



AGENCY: City Council
MEETING DATE: 11/27/2017
DEPARTMENT: Community Development
PRESENTED BY: M. Jones
EMAIL ADDRESS: mjones@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

RECEIVE RECOMMENDATION OF THE PLANNING COMMISSION, CONDUCT PUBLIC HEARING, AND CONSIDER ADOPTION OF CITY COUNCIL RESOLUTION TO SUBMIT A LOCAL COASTAL PROGRAM AMENDMENT (LCP 3-17) TO REVISE POLICIES REQUIRING SPECIFIC PLAN(S) FOR ZONING CHANGES TO PROPERTIES LOCATED IN THE TIMBER RESOURCES INDUSTRIAL ZONING DISTRICT

APPLICATION NO: LCP 3-17
APPLICANT: City of Fort Bragg
PROJECT: Local Coastal Program Amendment to revise Coastal General Plan policies LU-7.1 and LU-7.2, which require a Specific Plan for rezoning of Timber Resources Industrial properties. The proposed revision would require a community-based planning process and an LCP Amendment to rezone Timber Resources Industrial zoned property.
LOCATION: 90 W Redwood Ave, 215 S Main St, 100 Cypress St, 955 S Main St, 654 W Cypress St, 331 Jere Melo St, 300 W Elm St, 281 Jere Melo St, 321 Jere Melo St.
APNs: 008-151-22-00, 008-161-08-00, 008-171-07-00, 018-020-01-00, 018-030-45-00, 018-430-11-00, 018-430-10-00, 018-430-04-00, 018-430-15-00, 018-430-17-00, 008-010-35-00, 008-010-38-00, 008-020-15-00, 018-010-67-00, 018-120-50-00, 008-020-11-00, 018-430-18-00, 018-040-61-00, 018-430-07-00, 018-120-44-00, 018-430-22-00, 008-020-07-00, 018-430-21-00, 008-020-14-00, 008-020-10-00, 018-430-19-00, 018-430-20-00
LOT SIZE: 415 acres

BACKGROUND:

The Georgia Pacific lumber mill closed in 2002. The City of Fort Bragg, the community, and the property owner, Georgia Pacific (GP) engaged in a collaborative process to prepare a Specific Plan for the rezoning and eventual redevelopment of the property for other uses but the planning process stalled in 2012, when GP withdrew its Specific Plan application. Prior to that time, GP had funded all City staff and consultant costs associated with preparation of the Mill Site Specific Plan and related studies and documents because they had submitted an application to the City to rezone the Mill Site.

On February 6, 2017, City Council and the Planning Commission held a joint workshop to discuss how to move forward with rezoning and planning for the reuse of the Mill Site. The City Council and the Planning Commission supported proceeding with a Local Coastal Program (LCP) amendment to revise two policies in the Coastal General Plan (specifically, Policies LU-7.1 and LU-7.2) that require a Specific Plan prior to rezoning the Mill Site. Please see Attachment 1 for the detailed February 6, 2017 Staff Report regarding the rationale for, and the pros and cons of, an LCP Amendment revising Policy LU-7.1 and LU-7.2.

This topic was again considered by the City Council on March 13, 2017 and the Council directed staff

to bring the LCP Amendment forward after the City initiated the community-based planning process to move forward with rezoning of the Mill Site.

On September 16 and 21, 2017, the City re-started the community planning process with two all-day open houses which included six mini-workshops. The City held an all-day open house with three mini-workshops at the CV Starr Center on September 16, 2017 which was attended by about 60+ participants. An all-day open house with three mini-workshops was held at Town Hall on September 21, 2017 and attended by 80+ participants. During the open houses, participants reviewed a number of large poster boards to visualize, understand and discuss the Mill Site reuse. Workshop participants asked many questions and many interesting discussions ensued. Participants also provided feedback and preferences on a wide range of topics for the reuse of the Mill Site. During the mini-workshops, some participants developed their own preferred land use maps. Additionally, City staff presented a shortened form of the workshop at a Fort Bragg Rotary Club meeting, a Chamber of Commerce mixer and at a Coastal Mendocino Association of Realtors meeting. Approximately 220 people in all attended the Fall 2017 Mill Site Reuse workshops. A summary analysis of all workshop input is presented in Attachment 2.

