

MEETING DATE: January 23, 2019

PREPARED BY: S McCormick

PRESENTED BY: S McCormick

## AGENDA ITEM SUMMARY REPORT

**APPLICATION NO.:** Coastal Development Permit 10-18 and Sign Permit Application 16-18 (CDP 10-18/SA 16-18)

**APPLICANT:** Hunt InnVestments

**OWNER:** Robert Hunt

**PROJECT:** Coastal Development Permit to install two (2) free-standing, pre-development signs on the site of the proposed Avalon hotel development, which is currently under review as CDP 1-13/UP 1-13/DR 1-13/LLA 1-13.

**LOCATION:** 1201 and 1211 N Main Street, Fort Bragg

**PARCEL NO.:** APN 069-241-27 and 069-241-38

**LOT SIZE:** 2.32 acres and 1.17 acres  
(3.49-acre parcel after Lot Line Adjustment)

**ZONING:** Highway Visitor Commercial (CH)

**ENVIRONMENTAL DETERMINATION:** Categorically exempt per CEQA section 15311(a) for the placement of minor structures, such as signs

**SURROUNDING LAND USES:**  
NORTH: Manufacturing/Storage – Heavy Industrial (IH)  
EAST: Storage/Offices – Light Industrial (IL)  
SOUTH: Hotel – Highway Visitor Commercial (CH)  
WEST: MacKerricher State Park – State of California

**APPEALABLE PROJECT:**  **Can be appealed to City Council**

**Can be appealed to Coastal Commission**

## PROJECT HISTORY

In June 2007, a fire damaged the 18-room Hi-Seas Motel located at 1201 N Main Street and the structure was subsequently demolished in 2008 with approval of CDP 7-08. Soon thereafter, the applicant and owner of the former Hi-Seas proposed a condo/hotel development (48-rooms that would convert to 24 two bedroom condos), with restaurant, bar, pool and fitness center. The proposed project was larger than City regulations allow and the developer began the process to amend the Local Coastal Program (LCP) in order to increase floor-area-ratio (FAR) and raise the maximum square footage permitted. However, this application to amend the LCP was ultimately withdrawn in favor of purchasing the adjacent parcel, thereby increasing the parcel size and allowable envelop for development. In order to accommodate this transaction, Baxman Gravel Co., Inc., applied for a lot line adjustment in 2014, to authorize the transfer of 9,000 square feet from APN 069-241-33 to APN 069-241-04, which was approved by Planning Commission as LLA 4-14. The newly configured APN 069-241-38 was then purchased by the applicant.

During this process, the development concept changed from a 48-room condo/hotel with a range of amenities, to a 65-room hotel with restaurant, bar and event facility. This design concept is currently an active planning permit, known as the Avalon project: CDP 1-13/UP 1-13/DR 1-13/LLA 1-13 (Attachment 1 – Proposed Avalon Hotel Development). The original Avalon planning application was submitted in 2013, resubmitted in 2015 and again in 2018; the design modified and refined with each submission to address issues raised by reviewing agencies. Story poles, depicting the height and footprint of the proposed buildings, will likely be erected in February. In addition to story poles, the developer is requesting to install two (2) pre-development signs. The installation of these signs requires a Coastal Development Permit.

## PROJECT DESCRIPTION

The applicant seeks Coastal Development Permit and Sign Permit Application approval to install two (2) freestanding, pre-development signs on the proposed Avalon hotel development site. One sign would be oriented toward the Haul Road, and the second sign situated near Main Street. The objective of the signage is to support public understanding of the proposed Avalon project (Attachment 2 – Site Location).

## CONSISTENCY WITH COASTAL LAND USE AND DEVELOPMENT CODE

**Signs.** Chapter 17.38 of the Coastal Land Use and Development Code (CLUDC) establishes regulations which limit the placement, type, size, and number of signs allowed within the City. Construction signs are permitted in all zoning districts and are typically allowed without sign permit approval, provided compliance with Section 17.38.060 and any required Building Permit is obtained. However, the proposed ground mounted, free standing signs would require the installation of two (2) 6” x 6” wood posts for each, which meets the definition of development:

*Development.* On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the subdivision map act (commencing with Government Code Section [66410](#)), and any other division of land except where

the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg Nejedly Forest Practice Act of 1973 (commencing with Public Resources Code Section [4511](#)).

