

Attachment 4 - Glossary

California Environmental Quality Act. CEQA, or the California Environmental Quality Act, is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

Density, Transfer. The transfer of density calculated as suitable if applied to all developable portions of a site is transferred to allow development of the same number of housing units on a portion of the site with remaining site area restricted as permanent open space.

Development Agreement. A development agreement is literally a contract between a local jurisdiction (usually a city) and a property owner (usually a developer). The agreement sets the standards and conditions that govern the development of the property. It provides certainty to the developer that his or her project will be isolated from changes in the jurisdiction's zoning laws over the course of development, but it also contracts the developer to provide benefits to the city, such as infrastructure improvements, public open space, or monetary payment into funds, such as "in lieu" fees, in exchange for that certainty. The modern development agreement legally binds the developer to existing zoning laws (at the time) as well as all conditions of approval, such as exactions. But it also vests their projects with "vesting rights" (see definition below) at the time of adoption, rather than at a much later time in the development process.

Development Intensity. A relative measure. Higher development intensity may include for example, mixed-use development or multi-family development and a floor area ratio (FAR) greater than one. Lower density development is typically characterized by single use and an FAR of less than 0.5.

Development Impact Fee (Exaction). A developer fee (exaction) is the direct charge or dedicated collected on a one-time basis for a service provided or as a condition of approval being granted by the local government. The purpose of the development fee or exaction must directly relate to the need created by the development. In addition, its amount must be proportional to the cost of the service or improvement. Fee can be broken down into two major classes: 1) service charges such as permit fees covering the cost of processing development plans, connection or standby fees for installing utilities or application fees for reviewing and considering development proposals; and 2) "impact" fees levied on new development to cover the cost of infrastructure or facilities necessitated by development. The courts have upheld the use of exactions (development fees) in two landmark cases: *Nolan v. California Coastal Commission* and *Dolan v. City of Tigard*. Together, these rulings granted cities the right to exact fees and services from property owners without just compensation, but with a caveat: there must be a "rational nexus" between the exaction and the impact caused by development, and the exaction must be proportional to the impact. This is more commonly known as the "Nollan-Dolan Test" and the requirement of the "Nexus Study."

Development Impact Fee Study. A study to identify and define the direct charges or dedications collected on a one-time basis for a service provided or as a condition of approval being granted by the local government.

Environmental Impact Report (EIR). Is a written analysis of likely environmental impacts that identified mitigation measures to avoid impacts or to reduce them to a level that is less than significant. An EIR is submitted to the deciding authority (the Lead Agency) to inform the

decision making process. It studies of all the factors which a project would have on the environment in the area, including population, traffic and circulation, public services, utilities, special status species and habitats, archeological artifacts, visual, geology, soils, stormwater, impacts on growth, etc.

Exaction (see Development Impact Fee).

Floor Area Ratio (FAR). The ratio between gross floor area of structures on a site and gross site area. Thus, a two-story building covering 50 percent of its site would have a FAR of 1.0. A two story building covering an entire site would have an FAR of 2. A one story building covering an entire site would have an FAR of 1. A one story building covering half of a site would have an FAR of 0.5.

Coastal General Plan. A comprehensive, long-term plan mandated by State Planning Law for the physical development of a city or county and any land outside its boundaries which, in its judgment, bears relation to its planning. The plan shall consist of seven required elements: land use, circulation, open space, conservation, housing, safety, and noise. The plan must include a statement of development policies and a diagram or diagrams illustrating the policies. The Coastal General Plan serves the Coastal Zone in Fort Bragg and is certified by the Coastal Commission as part of the Local Coastal Program.

Land Use and Development Code (Zoning Ordinance). Establishes regulations and development standards governing the use of land; placement, spacing, height and size of buildings; site infrastructure, signage, and other facilities; resource protection measures; permitting requirements; etc. The Coastal LUDC serves the Coastal Zone in Fort Bragg and is certified by the Coastal Commission as part of the Local Coastal Program.

Lead Agency. The Lead Agency is responsible for preparing the appropriate CEQA document and has primary responsibility for approving or carrying out the project. Public agencies subsequently called upon to exercise discretionary authority to approve all or a portion of the project are called "Responsible Agencies."