The City also conducted a Mill Site reuse survey on Survey Monkey (in both English and Spanish). The survey was started on September 20, 2017 and ran through October 10, 2017. The survey has been completed by 975 persons to date. A comprehensive analysis and summary of survey results is presented in Attachment 3.

On November 8, 2017 the Planning Commission held a public hearing and adopted a *Resolution of the Planning Commission of the City of Fort Bragg Recommending that the City Council Submit a Local Coastal Program Amendment (LCP 3-17) to Revise Policies Requiring Specific Plan(s) For Zoning Changes to Properties Located in the Timber Resources Industrial Zone* (Attachment 4).

ANALYSIS:

In 2004, after closure of the GP lumber mill, the City Council adopted a General Plan Update that assigned the Timber Resources Industrial zoning designation to the Mill Site property and included Policy LU-7.1 and LU-7.2 which require a Specific Plan for the rezoning of Timber Resources Industrial property as follows:

Policy LU-7.1 Changes in Industrial Land Use: Require that any Local Coastal Program (LCP) amendments and rezoning of lands which are designated Timber Resources Industrial be subject to a specific plan process. The portions of a Specific Plan that meet the definition of "Land Use Plan" as defined by Coastal Act Section 30108.5 and "Implementing Actions" as defined by Coastal Act Section 30108.4 shall be submitted to, and effectively certified by, the Coastal Commission as an LCP amendment before those portions of the Specific Plan become effective.

Policy LU-7.2: In order for LCP amendments and rezoning of lands designated Timber Resources Industrial to be considered, a specific plan shall be prepared which addresses, at a minimum, an area approximating one or more of the subareas as shown on Map LU-4: Specific Plan Areas in the Timber Resources Industrial Land Use Designation. Specific plans shall meet the following minimum criteria:

- a) The specific plan shall make provisions for existing and future infrastructure connections such as roads, utilities, and coastal access to surrounding developed and undeveloped areas.
- b) The specific plan shall contain financing methods to provide infrastructure and public amenities based on a nexus between development exactions being imposed and the development-induced needs being met by those exactions, establish an orderly phasing of development, and include other measures as needed to protect the health, safety, and well-being of the community.

- c) The specific plan, and environmental studies required for that plan, shall be paid for by the applicant who may be repaid by future developers of other portions of the specific plan area on a pro rata basis.
- d) The specific plan shall be consistent with the Chapter 3 policies of the Coastal Act.

The intent of these policies was to require a comprehensive planning process for the reuse of the Mill Site that: 1) discourages piecemeal development; 2) includes a detailed analysis of the cost of City services in order to ensure that future development pays for itself in terms of City services; 3) results in a comprehensive infrastructure plan; and 4) establishes a financing plan for infrastructure and other public services for the plan area. These same features can be developed through a comprehensive planning process that results in an LCP Amendment for the Coastal Commission's consideration.

At the February 6, 2017 City Council and Planning Commission work session, Council and the Commission discussed the benefits and challenges associated with adoption and implementation of a Specific Plan with an LCP Amendment versus a Comprehensive Planning Process with an LCP Amendment.

1. Benefits of a Specific Plan/LCP Amendment approach include:

- A detailed set of policies and regulations to ensure that new development conforms with a community's vision and "sense of place;"
- Detailed planning of infrastructure requirements and infrastructure financing; and
- The possibility of certifying a Program EIR which could help to streamline the processing of future development applications by reducing the scope of future CEQA analyses.

2. Benefits of a Comprehensive Planning process/LCP Amendment approach include:

- The costs of this approach are lower which enables the City to proceed with an LCP Amendment to rezone the site without the financial participation of a developer or the property-owner;
- Similar to the Specific Plan approach, this can include preparation of a detailed set of policies and regulations to ensure that new development conforms with a community's vision and "sense of place" and detailed planning of infrastructure requirements and studies that ensure that the City has sufficient capacity to serve new development;
- The Comprehensive Planning/LCP Amendment process would allow for future rezoning flexibility as the City Council would not have to complete both a Specific Plan update and an LCP Amendment to revise the zoning, policies or regulations. Instead it could proceed with a local planning process and an LCP Amendment.
- Future projects would have to obtain Coastal Development Permits, Use Permits, Design Review and complete CEQA documents in order to proceed.