The table below illustrates the development standards for a ground-mounted, free standing sign in a commercial zoning district and the proposed sign's compliance with these requirements:

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSAL	COMPLIANCE
Number	3	2	Yes
Height	6 feet above grade	5 feet above grade	Yes
Area (square footage)	100 square feet or less	1) 2' x 3' 2) 16" x 24" Total : 8.67 square feet	Yes

In addition to compliance with the above development standards, signs should also be designed by professionals, and the sign copy should relate only to name/nature of business. The proposed signage complies with these elements, as they are designed by a local professional sign business, The Sign Shop, and the copy strictly relates to the proposed Avalon hotel development (Attachment 3- Proposed Signage). The signs would also be constructed with suitable materials, utilizing a harmonious color palette per the City's sign ordinance.



## COASTAL DEVELOPMENT PERMIT ANALYSIS

A coastal development permit application requires the submittal of numerous documents and studies in order to ensure a project is consistent with the provisions of the City of Fort Bragg Local Coastal Program, the California Coastal Act and the California Code of Regulations Title 14 Division 5.5. The planning permit application for the proposed Avalon hotel project, includes a coastal development permit, use permit, design review and parcel merger. The permitting process for the Avalon hotel project (CDP 1-13/UP 1-13/DR 1-13/LLA 1-13) requires a thorough environmental review pursuant to the California Environmental Quality Act (CEQA), and as such, numerous studies have been conducted on the site to understand environmentally sensitive habitat area (ESHA) boundaries, the inventory of botanical species and wildlife present, and to identify cultural or archaeological resources. These application materials have been consulted to determine appropriate locations for the proposed signage and inform the written findings below:

**Environmental Determination.** Categorically exempt per CEQA section 15311(a) for the placement of minor structures, such as signs.

**Cultural Resources.** This site has been surveyed for cultural resources and the following reports have been reviewed to determine proposed signage will not impact cultural resources: 1) *Archaeological Survey of the Hi Seas Motel Property*, Thad M. Van Bueren, M.A., February 2008; 2) *Archaeological Survey of the Hunt Property in the City of Fort Bragg, California* Thad M. Van Bueren, M.A., May 2014; 3) *Archaeological Survey of the Hunt Property in the City of Fort Bragg, California* Thad M. Van Bueren, M.A., October 2015; 4) *Augering Program within the Hunt Property in the City of Fort Bragg, California* Thad M. Van Bueren, M.A., October 2015; and 5) *Cultural Resource Evaluation of Archaeological Site CA-MEN-3646 (P-23-5486)* Alta Archaeological Consulting, March 2016.

In addition, Sherwood Valley Band of Pomo (SVBP) were consulted and raised no objections to the sign locations. SVBP did however request Tribal Monitoring during the installation of sign posts and the erection of story poles. Therefore, staff recommends Special Condition 1 be included:

**Special Condition 1:** A Native American monitor shall be present during all ground disturbing activities. Additionally, the project applicant shall provide five-day notice to the Sherwood Valley Band of Pomo Indians in advance of ground disturbing activities on the site so the SVBP can schedule a Native American monitor for the site. If any cultural resources are discovered during construction activities the applicant shall follow state and local laws requiring that the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 25 feet of the discovery; 2) notify the Fort Bragg Community Development Department immediately of the discovery; and 3) retain a professional archaeologist to determine appropriate action in consultation with the Sherwood Valley Band of Pomo.

**Environmentally Sensitive Habitat Area (ESHA).** Map OS-1 of the City's Coastal General Plan, serves to identify those general areas known to potentially contain ESHA and for which a biological report is required consistent with Policy OS-1.7 to substantiate the presence or absence of ESHA on any particular parcel (Attachment 4 – Open Space and ESHA Areas, Map OS-1). A portion of the project site is represented on this map and the site has been surveyed for potentially sensitive native habitat areas, wetlands, rare plants or other protected wildlife or plant habitats,

as part of planning application CDP 1-13/UP 1-13/DR 1-13/LLA 1-13. This effort has resulted in the following reports: 1) *Biological Scoping Survey Report, Botanical Survey and Wetland Delineation*, Spade Natural Resources Consulting, April 2015; 2) *Addendum to Biological Survey Report, Botanical Study and Wetland Delineation*, Spade Natural Resources Consulting, November 2015; and 3) *Addendum to Biological Scoping Survey Report, Botanical Survey and Wetland Delineation: Stormwater Runoff Capture and Pretreatment Design Alternatives Analysis and Reduced Buffer Analysis*, Wynn Coastal Planning, March 2018.

These survey reports identify two wetlands on site. The reports indicate there are no rare status plants on site and the property is mainly comprised of non-native, ornamental and invasive plant species. Both the northwestern and southwestern edge of site contain special status wetland plant communities such as, Wax Myrtle Scrub (*Morella californica* Shrubland Alliance), Small-Fruited Bulrush Marsh (*Scirpus microcarpus* Herbaceous Alliance), Slough Sedge Swards (*Carex obnupta* Herbaceous Alliance), and Water Parsley Marsh (*Oenanthe sarmentosa* Herbaceous Alliance).