Local Coastal Program (LCP). A local government's (a) land use plans (Coastal General Plan), (b) zoning ordinances (CLUDC), (c) zoning district maps, and (d) within sensitive coastal resource area, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, the Coastal Act.

LCP Amendment. An amendment submitted as an application by a local jurisdiction to the Coastal Commission for consideration and approval. The LCP Amendment review by the Coastal Commission must be confined to those aspects of the LCP that relate specifically to the Coastal Act.

Master (Vesting) Tentative Map. The approval or conditional approval of a vesting tentative map confers a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the application for such vesting tentative map is deemed complete. If a final map is timely filed and approved, the rights conferred by the approval or conditional approval of a vesting tentative map exist for an initial time period beyond the recording of the final map. Where several final maps are recorded in phases of a project covered by a single vesting tentative map, the initial time period shall begin for each phase when the final map for that phase is recorded.

Smart Growth. Smart growth is an urban planning and transportation theory that concentrates growth in compact walkable urban centers to avoid sprawl. It also advocates compact, transit-oriented, walkable, bicycle-friendly land use, including neighborhood schools, complete streets, and mixed-use development with a range of housing choices

Specific Plan. A specific plan is not a component of a general plan: it is a separately adopted general plan implementation document. According to State Statute (§65450), a specific plan process must provide:

(a) Text and a diagram or diagrams which specify all of the following in detail:

1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
2. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
3. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
4. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).

(b) The specific plan shall include a statement of the relationship of the specific plan to the general plan.

Remedial Action Plan (RAP). The RAP is the Department of Toxic Substances Control's (DTSC's) remedy selection document for hazardous substance release sites addressed pursuant to Health and Safety Code section 25356.1. A RAP must clearly and concisely reflect the remedial action decision reached by: identifying the preferred alternative for a remedial action and explaining the reasons for the preference; describing the other remedial alternatives considered; and soliciting public review and comments on all the alternatives described. The public is encouraged to submit comments and participate in the remedy selection process. The RAP contains a brief summary of the Remedial Investigation/Feasibility Study (RI/FS) findings and presents the key components of the conceptual plan for site remediation. RAPs do not contain the specific engineering design details of the proposed remedial actions, but they must clearly set out specific remedial action objectives, including cleanup levels, and timeframes for completion of the remedial actions. The RAP includes nine criteria, or standards, to evaluate alternatives for cleaning up a hazardous substance release site. The nine criteria are summarized below:

1. Overall Protection of Human Health and the Environment
2. Compliance with State and Federal Requirements
3. Long-term Effectiveness and Permanence
4. Reduction of Toxicity, Mobility and Volume (TMV) through Treatment
5. Cost - 30 - Year Present Worth
6. Short-Term Effectiveness
7. Implementability
8. Regulatory Agency Acceptance
9. Community Acceptance

In order for an alternative to be eligible for selection, it must meet the first two criteria described above, called "threshold criteria." Criteria 3 through 7 are the "primary balancing criteria," and criteria 8 and 9 are "modifying criteria."

Removal Action Workplan (RAW). The RAW is one of two remedy selection documents which may be prepared for a hazardous substance release site pursuant to Health and Safety Code (HSC) section 25356.1. The requirement for preparation of a RAW was created by Senate Bill 1706 (Stats. 1994, Chapter 441). A RAW is prepared when a nonemergency removal action or a remedial action is proposed at a hazardous substance release site which is projected to cost less than \$1,000,000.

Timber Resources Industrial. A land use designation in Fort Bragg's Coastal LCP. This designation is intended primarily for timber resource and forest products related manufacturing. It allows a variety of industrial uses relating to forest products processing such as log yards, manufacturing wood products, planing mills, storage of forest by-products, commercial seedling nurseries, and related support activities including railroad lines, truck shipping facilities, boiler and powerhouse operations, and related uses. In addition, it allows aquaculture with issuance of a conditional use permit. Open space, public parks, and recreation use types and public facilities are also permitted in this district.

Vesting Rights. "Vested rights" is a legal doctrine establishing when a project would be protected from further actions of the city government, such as changes in the zoning code. Zoning ordinances are not contracts. Zoning ordinances can be changed at the will of the governing body, or even by the people of the city through ballot initiatives. Thus, a project that was agreed upon and permitted one year could be required to dramatically change to meet legislation passed another year.

Zoning Ordinance. See Land Use and Development Code.