3. Challenges of proceeding with the Specific Plan/LCP Amendment path include:

- Over the past 15 years since the Mill Site closed, no single developer has approached the City or GP to redevelop the entire site. Instead, a number of local business owners have expressed interest in developing smaller projects on small parcels on the site. It is unlikely that the property will be acquired by a developer who will want to complete a Specific Plan to rezone the property.
- The time, cost, and staff resources required to prepare a Specific Plan, resources studies and the requisite EIR. The Specific Plan adoption process and subsequent LCP amendment process would likely take 4+ years and cost around \$500,000.
- The definition of "the project" for the environmental document could constrain future flexibility in implementing the Specific Plan.

- The Specific Plan could eventually become obsolete and/or limit flexibility to respond to unforeseen development opportunities, and thereby necessitate a costly Specific Plan update.
4. Challenges of proceeding with the Comprehensive Planning process/LCP Amendment include:
 - The time, cost, and staff resources required to prepare an LCP Amendment. The LCP amendment process would likely take 2+ years and cost around \$200,000.

The City Council and the Planning Commission provided direction that the City should proceed with preparation of an LCP Amendment to revise Policy LU-7.1 and LU-7.2 so that a Specific Plan would not be required to rezone Timber Resources Industrial zoned property on the Mill Site. Instead a comprehensive local planning process and a Major LCP Amendment would be required. Council and the Planning Commission discussed the following considerations of the LCP-only approach:

1. A community-based comprehensive planning process should be used to retool the Land Use Map, policies and regulations in the draft Specific Plan into an LCP Amendment.
2. The City would submit the LCP Amendment to the Coastal Commission without completing an EIR as the Coastal Commission will perform its own environmental review process (which is the “functional equivalent” of an EIR). The City would need to provide many background studies both to inform its planning process and to satisfy the Coastal Commission’s need for technical information to complete the environmental review. These studies are estimated to cost about \$150,000.

Coastal Commission staff has identified at least nine studies, thus far, which will be required to process the LCP Amendment to rezone the Mill Site:

1. Buildout analysis;
2. Analysis of the City’s capacity to serve future Mill Site development, including: water, sewer, police, fire, emergency medical, schools, dry utilities, public transit, etc.;
3. Summary of current lower cost visitor serving facilities, including: room inventory, revenue per available room, occupancy rates, etc.;
4. Transportation study, including availability of parking on the Mill Site to serve coastal access and the effects of the Mill Site rezoning and development buildout on the capacity of Highway 1 and Highway 20 both within and outside of City Limits;
5. Impact of sea level rise/bluff vulnerability on future development under the proposed Land Use Plan;
6. Impact of the Mill Site buildout on climate change;
7. Tsunami study;
8. Botanical and wetland study update for preferred Land Use Plan for non-paved areas of the site; and
9. Visual Analysis of Land Use Plan and analysis of how the Citywide Design Guidelines would be revised and implemented on the Mill Site to reduce visual impacts.

Furthermore, Coastal Commission staff has indicated that the LCP Amendment (3-17) to revise Policies LU 7.1 and 7.2 can be processed as a minor amendment and would therefore take less time to process.

Based on Council direction, a revised set of Mill Site rezoning policies for the Coastal General Plan has been drafted, as follows:

Policy LU-7.1: Changes in Industrial Land Use. Require that any Local Coastal Program (LCP) amendments and rezoning of lands which are designated Timber Resources Industrial be: 1) subject to a comprehensive planning process; and 2) submitted to, and effectively certified by, the Coastal Commission as an LCP amendment.

Policy LU-7.2: Comprehensive Planning Process Required. LCP amendments that propose to rezone lands designated Timber Resources Industrial must be developed through a comprehensive community-based planning process. Community participation shall be solicited throughout the planning process in accordance with established City practices and CLUDC requirements. The LCP amendment shall:

- a. Establish new land use classifications, development policies and standards;
- b. Identify potential connections for existing and future infrastructure connections such as roads, utilities, and coastal access to surrounding developed and undeveloped areas;
- c. Establish orderly phasing for development and future rezoning activities;
- d. Include other measures as needed to protect the health, safety, and well-being of the community;
- e. Map new zoning and transportation facilities, including coastal access; and
- f. Be consistent with the all policies of the Coastal Act and Fort Bragg's LCP.