The proposed signs would not be located within proposed buffer to wetlands or special status plant community, and the resources identified on site will not be impacted or degraded by the installation of proposed signage. California Department of Fish and Wildlife (CDFW) staff and California Coastal Commission staff were consulted about the locations of proposed signage and raised no objections. Attachment 5 depicts the wetlands and special status plant communities on site, as well as the locations of proposed signage (Attachment 5 – Location of Proposed Signs).

**Public Access.** The proposed signage would not interfere with public coastal access. Furthermore, a public access dedication will be considered as part of future planning application CDP 1-13/UP 1-13/DR 1-13/LLA 1-13.

**Adequacy of water supply, sewage disposal, solid waste, and public roadway capacity.** The proposed signage will have no impact on the City's water supply, sewage, disposal, solid waste and public road capacity. Future potential impacts shall be considered at time of future development.

**Geologic, Flood, and Fire Hazard.** The proposed signage will neither be subject to nor increase instability of site from geologic, flood, or fire hazards. Any future development shall consider potential impacts.

**Visual Analysis.** The proposed site is within a potential scenic view area, as shown on Map CD-1 (Attachment 6 – Scenic Views in the Coastal Zone, Map CD-1) of the City's Coastal General Plan. As the project site is located within a scenic review area, Policy CD-1.3 of the City's General Plan requires a Visual Analysis as part of the Coastal Development Permit review. The applicant's agent prepared a Visual Analysis for the proposed signage, which illustrates how the signs would impact views to and along Highway 1 (Attachment 7– Photographic Simulation).

In order to approve a coastal development permit for a project that is located within this designated area, CLUDC Code Section 17.50.070 requires the review authority to find that the proposed project:

1. Minimize the alteration of natural landforms;
2. Is visually compatible with the character of the surrounding area;
3. Is sited and designed to protect views to and along the ocean and scenic coastal areas;  
and
4. Restores and enhances visual quality in visually degraded area, where feasible.

Each of the proposed free-standing signs include two 6" x 6" wooden posts that support a 4" x 4" wooden frame, which display the sign copy. The choice of a free-standing structure is an appropriate design for the location, as it has minimal impact to the ground, preserving the natural groundcover underneath. A free-standing sign design is also less view obscuring than other sign types, such as a monument sign, for example. In addition, wood is a natural material that is visually compatible with the surrounding natural landscape, as is the earth tone color palette utilized for the sign copy.

## **CONSISTENCY WITH COASTAL GENERAL PLAN**

The Coastal General Plan consists of narrative text and maps, along with goals, policies and programs. Staff has reviewed all of the policies of the Coastal General Plan, and the project complies with relevant policies. The policies listed below have bearing on the project. The proposed sign conforms with these policies as discussed and conditioned above.

**Policy OS-1.1 Definition of ESHA. "Environmentally sensitive habitat area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Protection of environmentally sensitive habitat areas is one of the essential aspects of the Coastal Act. Fort Bragg has several environmentally sensitive habitat areas including, but not limited to, portions of coastal bluffs, biologically rich tide pools, nesting grounds, kelp beds, wetlands, riparian habitats, and rare, threatened, or endangered plants or plant communities. Areas that may contain environmentally sensitive habitat areas include, but are not limited to, areas indicated by Map OS-1 Open Space and Environmentally Sensitive Habitat Areas. The environmentally sensitive habitat areas shown on Map OS-1 are based on the best information available at the time mapping was done. The boundaries of environmentally sensitive habitat areas identified in Map OS-1 are not intended to be definitive, but to identify the general location of sensitive environmental resources. Detailed locations and boundaries of these resources shall be obtained by the preparation of biological reports described in Policy OS-1.7.**

**Policy OS-1.2 Determination of ESHA. The determination of what constitutes ESHA shall not be limited by what is mapped and not all parcels that are mapped necessarily contain ESHA. Map OS-1 serves to identify those general areas known to potentially contain ESHA and for which a biological report is required consistent with Policy OS-1.7 to substantiate the presence or absence of ESHA on any particular parcel.**

**Policy OS-1.7 Development in areas adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.**

**Policy OS-1.8 Development adjacent to ESHA** shall provide buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. The purpose of this buffer area is to provide for a sufficient area to protect environmentally sensitive habitats from significant degradation resulting from future development. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation with the California Department of Fish and Game, other relevant resource agencies, and the City, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and in no event shall be less than 30 feet in width.

