Development Code

MJC completed a comprehensive review of the Coastal land Use and Development Code and determined that the proposed revisions to Map LU-1 or Map LU-4 will not conflict with any section of the Coastal land Use and Development Code. Likewise the proposed

changes to the Zoning Map to rezone the parcels of Plan Area C and the proposed addition of a Science Center as an allowable use to the Public Facilities District in Land Use Table 2-14 also are consistent with the LCP.

Generally, for all development permits (Use Permit, Design review, and Coastal Development Permit), all subdivisions (Lot Split, Minor and Major) and all Local Coastal Program Amendments, the following findings must be made by the Planning Commission, and the City Council upon appeal prior, to an approval of an individual permit, subdivision or LCP amendment.

“The [use, design, subdivision, project, LCP Amendment etc.] will be consistent with the Coastal General Plan, Local Coastal Program, and any applicable specific plan.”

“As conditioned, 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”

These findings will have to be made for all new development proposed for all rezoned parcels and will ensure that new development complies with the Certified LCP.