For a side-by-side comparison of the old and new policies and all proposed changes to the LCP, please see Attachment 6. The City Council should feel free to make revisions to either of the policies. Additionally, it is likely that the Coastal Commission may also require further revisions to these policies, prior to their approval and certification of an LCP Amendment.

Staff has identified two additional changes to the Coastal General Plan that will be required to ensure internal consistency within the Coastal General Plan. One change is to the narrative text within the Land Use Element of the Coastal General Plan and the other is in Policy C-2.10 of the Circulation Element as shown below.

Land Use Element

Industrial Land

The lumber and fishing industries have played an important role in the formation and growth of Fort Bragg. Both of these industries are in transition, and the local economy is evolving from a natural resource-based economy to a more service-oriented economy. Fort Bragg is the commercial, educational, medical, and professional service center for a large portion of the Mendocino coast. Future growth in the local economy is projected to occur in the retail, tourism, and service sectors.

The Coastal General Plan is intended to support the growth and vitality of existing industries while ensuring that the community is prepared to actively participate in the decision-making process as new industries develop in Fort Bragg and as current industrial lands transition to other uses. This Coastal General Plan requires that ~~specific plans~~ comprehensive planning process be completed ~~prepared~~ when different ~~land uses~~ zoning districts are proposed for large areas of industrial land. This offers the community the opportunity to: plan for its future, engage in consensus building, and develop comprehensive land use and economic development strategies.

Circulation Element

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.

Consistency Analysis

The Coastal Land Use and Development Code requires that all LCP Amendments include the following analysis per Section 17.94.030A - Processing, Notice, and Hearing

A. Contents of Amendment Applications. The amendment application shall include:

1. A summary of the measures taken to provide the public and affected agencies and districts maximum opportunity to participate in the LCP amendment process, except for amendments initiated under Section 17.94.020 (C) or (D); a listing of members of the public, organizations, and agencies appearing at any hearing or contacted for comment on the LCP; and copies or summaries of significant comments received and of the City's response to the comments.

This will be prepared at the conclusion of the local review process for submittal to the Coastal Commission.

2. All policies, plans, standards, objectives, diagrams, drawings, maps, photographs, and supplementary data related to the amendment in sufficient detail to allow review for conformity with the requirements of the Coastal Act. Written documents should be readily reproducible. An amendment to a land use plan shall include, where applicable, a readily identifiable public access component as set forth in California Code of Regulations Section 13512.

Please see Attachments 6 and 7.

3. The application shall be accompanied by a map drawn to scale showing the location of the property concerned and the location of all highways, streets and alleys, public easements or Offers to Dedicate Public Easements and all lots and parcels of land within a distance of five hundred feet from the exterior boundaries of the property involved. The accuracy of such map shall be the responsibility of the applicant.

Please see Attachment 7a.

4. A discussion of the amendment's relationship to and effect on the other sections of the certified LCP.

Please see Attachment 8.

5. An analysis that meets the requirements of California Code of Regulations Section 13511 that demonstrates conformity with the requirements of Chapter 6 of the Coastal Act.

The proposed LCP Amendment would be a minor amendment. The City adopted and the Coastal Commission certified an LCP Amendment in 2008 which meets all the requirements of California Code of Regulations, Section 13511 and the LCP is in conformity with all requirements of Chapter 6 of the Coastal Act. The proposed amendment is minor and would not impact the City's LCP or its conformance with Chapter 6 of the Coastal Act.

6. Any environmental review documents, pursuant to CEQA, required for all or any portion of the amendment to the LCP.

The City's action to submit an LCP Amendment is exempt from CEQA review by the City. In accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the Coastal Commission before it takes effect. As noted in Public Resources Code Section 21080.9, the "activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long range development plan" pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption "shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c)). As discussed above, a number of technical studies will be prepared and submitted with the LCP Amendment application to assist the Coastal Commission with its preparation of an environmental document which will serve as the functional equivalent of a CEQA document.