**Policy OS-1.10 Permitted Uses within ESHA Buffers**. Development within an Environmentally Sensitive Habitat Area buffer shall be limited to the following uses: a. Wetland Buffer. i.) Uses allowed within the adjacent Wetland ESHA pursuant to Policy OS-1.3. ii.) Nature trails and interpretive signage designed to provide information about the value and protection of the resources iii. Invasive plant eradication projects if they are designed to protect and enhance habitat values.

**Policy OS-1.16 Biological Report Required**. a) *Permit applications for development within or adjacent to Environmentally Sensitive Habitat Areas including areas identified in Map OS-1 or other sites identified by City staff which have the possibility of containing environmentally sensitive habitat shall include a biological report prepared by a qualified biologist which identifies the resources and provides recommended measures to ensure that the requirements of the Coastal Act and the City of Fort Bragg's Local Coastal Program are fully met. The required content of the biological report is specified in the Coastal Land Use and Development Code.* b) **Submittal of Biological Reports**. These biological reports shall be reviewed by the City and approving agencies. The biological reports described above shall be submitted prior to filing as complete a coastal development permit application and may also be submitted as a part of any environmental documentation required pursuant to CEQA. The selection of the professional preparing the report shall be made or approved by the City or the agency approving the permit and paid for by the applicant. c) **Biological reports shall contain mitigating measures meeting the following minimum standards:** i. They are specific, implementable, and, wherever feasible, quantifiable. ii. They result in the maximum feasible protection, habitat restoration and enhancement of sensitive environmental resources. Habitat restoration and enhancement shall be required wherever feasible, in addition to the applicable baseline standard of either avoiding or minimizing significant habitat disruption. iii. They are incorporated into a Mitigation Monitoring Program; and iv. They include substantial information and analysis to support a finding that there is no feasible, less environmentally damaging alternative.

**Policy OS-4.1. Preserve Archaeological Resources**. New development shall be located and/or designed to avoid archaeological and paleontological resources where feasible, and where new development would adversely affect archaeological or paleontological resources, reasonable mitigation measures shall be required.

**Policy OS-4.2 Archaeological Resources Report Required.** A) Development located within areas of known or potential archaeological or paleontological resources included in (i) – (iv) shall be required to submit a report consistent with the requirements of section B below prior to approval of a building, grading, or coastal development permit for the development. i. Former Georgia Pacific timber mill. The entire property which comprises the former Georgia-Pacific timber mill site; ii. Noyo Bay. The area located along the south side of Noyo Bay (e.g., Todd Point); iii. Noyo River. All of the areas located adjacent to the north side of the Noyo River; iv. North Fort Bragg Coast. All of the areas located west of Highway 1 and north of Pudding Creek; v. Special Review Areas. All Special Review Areas identified on Map OS-2 in the Coastal General Plan; and vi. Other areas identified by the Director. Other areas identified by the environmental review process (Chapter 18.72), or brought to the attention of the City through special studies performed after the enactment of this Section, as having the potential for containing archaeological or paleontological resources. B) Report required. A project specific report shall be prepared by a qualified archaeologist and shall be submitted prior to filing as complete a coastal development permit application. The permit review authority may waive the requirement for a project specific report if the Director determines that an existing report satisfies the requirements of this section. The report shall be prepared consistent with the requirements of Section 18.50.030 of the Coastal Land Use & Development Code.

**Policy CD-1.3 Visual Analysis Required.** A Visual Analysis shall be required for all development located in areas designated "Potential Scenic Views Toward the Ocean or the Noyo River" on Map CD-1 except development.

## **RECOMMENDATION**

Staff recommends approval of Coastal Development Permit 10-18 (CDP 10-18) and Sign Permit Application 16-18 (SA 16-18) based on the analysis and findings of this staff report and subject to the standard and special conditions below.

## **PLANNING COMMISSION ACTION**

1. Hold a hearing on the CDP 10-18 and SA 16-18, close the hearing, deliberate, and consider approval.

## **ALTERNATIVE ACTION**

2. Hold a hearing, close the hearing, deliberate without a decision, provide direction to staff and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.
3. 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.



## **ATTACHMENTS**

- Attachment 1 – Proposed Avalon Hotel Development
- Attachment 2 – Site Location
- Attachment 3 – Proposed Sign Design
- Attachment 4 – Open Space and ESHA Areas, Map OS-1
- Attachment 5 – Wetland and Special Status Plant Communities
- Attachment 6 – Scenic Views in the Coastal Zone, Map CD-1
- Attachment 7 – Photographic Simulation