7. An indication of the zoning measures or implementation that will be used to carry out the amendment to the Coastal General Plan (unless submitted at the same time as the amendment to the Coastal General Plan).

The Coastal LUDC will require one amendment as follows:

17.94.030 - Processing, Notice, and Hearing

- C. ~~Specific plan requirement~~ **Comprehensive Planning Process required.** Prior to the filing of a proposed LCP amendment for a site designated Timber Resources Industrial, a comprehensive planning process shall first be completed in compliance with Coastal General Plan Land Use Policies LU 7.1 and LU 7.2. ~~specific plan shall first be prepared in compliance with Chapter 17.78 (Specific Plans).~~

CEQA Analysis. As previously noted, Section 15265c of CEQA notes that the “activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long range development plan” pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption “shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c)). Therefore the City does not need to develop a CEQA document to proceed with an LCP Amendment.

RECOMMENDED ACTION:

Adopt City Council Resolution Authorizing Submittal of a Local Coastal Program Amendment (LCP 3-17) Application to Revise Policies Requiring Specific Plan(s) for Zoning Changes to Properties Located in the Timber Resources Industrial Zone (Attachment 5).

ALTERNATIVE ACTION(S):

Provide other direction to staff.

FISCAL IMPACT:

The City was awarded a Community Development Block Grant (CDBG) in the amount of \$50,000 to start this process. Additionally, the City has received a grant from the Coastal Commission in the amount of \$110,000 for this LCP Amendment. Additional funds may be needed given the extensive list of studies that the Coastal Commission has requested. In addition, staff anticipates submitting a grant request of \$50,000 to MCOG to help cover the costs for the transportation planning and transportation study for this project.

As City Council and the Planning Commission further refine a final Land Use Plan, staff will prepare a preliminary fiscal analysis to identify if the overall Mill Site Reuse will have a net positive fiscal impact on Fort Bragg. This will be an interactive process.

CONSISTENCY:

This LCP Amendment must comply with the City’s Coastal General Plan and the Coastal Act in order to be certified by the Coastal Commission.

TIMEFRAME:

Staff will submit the LCP Amendment to the Coastal Commission as soon as all the submission documents are completed, anticipated for December 2017. Public Resources Code Sections 30512 and 30605 provide that the Commission shall make its determination within 90 days of its submittal. However Public Resources Code Section 30517 also allows the Commission to extend the action deadline for up to a year for “good cause.” Staff has reached out to Coastal Commission staff and they have provided assurances that that this amendment would be processed as a minor amendment. Thus, a Coastal Commission decision is expected in approximately April of 2018. If approved, the City Council and Planning Commission would then go through the normal legislative process for adopting

general plan and zoning amendments, and it is anticipated that the process would be completed sometime in the summer of 2018.

ATTACHMENTS:

1. February 6, 2017 Staff Report regarding Specific Plan and LCP Amendment
2. Mill Site Reuse Workshops Report
3. Mill Site Reuse Survey Report
4. Resolution of the Planning Commission of the City of Fort Bragg Recommending that the City Council Submit a Local Coastal Program Amendment (LCP 3-17) to Revise Policies Requiring Specific Plan(s) for Zoning Changes to Properties Located in the Timber Resource Industrial Zone
5. Resolution of the Fort Bragg City Council Submitting a Local Coastal Program Amendment (LCP 3-17) to Revise Policies Requiring Specific Plan(s) for Zoning Changes to Properties Located in the Timber Resource Industrial Zone
6. LCP Amendment Proposed Language Changes
7. Zoning Map & Site Area
- 7a. Location Map Final
8. Analysis of the Relationship Between the Proposed LCP Amendment and the Certified LCP
9. Public Hearing Notice

NOTIFICATION:

1. Georgia Pacific Corporation
2. Georgia Pacific Site Plan- Notify Me Subscriber List
3. Georgia Pacific Site Remediation- Notify Me Subscriber List
4. Sherwood Valley Band of Pomo Indians- Tribal Chairman Mike Knight & THPO Misty Meadlin
5. Coastal Commission staff- Cristin Kenyon & Bob Merrill
6. CA Dept. of Fish and Wildlife staff- Angela Liebenberg